

Perth and Kinross Council
Planning and Placemaking Committee – 6 July 2022
Report of Handling by Head of Planning & Development
(Report No. 22/163)

PROPOSAL:	Renewal of permission 18/01855/IPL (Residential development)
LOCATION:	Land 100 Metres North West Of Schiehallion Crook Of Devon

Ref. No: [21/02187/IPL](#)
Ward No: P8- Kinross-shire

Summary

This report recommends approval of the application as the development is considered to comply with the relevant provisions of the Development Plan and there are no material considerations apparent which outweigh the Development Plan.

BACKGROUND AND DESCRIPTION OF PROPOSAL

- 1 This application relates to an overgrown paddock (0.9 hectares) laid to grass located on the northern edge of Crook of Devon, within the settlement boundary. It is bound to the northeast by an access road which also forms the Millennium footpath; to the southeast by a number of residential properties; to the southwest lies the River Devon lade and to the northwest is the Nine Acres Scout Camp.
- 2 Permission in principle was originally granted for the site in 2015 ref 15/01110/IPL. That permission was renewed in 2018 and a further renewal is sought prior to the expiry of planning permission at the end of September 2022, which was extended in light of covid legislation.
- 3 The application seeks approval for residential development in principle and although indicative plans have been submitted the plot layout or house numbers will not be agreed.
- 4 There is also an associated application for the matters specified by condition on the 2018 in principle which is also under consideration at this committee.

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 2014

- 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. This is a statutory document and material consideration in any planning application. It 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.

The Scottish Planning Policy 2014 (SPP)

- 7 The Scottish Planning Policy (SPP) 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

Planning Advice Notes

- 9 The following Scottish Government Planning Advice Notes (PANs) and Guidance Documents are of relevance to the proposal:
- PAN 40 Development Management
 - PAN 51 Planning, Environmental Protection and Regulation
 - PAN 61 Planning and Sustainable Urban Drainage Systems
 - PAN 68 Design Statements
 - PAN 69 Planning and Building standards Advice on Flooding
 - PAN 75 Planning for Transport
 - PAN 77 Designing Safer Places

National Roads Development Guide 2014

- 10 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

- 11 The Development Plan for the area comprises the TAYplan Strategic Development Plan 2016-2036 and the Perth and Kinross Local Development Plan 2019.

TAYplan Strategic Development Plan 2016-2036

- 12 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:

“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.”

Perth and Kinross Local Development Plan 2

- 13 The Local Development Plan 2 (2019) (LDP2) 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.
- 14 The principal relevant policies are, in summary;
- Policy 1A: Placemaking
 - Policy 1B: Placemaking
 - Policy 5: Infrastructure Contributions
 - Policy 15: Public Access
 - Policy 17: Residential Areas
 - Policy 20: Affordable Housing
 - Policy 25: Housing Mix
 - Policy 32: Embedding Low & Zero Carbon Generating Technologies in New Development
 - Policy 40A: Forestry, Woodland and Trees: Forest and Woodland Strategy
 - Policy 40B: Forestry, Woodland and Trees: Trees, Woodland and Development
 - Policy 41: Biodiversity
 - Policy 52: New Development and Flooding
 - Policy 53A: Water Environment and Drainage: Water Environment
 - Policy 53C: Water Environment and Drainage: Surface Water Drainage
 - Policy 53D: Water Environment and Drainage: Reinstatement of Natural Watercourses
 - Policy 60B: Transport Standards and Accessibility Requirements: New Development Proposals

Other Policies

Developer Contributions and Affordable Housing Supplementary Guidance April 2020

- 15 This document sets out the Council's policies on Developer Contributions in relation to Primary Education and Transport Infrastructure/A9 junction

upgrades, as well as setting out what Affordable Housing provision is required for new developments.

Site History

- 16 [15/01110/IPL](#) was approved on 15 October 2015 for Residential development (in principle)
- 17 [18/01855/IPL](#) was approved on 14 December 2018 for Renewal of permission 15/01110/IPL (residential development (in principle)
- 18 [19/00700/AML](#) application was withdrawn on 10 September 2019 for Erection of 10 dwellinghouses, associated infrastructure and landscaping (approval of matters specified in conditions of 18/01855/IPL)
- 19 [19/01673/AML](#) was refused on 23 June 2020 for Erection of 10 dwellinghouses with associated infrastructure and landscaping (approval of matters specified in conditions of 18/01855/IPL). That application was subsequently appealed, and subsequently dismissed by the DPEA.

CONSULTATIONS

- 20 As part of the planning application process the following bodies were consulted:

External

- 21 **Scottish Water** – No objection. Note that capacity is available for foul and water, subject to an application to secure connections.
- 22 **Fossway And District Community Council** – Object to proposal on flood risk, capacity of wastewater treatment works, no onsite affordable housing, road safety, increase in traffic, overdevelopment.

