

Issue 40	Kinross-shire Area – Settlements Without Proposals	
Development plan reference:	Carnbo page 153 Cleish page 158 Drunzie page 182 Greenacres page 203 Keltybridge & Maryburgh page 213 Kinnesswood page 222	Reporter:
Body or person(s) submitting a representation raising the issue (including reference number):		
Mr James Cullens (0240) John Collier & Sons (0279) Mr and Mrs John Baillie (0411) Cleish and Blairadam Community Council (0510)		David Todd (0535) Portmoak Community Council (0541) Councillor Michael Barnacle (0584) A & J Stephen Limited (0622) Andrea Kosova (0643)
Provision of the development plan to which the issue relates:	Non-tiered settlements in Kinross-shire without allocated sites	
Planning authority's summary of the representation(s):		
<p><b>Carnbo</b></p> <p><u>Carnbo Settlement Boundary (p153)(MD057)</u></p> <p>David Todd (0535/01/001), Andrea Kosova (0643/01/001): Object to settlement boundary incorporating proposed development of 5 houses south of A91 at West of Carnbo [mapped as H419 (MD055) and H421(MD056)] Council stated that this land for (now lapsed) planning permission for 5 homes [11/00325/FLL] lies within the village envelope and utilises brownfield land and therefore should continue to be shown within the settlement boundary to encourage redevelopment of brownfield land. [in Other General Comments to MIR, (CD143 page 12)] The Council appears to have confused this with the land referred to in Councillor Barnacle's comments as a builder's yard. However the land proposed for development is mainly greenfield pasture and scrub. The proposed houses will:</p> <ul style="list-style-type: none"><li>- take more green field land</li><li>- increase flooding risk and environmental impact on Loch Leven catchment.</li><li>- The proposed houses and density are out of character with the hamlet and crowd existing properties.</li><li>- There is no need to develop this land as no need for new houses.</li><li>- Carnbo has no services and no need for further development as identified in the MIR and that more development will further alter the character.</li><li>- Drainage is a problem locally with no mains drainage or sewerage, issue of Drum treatment works. In this context Council resisted 4 houses on east of Carnbo in MIR.</li><li>- Likely to affect bats and owl roosts</li></ul> <p>Councillor Michael Barnacle (0584/01/029) supports settlement boundary.</p>		

## Carnbo Settlement Summary

Councillor Michael Barnacle (0584/01/030): No more housing until mains drainage available.

### **Cleish**

#### Settlement Summary

Cleish and Blairadam Community Council (0510/01/007) wish to see the Conservation Area Assessment description included within the LDP and on the Perth & Kinross Council's website.

### **Drunzie (MD067)**

Mr and Mrs John Baillie (0411/01/001) propose three areas [marked as areas A (0.5ha)[mapped as H414 (MD192)], B (0.14ha) [mapped as H428(MD193)] and C (0.15ha) [mapped as H413 (MD191)] on provided drawing (RD020)] to be included in the settlement boundary. The areas were previously zoned but have been removed. More houses are needed to support rural communities. Adding a few more houses is more deliverable than large developments. Representors are committed to and have capital to deliver serviced house plots and road access quickly. Access is directly off existing public road. The Council has previously supported the concept of a balanced settlement either side of the road.

### **Greenacres (MD196)**

Councillor Michael Barnacle (0584/01/026) states the site has expanded beyond the planning department's potential and has concerns the current boundary will be breached on the north west, could the landscape framework be augmented to enclose the site to the north and south.

Cleish and Blairadam Community Council (0510/01/006) support the settlement boundary although noting that development has proceeded outwith the southern boundary.

### **Keltybridge and Maryburgh**

#### Maryburgh Settlement Boundary (MD080)

John Collier & Sons (0279/01/001) requests amending settlement boundary of Maryburgh to option B as shown in the SEA Appendix G (CD082 page 11) [this incorporates H317 Maryburgh 1 (MD079)]. The minor change would provide opportunities for limited small scale development.

