

Perth and Kinross Council
Planning & Development Management Committee – 13 February 2019
Report of Handling by Interim Development Quality Manager (Report No. 19/43)

PROPOSAL: Residential development.

LOCATION: Land at Pitdownies Farm, Manse Road, Milnathort.

Ref. No: [18/00014/PAN](#)

Ward No: P8 - Kinross-shire

Summary

This report is to inform the Committee of a potential forthcoming planning application in respect of a major residential development at Pitdownies Farm, Manse Road, Milnathort. The report also aims to highlight the key planning policies, the likely stakeholders who would be involved in the decision making process and to offer a brief overview of the key material planning issues which are likely to be relevant to the proposal.

BACKGROUND AND DESCRIPTION OF PROPOSAL

- 1 In accordance with the provisions of the Town and Country Planning (Scotland) Act 1997 as amended, the applicant has submitted a Proposal of Application Notice (PoAN) on 29 November 2018. Pre-application reports give the Committee an opportunity to raise issues which it would like to see addressed in any planning application.

ENVIRONMENTAL IMPACT ASSESSMENT (EIA)

- 2 Directive 2011/92/EU (as amended) requires the 'competent authority' (in this case Perth and Kinross Council) when giving a planning permission for particular large scale projects to do so in the knowledge of any likely significant effects on the environment. The Directive therefore sets out a procedure that must be followed for certain types of project before 'development consent' can be given. The site was screened (18/02233/SCRN) in January 2019 and found that EIA would not be required.

PRE-APPLICATION CONSULTATION

- 3 The PoAN outlined that a public exhibition would be held at Orwell Parish Church on 24 January 2019. Milnathort Community Council and local ward Councillors were notified and invited to attend. The results of the community consultation will require to be submitted with any application as part of the required Pre-Application Consultation (PAC) Report.

NATIONAL POLICY AND GUIDANCE

- 4 The Scottish Government expresses its planning policies through The National Planning Frameworks, the Scottish Planning Policy (SPP), Planning Advice Notes (PAN), Creating Places, Designing Streets, National Roads Development Guide and a series of Circulars.

National Planning Framework

- 5 NPF3 is a long-term strategy for Scotland and is a spatial expression of the Government's Economic Strategy and plans for development and investment in infrastructure. Under the Planning etc. (Scotland) Act 2006 this is now a statutory document and material consideration in any planning application. The document provides a national context for Development Plans and planning decisions as well as informing the on-going programmes of the Scottish Government, public agencies and Local Authorities.

Scottish Planning Policy 2014

- 6 The Scottish Planning Policy (SPP) was published in June 2014 and sets out national planning policies which reflect Scottish Ministers' priorities for operation of the planning system and for the development and use of land. The SPP promotes consistency in the application of policy across Scotland whilst allowing sufficient flexibility to reflect local circumstances. It directly relates to:
 - The preparation of development plans;
 - The design of development, from initial concept through to delivery; and
 - The determination of planning applications and appeals.
- 7 The following sections of the SPP will be of particular importance in the assessment of this proposal:
 - Sustainability: paragraphs 24 – 35
 - Placemaking: paragraphs 36 – 57
 - Affordable Housing: paragraphs 126 -131
 - Valuing the Natural Environment: paragraphs 193-218
 - Maximising the Benefits of Green Infrastructure: paragraphs 219 – 233
 - Managing Flood Risk and Drainage: paragraphs 254 – 268
 - Promoting Sustainable Transport and Active Travel: paragraphs 269 - 291

Planning Advice Notes

- 8 The following Scottish Government Planning Advice Notes (PANs) and Guidance Documents are of relevance to the proposal:
 - PAN 2/2010 Affordable Housing and Housing Land Audits
 - PAN 3/2010 Community Engagement

- PAN 1/2011 Planning and Noise
- PAN 40 Development Management
- PAN 51 Planning, Environmental Protection and Regulation
- PAN 60 Planning for Natural Heritage
- PAN 61 Planning and Sustainable Urban Drainage Systems
- PAN 63 Waste Management Planning
- PAN 65 Planning and Open Space
- PAN 67 Housing Quality
- PAN 68 Design Statements
- PAN 75 Planning for Transport
- PAN 77 Designing Safer Places
- PAN 79 Water and Drainage

Designing Streets 2010

- 9 Designing Streets is the first policy statement in Scotland for street design and marks a change in the emphasis of guidance on street design towards place-making and away from a system focused upon the dominance of motor vehicles. It has been created to support the Scottish Government's place-making agenda, alongside Creating Places, which sets out Government aspirations for design and the role of the planning system in delivering these.