Internal

- 23 **Transport Planning** - No objection. Conditions recommended for construction traffic management, road improvements and submission of travel plan.
- 24 **Development Contributions Officer** – Conditions required to secure necessary contributions.
- 25 **Structures And Flooding** – No objection in relation to flood risk, condition required to secure drainage details.

Representations

- 26 A total of 8 representations have been received in respect of the current application. The main issues raised within the representations are:
 - Traffic congestion
 - Road safety concerns

- Inappropriate access
- Overdevelopment/ Inappropriate housing density
- Loss of open space
- Adverse effect on visual amenity
- Flooding risk
- Light pollution
- Noise pollution
- Out of character with the area
- No affordable housing
- Loss of trees

27 These issues are addressed in the Appraisal section of the report.

ADDITIONAL STATEMENTS

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Screening Opinion	EIA not required
Environmental Impact Assessment (EIA): Environmental Report	Not applicable
Appropriate Assessment	Habitats Regulations Appraisal AA Not Required
Design Statement or Design and Access Statement	Submitted
Report on Impact or Potential Impact eg Flood Risk Assessment	Not Required

APPRAISAL

29 Sections 25 and 37(2) of the Town & Country Planning (Scotland) Act 1997 (as amended) require the determination of the proposal to be made in accordance with the provisions of the Development Plan, unless material considerations indicate otherwise. The adopted Development Plan comprises the TAYplan Strategic Development Plan 2016–2036 and the Perth and Kinross Local Development Plan 2019. The relevant policy considerations are outlined in the policy section above and are considered in more detail below. In terms of other material considerations, this involves considerations of the Council's other approved policies and supplementary guidance.

Principle

30 The site is located within the settlement boundary of Crook of Devon and the principle of development is considered under Policy 17 Residential Areas.

31 The principle of residential development has already been established under the previous approval. The site is still contained within the settlement boundary of Crook of Devon and is still under a zoning which supports infill residential development.

- 32 As such, it is considered that the principle of residential development is in accordance with the Local Development Plan.

Design and Layout

- 33 The application has been accompanied by an indicative site layout which shows 9 detached dwellinghouses set out in a U-shape with access taken from the public road via the Millennium core footpath. That layout is the same as that previously submitted at the time of the previous permissions on site.
- 34 This plan however is only indicative, and the specific number of units and detailed design and layout will be determined during the assessment of a subsequent detailed planning application.

Residential Amenity

- 35 In terms of the impact on the existing residential amenity of the area the development cannot be reasonably assessed at this (in principle) stage.
- 36 It is however considered due to the scale of the site that residential development could be adequately accommodated in the site without significant detrimental impact on existing or proposed residential amenity.

Roads and Access

- 37 It is considered that the level of traffic generated by any residential development on this site would be relatively small and the existing local road network can accommodate the proposals without impacting on road safety. To ensure the proposal complies with Policy 60 B conditions will be required secure the submission of the details of any road improvements under a detailed application. (Condition 4)

Drainage and Flooding

- 38 The Flood Team are satisfied that there is no need to review the previous Flood Risk Assessment related to the adjacent watercourse/mill lade. This is due to the significant level difference and that the opposite bank is much lower so overtopping would be away from the site.
- 39 In terms of the site drainage there is known to be a high-water table in the Crook of Devon/Drum area, and this will have a bearing on suitable drainage measures. The Flood Team note that proposals to drain the site via soakaways would require further information, this will be covered by condition. (Condition 1)
- 40 It is proposed to connect to the public drainage system, although representations indicate that there is presently limited capacity at the Wastewater Treatment Works. In this regard Scottish Water have been consulted and raise no objection but cannot confirm capacity therefore a connection will require to be secured. Should a connection not be available then the applicant would need to discuss options with Scottish Water or reapply

for planning permission to install a private waste water drainage system to serve the development.

- 41 With the addition of conditions, the development of the site is considered to satisfy the objectives of LDP2 Policy 52 New Development and Flooding and Policy 53 Water Environment and Drainage.

Natural Heritage and Biodiversity

- 42 There are no trees within the site but there is a tree belt located along the south /east boundary. The detailed site layout will need to consider the presence of trees along the boundaries. (Condition 1)
- 43 The site due to the proximity to the River Devon will require an Otter survey to be submitted with the detailed application. (Condition 1)
- 44 It is considered that the appropriate information and mitigation residential development could be accommodated within the site with no detrimental impact on trees or biodiversity.

Developer Contributions

- 45 This application is only seeking to establish the principle of residential use on the site it is not possible to apply the developer contribution guidance at this stage. Conditions will be applied to any consent requiring compliance with this guidance note in relation to affordable housing and education. (Conditions 2 & 3)
- 46 During the construction period, jobs will be created and sustained, supporting indirect employment and revenue that this volume of construction activity will generate from employees spending on local goods and services. Longer term, additional residents to the area will support existing local employment and services in the area.