Cleish and Blairadam Community Council (0510/01/005) is content with the settlement boundary and in particular (0510/01/010) supports the settlement boundary not including site H317 Maryburgh 1 as this provides an open view and gateway in the approach to Maryburgh, open character would be adversely affected, no access from public road and any access would be dangerous.

Councillor Michael Barnacle (0584/01/025) is content with the proposed settlement boundary

## Maryburgh Settlement Summary

Cleish and Blairadam Community Council (0510/01/009) wish to see acknowledgement within the settlement statement that Maryburgh was a planned village associated with the Blairadam estate to strengthen the importance of mirroring the settlement pattern.

### **Kinnesswood**

#### Settlement Boundary (MD070)

A&J Stephen Limited (0622/01/008) requests settlement boundary change to accommodate proposed new site south of Bishop Terrace [see New Site: H311: Kinnesswood 1] (also known as Stephen's Field) per submission under New Sites below.

Portmoak Community Council (0541/01/008) supports the exclusion of Stephen's Field from the settlement boundary

Councillor Michael Barnacle (0584/01/040) supports settlement boundary.

#### New Site: H410: North of Gamekeepers Road (MD069)

James Cullens (0240/01/001) proposes new site (2.13ha) on north [north west] of village, outside [but adjacent to] current settlement boundary [mapped as H410 (MDXXX)], for housing including social housing and amenable to part of the land also being used for community garden orchard or allotments, or other commercial or community use. The site has not been promoted in the Local Development Plan review but was put forward for the Kinross Area Local Plan. Kinnesswood has suitable facilities and accessibility. Development of the site would have access from A911 and secondary access from Gameskeepers Road and be within walking distance of shop and primary school. The site is an effective site per PAN 2/2010 (CD040) including marketability. No known ecological or heritage issues.

#### New Site: H311 Kinnesswood 1: South of Bishop Terrace (MD068)

A&J Stephen Limited (0622/01/008) request site allocation for single plot with opportunity for homeworking. Site included in previous Proposed Plan settlement boundary for single plot development. Reporter excluded from Adopted Plan on basis site contributes to the attractive countryside setting of the village. Respondent does not agree as development on both sides of road and land rises beyond the site where there are further houses. Community Council have supported in the past as agreement to transfer 6ha of hill land to the community. Site directly abuts settlement and use compatible with neighbouring use and character. Access from Bishop Terrace. No physical constraints, owned by developer with intent to progress.

### **Modifications sought by those submitting representations:**

#### **Carnbo**

#### Settlement Boundary (MD057)

Andrea Kosova (0643/01/001) objects to, and David Todd (0535/01/001) seeks removal

of, 5 house development [as set out in 11/00325/FLL] from settlement boundary.

### Settlement Summary

Councillor Michael Barnacle (0584/01/030): Requests no more housing until mains drainage available.

### **Cleish**

### Settlement Summary

#### *Conservation Area*

Cleish and Blairadam Community Council (0510/01/007) wish to see the conservation Area Assessment description included within the LDP and on the PKC website.

### **Drunzie**

Mr and Mrs John Baillie (0411/01/001): Amend settlement boundary to include areas A[H414,(MD192)], B [H428](MD193)]and C[H413(MD191)] on enclosed map (RD020)(MD070).

### **Greenacres**

Councillor Michael Barnacle (0584/01/026) not specific about change sought but has concerns the current boundary (MD196) will be breached and asks if the landscape framework be augmented to enclose the site to the north and south.

### **Keltybridge and Maryburgh**

#### Maryburgh Settlement Boundary (MD080)

John Collier & Sons (0279/01/001) requests amending settlement boundary of Maryburgh to option B as shown in the SEA Appendix G (CD082) [incorporating site H317 (MD079)].

#### Maryburgh Settlement Summary

Cleish and Blairadam Community Council (0510/01/009): Include acknowledgement that Maryburgh was a planned village associated with the Blairadam estate.

### **Kinnesswood**

#### Settlement Boundary (MD070)

A&J Stephen Limited (0622/01/008): Change settlement boundary to accommodate proposed new site south of Bishop Terrace [see New Sites: H311 see below](MD068).