Creating Places 2013 – A policy statement on architecture and place for Scotland 2013

- 10 Creating Places is the Scottish Government's policy statement on architecture and place. It sets out the comprehensive value good design can deliver. It notes that successful places can unlock opportunities, build vibrant communities and contribute to a flourishing economy and set out actions that can achieve positive changes in our places.

National Roads Development Guide 2014

- 11 This document supports Designing Streets and expands on its principles and is considered to be the technical advice that should be followed in designing and approving of all streets including parking provision.

DEVELOPMENT PLAN

- 12 The Development Plan for the area comprises the TAYplan Strategic Development Plan 2016-2036 and the Perth and Kinross Local Development Plan 2014.

TAYPlan Strategic Development Plan 2016-2036

- 13 TAYPlan sets out a vision for how the region will be in 2036 and what must occur to bring about change to achieve this vision. The vision for the area as set out in the plans states that:
- 14 “By 2036 the TAYplan area will be sustainable, more attractive, competitive and vibrant without creating an unacceptable burden on our planet. The quality of life will make it a place of first choice where more people choose to live, work, study and visit, and where businesses choose to invest and create jobs.”
- 15 The following sections of the TAYplan 2016 are of particular importance in the assessment of this application.

Policy 1: Locational Priorities

- 16 Seeks to focus the majority of development in the region's principal settlements. Milnathort is identified as a Tier 2 Settlement with the potential to make a major contribution to the regional economy but will accommodate a smaller share of the additional development.

Policy 2: Shaping Better Quality Places

- 17 Seeks to deliver distinctive places by ensuring that the arrangement, layout, design, density and mix of development are shaped through incorporating and enhancing natural and historic assets, natural processes, the multiple roles of infrastructure and networks, and local design context.

Policy 4: Homes

- 18 Seeks to ensure there is a minimum of 5 years effective housing land supply at all times. Land should be allocated within each Housing market Area to provide a generous supply of land to assist in the delivery of 25,020 units up to year 2028 and a further 16,680 by 2036.

Policy 6: Developer Contributions

- 19 Seeks to ensure suitable infrastructure is in place to facilitate new development, developer contributions shall be sought to mitigate any adverse impact on infrastructure, services and amenities brought about by development. This may include contributions towards schools, the delivery of affordable housing, transport infrastructure and facilities (including road, rail, walking, cycling and public transport), green infrastructure and other community facilities in accordance with the Scottish Government Circular 3/2012: Planning Obligations and Good Neighbour Agreements.

Policy 8: Green Networks

- 20 Seeks to protect and enhance green and blue networks by ensuring that:

- i. development does not lead to the fragmentation of existing green networks;
- ii. development incorporates new multifunctional green networks (that link with existing green networks) of appropriate quantity and quality to meet the needs arising from the nature of the development itself; and,
- iii. the provision of networks of green infrastructure is a core component of any relevant design framework, development brief or masterplan.

Perth and Kinross Local Development Plan 2014

- 21 The Local Development Plan (LDP) was adopted by Perth and Kinross Council on 3 February 2014. The LDP sets out a vision statement for the area and states that, *“Our vision is of a Perth and Kinross which is dynamic, attractive and effective which protects its assets whilst welcoming population and economic growth.”* It is the most recent statement of Council policy and is augmented by Supplementary Guidance.

The principal relevant policies are, in summary;

Policy PM1A – Placemaking

- 22 Development must contribute positively to the quality of the surrounding built and natural environment, respecting the character and amenity of the place. All development should be planned and designed with reference to climate change mitigation and adaption.

Policy PM1B – Placemaking

- 23 All proposals should meet all eight of the placemaking criteria.

Policy PM2 - Design Statements

- 24 Design Statements should normally accompany a planning application if the development comprises 5 or more dwellings, is a non-residential use which exceeds 0.5 ha or if the development affects the character or appearance of a Conservation Area, Historic Garden, Designed Landscape or the setting of a Listed Building or Scheduled Monument.

Policy PM3 - Infrastructure Contributions

- 25 Where new developments (either alone or cumulatively) exacerbate a current or generate a need for additional infrastructure provision or community facilities, planning permission will only be granted where contributions which are reasonably related to the scale and nature of the proposed development are secured.

Policy RD1 - Residential Areas

- 26 In identified areas, residential amenity will be protected and, where possible, improved. Small areas of private and public open space will be retained where they are of recreational or amenity value. Changes of use away from ancillary uses such as local shops will be resisted unless supported by market evidence that the existing use is non-viable. Proposals will be encouraged where they satisfy the criteria set out and are compatible with the amenity and character of an area.

Policy RD4 - Affordable Housing

- 27 Residential development consisting of 5 or more units should include provision of an affordable housing contribution amounting to 25% of the total number of units. Off-site provision or a commuted sum is acceptable as an alternative in appropriate circumstances.