VARIATION OF APPLICATION UNDER SECTION 32A

- 47 This application was not varied prior to determination.

PLANNING OBLIGATIONS AND LEGAL AGREEMENTS

- 48 None required.

DIRECTION BY SCOTTISH MINISTERS

- 49 Under the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013, regulations 30 – 33 there have been no directions by the Scottish Government in respect of an Environmental Impact Assessment screening opinion, call in or notification relating to this application.

CONCLUSION AND REASONS FOR RECOMMENDATION

- 50 To conclude, the application must be determined in accordance with the adopted Development Plan unless material considerations indicate otherwise. In this respect, the proposal is considered to comply with the approved TAYplan 2016 and the adopted Local Development Plan 2 (2019). Account has been taken account of the relevant material considerations and none has been found that would justify overriding the adopted Development Plan.
- 51 Accordingly the proposal is recommended for approval subject to the following conditions.

A RECOMMENDATION

Approve the application

Conditions and Reasons for Recommendation

1. The development shall not commence until the following matters have been approved by the Planning Authority through the submission of an application or applications for approval of matters specified in conditions:
 - a) A detailed levels survey (existing and proposed) and cross sections showing proposed finished ground and floor levels of all buildings forming part of the development, relative to existing ground levels and a fixed datum point;
 - b) The siting, design, height and external materials of all buildings or structures;
 - c) A detailed Otter Survey undertaken by a qualified ecologist.
 - d) Details of vehicular access to the site, the provision car parking spaces and turning facilities;
 - e) A detailed specification for the improvements to the surface of the existing shared access from the public road to the entrance of Nine Acres;
 - f) Details of the proposed surface water drainage scheme (SUDs);
 - g) Details of all proposed landscaping, planting, screening and boundary treatment;
 - h) Details of suitable storage for waste disposal/collection;
 - i) A detailed tree survey of all existing trees within and immediately adjacent to the development site.
2. The development shall be in accordance with the requirements of Perth & Kinross Council's Developer Contributions and Affordable Housing Supplementary Guidance 2020 in line with Policy 20: Affordable Housing of the Perth & Kinross Local Development Plan 2 (2019), or such subsequent Guidance and Policy which may replace these.

Reason - To ensure the development is in accordance with the terms of the Perth and Kinross Local Development Plan 2 (2019) and to comply with the Council's policy on Developer Contributions and Affordable Housing Supplementary Guidance 2020.

3. The development shall be in accordance with the requirements of Perth & Kinross Council's Developer Contributions and Affordable Housing Supplementary Guidance 2020 in line with Policy 5: Infrastructure Contributions of the Perth & Kinross Local Development Plan 2 (2019) with particular regard to primary education infrastructure, or such subsequent Guidance and Policy which may replace these.

Reason - To ensure the development is in accordance with the terms of the Perth and Kinross Local Development Plan 2 (2019) and to comply with the Council's policy on Developer Contributions and Affordable Housing Supplementary Guidance 2020.

4. All matters regarding access, car parking, road layout, design and specification, including the disposal of surface water, shall be in accordance with the standards required by the Council as Roads Authority and to the satisfaction of the Planning Authority.

Reason - This is a Planning Permission in Principle under Section 59 of the Town and Country Planning (Scotland) Act 1997 as amended by Section 21 of the Planning etc. (Scotland) Act 2006.

B JUSTIFICATION

The proposal is in accordance with the Development Plan and there are no material reasons which justify departing from the Development Plan.

C PROCEDURAL NOTES

None required

D INFORMATIVES

1. Application for the approval of matters specified in conditions shall be made before the expiration of 3 years from the date of the grant of planning permission in principle, unless an earlier application for such approval has been refused or an appeal against such refusal has been dismissed, in which case application for the approval of all outstanding matters specified in conditions must be made within 6 months of the date of such refusal or dismissal.
2. The approved development shall be commenced not later than the expiration of 3 years from the date of grant of planning permission in principle or 2 years from the final approval of matters specified in conditions, whichever is later.
3. Applicants are advised that should their application for Approval of Matters specified be refused and/or their appeal against such refusal dismissed outwith the three year time limit they are entitled to submit a revised application for Approval of Matters specified within six months after the date of refusal of the earlier application or of the dismissal of an appeal against such refusal.

4. Records indicate that at least part of the proposed development site lies within a radon affected area where the measurement/monitoring of radon gas and the installation of mitigation measures may be required.
5. Further information on radon gas and the associated reports that can be obtained is available at www.ukradon.org and at <http://shop.bgs.ac.uk/georeports/>.

Background Papers: 8 letters of representation
Contact Officer: Joanne Ferguson
Date: 23 June 2022

**DAVID LITTLEJOHN
HEAD OF PLANNING & DEVELOPMENT**

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