#### New Site: H410: North of Gamekeepers Road (MD069)

James Cullens (0240/01/001) requests addition of new 2.13ha site at North of village for housing and community use.

New Site: H311 Kinnesswood 1: South of Bishop Terrace (MD068)

A&J Stephen Limited (0622/01/008) request new site allocation to accommodate proposed single plot housing site.

**Summary of responses (including reasons) by planning authority:**

**Carnbo**

Settlement Boundary (MD057)

David Todd (0535/01/001), Andrea Kosova (0643/01/001): The settlement boundary remains unchanged from LDP1, and the site concerning the respondents is not identified as a development site. The area the respondents wish to see removed from the settlement boundary is composed of two sections to the west [H421 (MD056)] and south [H419(MD055)] of an adjacent steading development as shown in the location plan from the prior application (CD338). Planning permission was granted over both sections in 2012 (11/00325/FLL) and has now expired. The west section (H421) is subject to a current planning application for two houses (18/00702/FLL). No new application has been proposed for the southern section.

- In the Report of Handling of the original permission (CD339) both areas were visited by the planning officer and are stated to be of brownfield character . The southern section ‘relates entirely to the dwelling house and garden forming the former residential property known as “Pitcairnie” and was subject to a condition for demolition and decontamination. Demolition has been carried out here and the site is therefore correctly identified as brownfield land. The western section (H421) is described as ‘formerly used in association with the former farm steading’ and has been used to store materials. An objection to the application above cited the prior use here as a “horse training ground” with a temporary timber shed. The site may have originally been greenfield land. However a septic tank has been installed on the site and it continues to be used for storage. Even if parts of the site are considered greenfield land, it is within the context of the settlement of a whole. Removing this section from the settlement boundary would separate the new steading development from the houses to the west and would isolate the house and property to the south. Infill development here would serve to consolidate the village. Consideration of the trees on site would be addressed through the planning application process.
- Conditions were imposed with regards flooding and the Loch Leven Catchment to the satisfaction of SNH and SEPA and would be required for any new application.
- Any new application will assessed against the LDP2 Policy 1: Placemaking to address design concerns.
- There is a need for housing in the Kinross HMA, and although Tayplan strategy directs housing to the larger settlements, the spatial strategy for Carnbo recognises the potential for reuse of these brownfield sites as required by Scottish Planning Policy (SPP) para 40 (CD004).
- The Examination Report for LDP1 (CD015, page 780) acknowledged the lack of services but identified that Carnbo was suitable for very limited development provided the infrastructure considerations set out in para 7.5.3 of the LDP1 relating to foul and surface water drainage could be met; and the settlement boundary provided scope for modest infill development. Any impact on the character of the village will be assessed through LDP2 Policy 1.

- The Examination Report for LDP1 at p 780 recognised that conditions regarding drainage would need to be met (see Adopted Local Development Plan (LDP1) para 7.5.3 (CD014, page 215). Conditions were imposed on the 2012 planning application with regards a drainage system to the satisfaction of SEPA and the new application will have to meet SEPA requirements.
- The need for an assessment of impacts on bat and owl roosts would be assessed as part of any application under policy 39.

The settlement boundary is unchanged from LDP1 which was found by the Reporter to reflect the existing settlement pattern. To remove these areas from the settlement boundary would create an artificial separation between the existing development and the houses to the west, and limit the opportunity to reuse brownfield land.

No modification is proposed.

### Carnbo Settlement Summary

Councillor Michael Barnacle (0584/01/030): It is not appropriate to have a ban on housing until mains drainage is available as it has been shown by the application discussed above (11/00325/FLL) that concerns over drainage can be met for limited development to the satisfaction of SEPA (CD340).

No modification is proposed.

### **Cleish**

Cleish and Blairadam Community Council (0510/01/007): The Proposed Plan generally does not refer to the existence of Supplementary Guidance for Conservation Areas in settlement statements (e.g. Comrie, Coupar Angus, Crieff) as the identification of the Conservation Area in both the text and on the settlement map is sufficient to point to the necessity to refer to the appraisal. The appraisals and where to find them are also noted in Policy 28. The existing document is now available on the Council website at <http://www.pkc.gov.uk/conservationareas>.