Policy TA1B - Transport Standards and Accessibility Requirements

- 28 Development proposals that involve significant travel generation should be well served by all modes of transport (in particular walking, cycling and public transport), provide safe access and appropriate car parking. Supplementary Guidance will set out when a travel plan and transport assessment is required.

Policy CF1B - Open Space Retention and Provision

- 29 Appropriate areas of informal and formal open space should be provided as an integral part of any new development where existing provision is not adequate. Where there is an adequate supply of open space a financial contribution towards improved open space may be acceptable. Opportunities should be to create, improve and avoid the fragmentation of green networks.

Policy CF2 - Public Access

- 30 Developments will not be allowed if they have an adverse impact on any core path, disused railway line, asserted right of way or other well used route, unless impacts are addressed and suitable alternative provision is made.

Policy HE1B - Scheduled Monuments and Non Designated Archaeology

- 31 Areas or sites of known archaeological interest and their settings will be protected and there will be a strong presumption in favour of preservation in situ. If not possible provision will be required for survey, excavation, recording and analysis.

Policy NE1A - International Nature Conservation Sites

- 32 Development which could have a significant effect on a site designated or proposed as a Special Area of Conservation, Special Protection Area or Ramsar site will only be permitted where an Appropriate Assessment shows

that the integrity of the site will not be adversely affected, there are no alternative solutions and there are imperative reasons of overriding public interest.

Policy NE1B - National Designations

- 33 Development which would affect a National Park, National Scenic Area, Site of Special Scientific Interest or National Nature Reserve will only be permitted where the integrity of the area or the qualities for which it has been designated are not adversely affected or any adverse impacts are clearly outweighed by benefits of national importance.

Policy NE2A - Forestry, Woodland and Trees

- 34 Support will be given to proposals which meet the six criteria in particular where forests, woodland and trees are protected, where woodland areas are expanded and where new areas of woodland are delivered, securing establishment in advance of major development where practicable.

Policy NE2B - Forestry, Woodland and Trees

- 35 Where there are existing trees on a development site, any application should be accompanied by a tree survey. There is a presumption in favour of protecting woodland resources. In exceptional circumstances where the loss of individual trees or woodland cover is unavoidable, mitigation measures will be required.

Policy NE3 – Biodiversity

- 36 All wildlife and wildlife habitats, whether formally designated or not should be protected and enhanced in accordance with the criteria set out. Planning permission will not be granted for development likely to have an adverse effect on protected species.

Policy NE4 – Green Infrastructure

- 37 Development should contribute to the creation, protection, enhancement and management of green infrastructure, in accordance with the criteria set out.

Policy EP2 - New Development and Flooding

- 38 There is a general presumption against proposals for built development or land raising on a functional flood plain and in areas where there is a significant probability of flooding from any source, or where the proposal would increase the probability of flooding elsewhere. Built development should avoid areas at significant risk from landslip, coastal erosion and storm surges. Development should comply with the criteria set out in the policy.

Policy EP3B - Water, Environment and Drainage

- 39 Foul drainage from all developments within and close to settlement envelopes that have public sewerage systems will require connection to the public sewer. A private system will only be considered as a temporary measure or where there is little or no public sewerage system and it does not have an adverse effect on the natural and built environment, surrounding uses and the amenity of the area.

Policy EP3C - Water, Environment and Drainage

- 40 All new developments will be required to employ Sustainable Urban Drainage Systems (SUDS) measures.

Policy EP4 - Health and Safety Consultation Zones

- 41 Full account will be taken of advice from the Health and Safety Executive in determining planning applications for development within the consultation zones identified on the proposals and inset maps.

Policy EP8 - Noise Pollution

- 42 There is a presumption against the siting of proposals which will generate high levels of noise in the locality of noise sensitive uses, and the location of noise sensitive uses near to sources of noise generation.

Policy EP12 - Contaminated Land

- 43 The creation of new contamination will be prevented. Consideration will be given to proposals for the development of contaminated land where it can be demonstrated that remediation measures will ensure the site / land is suitable for the proposed use.

OTHER POLICIES

- 44 The following supplementary guidance and documents are of particular importance in the assessment of this application;
- Developer Contributions Supplementary Guidance including Affordable Housing April 2016.
 - Flood Risk and Flood Risk Assessments – Developer Guidance June 2014.

Proposed Perth and Kinross Local Development Plan 2 (LDP2)

- 45 Perth & Kinross Council is progressing with preparation of a new Local Development Plan to provide up-to-date Development Plan coverage for Perth & Kinross. When adopted, the Perth & Kinross Local Development Plan 2

(LDP2) will replace the current adopted Perth & Kinross Local Development Plan (LDP). The Proposed Local Development Plan 2 (LDP2) was approved at the Special Council meeting on 22 November 2017.

