

Perth and Kinross Council  
Planning & Development Management Committee – 16 January 2019  
Report of Handling by Interim Development Quality Manager (Report No. 19/10)

**PROPOSAL:** Residential development (density and re-mix of Phase 2)

**LOCATION:** Land north west of Lathro Farm, Kinross

Ref. No: [18/00013/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 development for proposed density re-mix of Phase 2 of an approved residential development at Lathro Farm, Kinross. 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 6 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.
- 3 This procedure, known as Environmental Impact Assessment (EIA), is a means of drawing together, in a systematic way, an assessment of a project's likely significant environmental effects. The EIA Report helps to ensure that the importance of the predicted effects, and the scope for reducing any adverse effects, are properly understood by the public and the relevant competent authority before it makes its decision. The site has been subject to an EIA associated with planning permission [15/01157/FLM](#).

### **PRE-APPLICATION CONSULTATION**

- 4 The PoAN outlined that a public exhibition would be held at Loch Leven Community Campus on 10 November 2018. Kinross Community Council,

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**

- 5 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**

- 6 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**

- 7 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.

- 8 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
- Valuing the Natural Environment: paragraphs 193-218
- Managing Flood Risk and Drainage: paragraphs 254 – 268
- Promoting Sustainable Transport and Active Travel: paragraphs 269 - 291

### **Planning Advice Notes**

- 9 The following Scottish Government Planning Advice Notes (PANs) and Guidance Documents are of relevance to the proposal:

- PAN 3/2010 Community Engagement

- PAN 40 Development Management
- PAN 51 Planning, Environmental Protection and Regulation
- PAN 61 Planning and Sustainable Urban Drainage Systems
- PAN 68 Design Statements
- PAN 75 Planning for Transport
- PAN 77 Designing Safer Places

### **Designing Streets 2010**

- 10 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**

- 11 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**

- 12 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**

- 13 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**

- 14 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:
- 15 "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."
- 16 The following sections of the TAYplan 2016 are of particular importance in the assessment of this application.

## **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.

## **Perth and Kinross Local Development Plan 2014**

- 20 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**

- 21 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 adaptation.

### **Policy PM1B – Placemaking**

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

### **Policy PM2 - Design Statements**

- 23 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**

- 24 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**

- 25 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**

- 26 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**

- 27 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 CF3 – Social and Community Facilities**

- 28 Seeks to prevent the loss or change of use of land or buildings presently used or last used for community purposes unless the loss does not seriously affect the available community facilities in the locality and that no suitable alternative community use can be found for the land or buildings.

### **Policy NE3 – Biodiversity**

- 29 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 EP2 - New Development and Flooding**

- 30 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 EP3C - Water, Environment and Drainage**

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

### **Policy EP12 - Contaminated Land**

- 32 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**

- 33 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)**

- 34 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.
- 35 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.

- 36 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**

- 37 [14/00493/SCRN](#) EIA Screening Request for residential development. EIA Screening Issued April 2014
- 38 [14/00004/PAN](#) Proposal of Application Notice for residential development. Content of PAN approved May 2014
- 39 [14/01345/SCOP](#) EIA Scoping Request for residential development. Scoping decision issued September 2014.
- 40 [15/01512/FLM](#) Proposed residential development of 300 dwellings, open space, provision of country park and associated infrastructure. Application approved by Development Management Committee September 2016.
- 41 [17/00759/FLL](#) Proposed erection of 13 dwellings (change of house type) within Phase 1. Application withdrawn October 2017.
- 42 [17/00760/FLL](#) Proposed erection of 47 dwellings (revised layout and design) within Phase 1. Application approved by Planning and Development Management Committee September 2017.
- 43 [17/00886/FLM](#) Application under Section 42 of the Town and Country Planning (Scotland) Act 1997 to develop land to modify conditions 8 (children's play area), 9 (access) and 11 (boundary treatment) of planning permission 15/01512/FLM. Application approved by Planning and Development Management Committee September 2017.
- 44 [17/00893/FLL](#) Proposed erection of 6 dwellings, formation of open space, landscaping and associated infrastructure for plots 1-6, relocation of SUDS basin, pump station and erection of substation (revised layout and design of

Phase 1). Application approved by Planning and Development Management Committee September 2017.

- 45 [17/01721/FLL](#) Proposed erection of 12 dwellings (revised layout and design) within Phase 1. Application approved under delegated powers May 2018.
- 46 [18/01117/FLL](#) Erection of 47 dwellings (change of house type to include sunrooms for plots 515-518, 522-527, 531-536, 540-546, 550-553 and 557-559) Application approved under delegated powers September 2018 but decision not yet issued because is subject to conclusion of Section 69 legal agreement.
- 47 [18/01118/FLL](#) Erection of 12 dwellings (change of house type to include sunrooms for plots 509-512 and 700-707). Application minded to approve under delegated powers September 2018 but decision not yet issued because is subject to conclusion of Section 69 legal agreement.

## **CONSULTATIONS**

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

### **49 External**

- Scottish Environmental Protection Agency (SEPA)
- Scottish Natural Heritage (SNH)
- Scottish Water
- Historic Environment Scotland (HES)
- Transport Scotland
- Royal Society for the Protection of Birds (RSPB)
- Perth and Kinross Heritage Trust (PKHT)
- Kinross Community Council
- Milnathort Community Council

### **50 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**

- 51 The key considerations against which the eventual application will be assessed includes:
- a. Principle of residential layout re-mix and increased housing density
  - b. Landscape and visual impact
  - c. Scale, design and layout
  - d. Relationship with surrounding land uses
  - e. Natural heritage and ecology
  - f. Landscaping
  - g. Water resources and soils
  - h. Transport implications
  - i. Open space provision
  - j. Access provision
  - k. Waste
  - l. Affordable housing provision (including siting, design, layout and tenure)
  - m. Education provision
  - n. Flooding & drainage
  - o. Noise implications
  - p. Cultural heritage

## **ADDITIONAL STATEMENTS WHICH WILL BE REQUIRED**

- 52 The following supporting documents will need to be submitted with any planning application;
- Planning Statement (including robust marketing of site position)
  - 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
  - Waste Management and Minimisation Plan
  - Construction and Environment Management Plan (CEMP)

## **CONCLUSION AND RECOMMENDATION**

- 53 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  
Contact Officer: Steve Callan 01738 475337  
Date: 24 December 2018

**ANNE CONDLIFFE**  
**INTERIM DEVELOPMENT QUALITY MANAGER**

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