No modification is proposed.

### **Drunzie**

#### Drunzie Settlement Boundary (MD067)

Mr and Mrs John Baillie (0411/01/001): The settlement boundary has been drawn to reflect the current settlement pattern including an area for 10 new houses for which permission was granted in 2012 extending the village north on the east side of the main road (08/00348/FUL; 11/00277/FLL; 13/00253/FLL; 16/00644/FLL) (CD341) and which building is substantially complete.

- Area A (H414)(MD192) was within the settlement boundary in the Kinross Local Plan 2004 (CD016 page 92) but removed in LDP1 following an advisory against a planning application here (08/01393/OUT) using the Health and Safety Executive planning advice tool with regard to Pipeline Consultation Zones. This was supported by the Reporter at examination (CD015, page 775). The delegated report for the refused application (CD342) found that these houses would not be a harmful change to the character and appearance of the countryside. However HSE still advises against development here (CD343).

- Area B (H428)(MD193) was already within the settlement boundary in LDP1 and continues to be so in LDP2.
- Area C (H413)(MD191) falls partly within the settlement boundary and would form a natural extension to the new housing by extending north by one or two houses. No objections were raised to the new housing south of here from the pipeline operators and HSE do not advise against development here (CD344). However the current settlement boundary as drawn is contained on the east side of Milnathort Road by an historic structure and a group of mature trees and balanced by Lavender Cottage and the Old Cottage on the other side of the road (see photo CD345). To the north of the proposed plot is an agricultural field. It is considered that extending the settlement boundary north beyond the current boundary would result in new housing forming the entrance to the settlement rather than the current established gateway, and potentially creating a precedent for continuing further along this strip rather than consolidating development closer to the centre of the village.

No modification is proposed.

### **Greenacres (MD196)**

Councillor Michael Barnacle (0584/01/026): Landscaping is currently indicated in the Proposed Plan at page 203 to provide amenity protection from the M90, and on the majority of the southern edge. The north and south extremes are situated further away from the motorway and further landscaping is not considered required as a matter of principle. The current settlement is contained within the north west boundary and the Council continues to work with site residents to ensure development is contained within the boundaries of the site. Applications for further pitches will require planning permission and will be required to consider landscaping as part of the application as was the case with a previous application here (06/02437/FUL) (CD346).

No modification is proposed.

### **Keltybridge and Maryburgh**

#### Maryburgh Settlement Boundary (MD080)

John Collier & Sons (0279/01/001): This site, H317 Maryburgh 1(MD079), was proposed pre-MIR but not taken forward into the MIR as it was considered that the site was not in accordance with TAYplan spatial strategy and sufficient infill opportunities existed (CD284, page 52). Respondents have raised concerns about the landscape impacts and safety of access of an extension here. The site is directly in view of vehicles approaching as they turn the corner into what is now the village entrance and the position on or close to the corner supports concerns about access. As acknowledged in the representation the settlement boundary as drawn already offers opportunity to accommodate further development. The representation does not provide any additional evidence that there is not sufficient opportunity within the existing boundary.

No modification is proposed.

#### Maryburgh Settlement Summary

Cleish and Blairadam Community Council (0510/01/009): The proposed amendment would add information to but is not necessary to achieve the desired outcome as

development is already required to reflect the existing settlement pattern.

No modification is proposed.

## **Kinnesswood**

### Settlement Boundary (MD070)

#### *H311 Kinnesswood 1: South of Bishop Terrace (MD068)*

A&J Stephen Limited (0622/01/008): This single house site was included in the settlement boundary in the Proposed Plan for both the Kinross Area Local Plan and the Adopted Local Development Plan (LDP1) as noted in the Proposed Local Development Plan Examination Report for LDP1 (CD015 pages 225, 772, 776). An appeal against permission for a house here was refused in 2005 on the grounds it would detract from existing amenity of the area as the site contributes to the village setting, and the most appropriate use was considered to be continuing and increased recreation (CD347). The Council included the site in the boundary at LDP1 recognising that it could secure access to the open field as the current owners are offering the rest of the field for community ownership. Objections noted in the LDP1 Examination Report (CD015 pages 763-764) reflected the previous appeal decision. At Examination (CD015 page 776) the Reporter removed the site from the settlement boundary due to its impact on setting and amenity. Community Council minutes note that a survey led by the community council found majority support for a house here on the condition that the rest of the field was granted to the community (CD348 page 2). However in its representation to the most recent application the Community Council notes that at a meeting in April 2018 (CD349) it agreed to object to the current application due to its impact on nature and recreation.