- 46 The representations received on the Proposed LDP2 and the Council's responses to these were considered at the Special Council meeting on 29 August 2018. The unresolved representation to the Proposed Plan after this period is likely to be considered at an Examination by independent Reporter(s) appointed by the Scottish Ministers, later this year. The Reporter(s) will thereafter present their conclusions and recommendations on the plan, which the Council must accept prior to adoption. It is only in exceptional circumstances that the Council can elect not to do this.
- 47 The Proposed LDP2 represents Perth & Kinross Council's settled view in relation to land use planning and as such it is a material consideration in the determination of planning applications. It sets out a clear, long-term vision and planning policies for Perth & Kinross to meet the development needs of the area up to 2028 and beyond. The Proposed LDP2 is considered consistent with the Strategic Development Plan (TAYplan) and Scottish Planning Policy (SPP) 2014. However, the outcome of the Examination could potentially result in modifications to the Plan. As such, currently limited weight can be given to its content where subject of a representation, and the policies and proposals of the plan are only referred to where they would materially alter the recommendation or decision.

SITE HISTORY

- 48 04/02375/FUL Proposed residential development of 64 dwellings. Application withdrawn May 2006. Decision issued date
- 49 [07/00442/OUT](#) Proposed residential development. Approved by Development Management Committee February 2008. Decision issued date
- 50 [11/01537/IPM](#) Modification of Condition 2 (07/00442/OUT) to extend the time limit. Approved by Development Management Committee January 2012. Decision issued date
- 51 [13/00436/IPM](#) Modification of Conditions 2 and 3 of planning permission 07/00442/OUT to extend the time limit. Approved by Development Management Committee June 2013. Decision issued date
- 52 [15/00240/IPM](#) Variation of Conditions 1 and 2 of permission 13/00436/IPM (modification of 07/00442/OUT). Approved by Development Management Committee April 2015. Decision issued date
- 53 [18/00338/IPM](#) Application under Section 42 of the Town and Country Planning (Scotland) Act 1997 to develop land without complying with Conditions 1 and 2 of planning permission 15/00240/IPM (modification of 07/00442/OUT).

Approved by Planning and Development Management Committee August 2018.
Decision issued date

- 54 18/02233/SCRN EIA Screening for residential development. EIA screening decision issued January 2019. EIA not required.

CONSULTATIONS

- 55 As part of the planning application process the following bodies will be consulted:

56 **External**

- Scottish Environmental Protection Agency (SEPA)
- Scottish Natural Heritage (SNH)
- Scottish Water
- Historic Environment Scotland (HES)
- Transport Scotland
- Health and Safety Executive (HSE)
- INEOS
- Perth and Kinross Heritage Trust (PKHT)
- Milnathort Community Council

57 **Internal**

- Environmental Health including Contaminated Land
- Strategy & Policy
- Developer Negotiations Officer
- Affordable Housing Enabling Officer
- Community Greenspace (including Access)
- Transport Planning
- Structures and Flooding
- Waste Services
- Biodiversity

KEY ISSUES AGAINST WHICH A FUTURE APPLICATION WILL BE ASSESSED

- 58 The key considerations against which the eventual application will be assessed includes:

- a. Landscape and visual impact
- b. Scale, design and layout
- c. Relationship with surrounding land uses
- d. Natural heritage and ecology
- e. Landscaping
- f. Water resources and soils

- g. Transport implications
- h. Open space provision
- i. Access provision
- j. Waste
- k. Affordable housing provision (including siting, design, layout and tenure)
- l. Education provision
- m. Flooding & drainage
- n. Noise implications
- o. Cultural heritage

ADDITIONAL STATEMENTS WHICH WILL BE REQUIRED

59 The following supporting documents will need to be submitted with any planning application;

- Planning Statement
- Design and Access Statement
- Pre-Application Consultation (PAC) Report
- Transport Assessment
- Flood Risk and Drainage Assessment
- Phase 1 Habitat Survey including protected species and breeding birds
- Sustainability Assessment
- Noise Assessment
- Construction Management Plan

CONCLUSION AND RECOMMENDATION

60 This report summarises the key issues which should be considered as part of the appraisal of any subsequent planning application which may be lodged in respect of this development and members are recommended to note these key issues and advise officers of any other issues which they consider should be included as part of the application and assessment.

Background Papers: None
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 Date: 31 January 2019

ANNE CONDLIFFE
INTERIM DEVELOPMENT QUALITY MANAGER

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