The in principle planning application submitted in October 2017 (17/01596/IPL), detailed in the supporting statement (CD350), was subject to significant opposition from the community, including the community council, again primarily on nature and recreational grounds. The application was refused in May 2018 (CD351). The primary reason for refusal was its location outside the settlement boundary. The Report of Handling (CD352) describes how factors of landscape (LDP1 Policy ER6), recreational use (LDP1 Policy CF2), and the extent of local opposition tipped the balance against the proposal.

- Landscape: The respondent argues that the site abuts the settlement and there are houses uphill from the site. At examination of LDP1 the Reporter found the site formed a clear divide between the housing estate and the rising countryside beyond allowing open views towards the hillside. The 2018 report of handling notes (CD352 at page 10) that the proposed house site reads as part of the wider hill land and is separate from the settlement leading to an erosion of the landscape experience although able to be mitigated to an extent through the present undulating topography and additional landscaping. The site does not naturally fill a gap between houses but sits uphill of existing houses on Whitecraigs which abut the east side of Bishop Terrace. There are houses as Bishop Terrace continues uphill but not directly uphill from the site. The site therefore may separate existing houses from the countryside setting although is not unrelated to the rest of the settlement. A house here would impact on views from the back of 25 and 24 Whitecraigs and potentially from Bishop Terrace itself. The land requested to be included in the settlement boundary is also significantly larger than the established settlement pattern, and could have significantly different impacts depending on the location within the site. The land rises significantly beyond the site so the impact on the

setting should not be overstated and, given the topography of the site an appropriately sited and designed house may be able to ameliorate these concerns.

- Recreation: At examination of LDP1 (CD015, page 776) the Reporter found that the site would detract from amenity even with the core path which runs along the north edge of the site retained. The extent of gorse covering the site limits the recreational value other than providing paths through the site. The Report of Handling notes that access could be maintained to the wider area through access along the north and west of the site. Stephen's Field holds significant recreational value for Kinnesswood residents and this 6ha area has long been offered for community ownership should the site proceed. This offer could secure a large part of the area in perpetuity for community use and it is unclear how the community could otherwise secure the site in perpetuity. However judging by the responses to the planning application, local public opinion is clear in its opposition to the loss of the use of this site.

No modification is proposed.

#### H311 Kinnesswood 1: South of Bishop Terrace (MD068)

A&J Stephen Limited (0622/01/008): This suggested site (MD080) would not normally be included in the Proposed Plan as an allocation (within the settlement boundary) due to its small size. The adjustment to the settlement boundary is discussed above.

#### New Site: H410: North of Gamekeepers Road (MD069)

James Cullens (0240/01/001): This site was last included in the draft Kinross Local Area Plan as H15c and was not carried forward into the finalised Local Plan in response to objections and the landscape impact noted in the Objections & Responses (CD353 pages 87-88). On inquiry of the Local Area Plan (CD354 topic 61 pages 221-223) the Reporter noted that the present entrance to the village from the north-west is attractive in that it is well-defined and mature. This situation has not changed and a development here would have a significant adverse effect on the approach to and setting of the village as shown in photo (CD355). The current proposal does not address these issues. The current settlement summary notes that the boundary has been drawn tightly to limit significant future growth due to the level of growth that has taken place and to protect the character and setting of the village. A site of this size would be contrary to TAYplan settlement hierarchy approach of directing development to the largest settlements. Additionally the site was not put forward at MIR stage and it would be inappropriate to consider at this stage of the plan process.

No modification is proposed.

#### **Reporter's conclusions:**

#### **Reporter's recommendations:**