

Perth and Kinross Council
Development Control Committee – 7 July 2010
Report of Handling by Development Quality Manager

**Construction of a biodisc, sand filter and soakaway, Land at former
Croftinloan School, Croftinloan, Pitlochry PH16 5JS**

Ref. No: 10/00392/FLL
Ward No: 4 - Highland

Summary

This report recommends approval of the application for the construction of a biodisc, sand filter and soakaway as the development is considered to comply with the Development Plan.

BACKGROUND AND DESCRIPTION

- 1 The application site is located within the grounds of the former Croftinloan School, which ceased operating as a school a number of years ago and has since had numerous permissions for residential developments within its grounds. The site is located to the southern-most point of the land which is currently with the control of the applicant.
- 2 The proposed foul drainage system is to serve seven dwellinghouses within the grounds of the former school, two of which were granted at appeal after being refused by this Planning Authority. The system is to comprise a biodisc waste water treatment plant, discharging to a sand filter with a soakaway beyond. It sits adjacent to the internal access and slightly lower than the associated plots, thus operating by gravity.
- 3 A similar application is also included elsewhere on this agenda (10//00393/FLL) relating to a site close to this site.

NATIONAL POLICY AND GUIDANCE

Scottish Planning Policy 2010

- 4 This SPP is a statement of Scottish Government policy on land use planning and contains:
 - the Scottish Government's view of the purpose of planning,
 - the core principles for the operation of the system and the objectives for key parts of the system,
 - statutory guidance on sustainable development and planning under Section 3E of the Planning etc. (Scotland) Act 2006,
 - concise subject planning policies, including the implications for development planning and development management, and
 - the Scottish Government's expectations of the intended outcomes of the planning system.

- 5 Of relevance to this application are
- Paragraphs 209 to 211, which relate to drainage and reiterate the requirement for drainage to be treated by a sustainable drainage system before discharging into the water environment.

DEVELOPMENT PLAN

- 6 The Development Plan for the area comprises the Approved Perth and Kinross Structure Plan 2003 and the Adopted Highland Area Local Plan 2000.

Perth and Kinross Structure Plan 2003

Environment and Resources Policy 10

- 7 The use of sustainable drainage systems to regulate run-off are required as part of development proposals, to control the rate and quality of run-off as close to its source as possible.

Highland Area Local Plan 2000

- 8 Under the Local Plan the site lies within the defined 'village' settlement of Croftinloan / Donavourd / East Haugh / Ballyoukan and therefore the following policies prevail:-

Policy 1: Sustainable Development

- 9 Seeks to ensure that development within the Plan area is carried out in a manner in keeping with the goal of sustainable development. Criteria (c) and (g) are particularly applicable.

Policy 2: Development Criteria

- 10 Identifies the criteria against which all development proposal will be judged and includes landscape setting, built form, land use, local transport network, services and energy efficiency.

Policy 87: Village Uses

- 11 Identifies villages where residential amenity and village character will be retained and, where possible, improved.

OTHER POLICIES

- 12 None.

SITE HISTORY

- 13 There have been numerous planning applications for the wider Croftinloan School site, many of which have been granted for residential development.

There are a couple which relate directly to the current proposal in that they are for the houses which would drain to the proposed foul drainage system currently under consideration. These are 07/01064/FUL for the erection of two dwellinghouses approved at appeal in May 2008, and 06/02242/FUL for the erection of 5 dwellinghouses, approved at Development Control Committee in April 2007.

- 14 The appeal decision for 07/01064/FUL has a condition on the permission requiring that the drainage from the approved dwellinghouses be connected to a biodisc sewage treatment plant serving all the proposed new development within the grounds of the former Croftinloan School. It has proved impossible to design a foul drainage system which would serve all of the dwellinghouses approved at this site. An associated application for the variance of condition three on appeal decision 07/01064/FUL has been submitted and will be determined by the Development Quality Manager in line with the scheme of delegation.

CONSULTATIONS

- 15 **Scottish Water:** No objections.
- 16 **Scottish Environment Protection Agency:** No objections.
- 17 **Scottish Natural Heritage:** No objections.
- 18 **Local Flood Prevention Authority:** No objections.
- 19 **Environmental Health Manager:** The type of biodisc proposed operates using a motorised rotating shaft and it is possible that there may be some noise associated with that operation and therefore a condition restricting noise levels is appropriate. Odour is not expected to be an issue in this case.

REPRESENTATIONS

- 20 Number of representations received: six, raising issues noted below:
- The proposed system may fail resulting in effluent flowing over ground.
 - Depending on the porosity of the ground, the outfall may migrate to the rear of the houses at Croftcroy or the nearby culvert.
 - The quality of the outfall needs to be of appropriate quality so as not to compromise the salmon spawning river.
 - The proposed works should be relocated further east, away from Croftcroy.
 - Additional water in the soil may compromise the stability of the nearby protected trees.
- 21 These issues are dealt within the appraisal section of this report.

Additional Statements Received

22	Environment Statement	Not required
	Screening Opinion	Not required
	Environmental Impact Assessment	Not required
	Appropriate Assessment	Not required
	Design Statement / Design and Access Statement	None
	Report on Impact or Potential Impact	Not required

APPRAISAL

- 23 Sections 25 and 37(2) of the Town and Country Planning (Scotland) Act 1997 require that planning decisions be made in accordance with the Development Plan unless material considerations indicate otherwise. The adopted Development Plans that are applicable to this area are the Perth and Kinross Structure Plan 2003 and the Highland Area Local Plan 2000.
- 24 The determining issues in this case are whether the proposal complies with development plan policy; whether the proposal complies with supplementary planning guidance; or if there are any other material considerations which justify a departure from policy.

Noise and Odour

- 25 As mentioned above in the consultation response from the Environmental Health Manager there is not likely to be any odour issue from the proposed development. Any noise from the motorised rotating shaft within the treatment plant can be controlled by a restrictive condition on any planning permission.
- 26 There are statutory powers to address complaints in the event of the failure of any foul drainage system, which lie with Environmental Services.

Treatment Plant Discharge

- 27 The soakaway is located almost 130m to the east of the southern-most house at Croftcroy. The technical specifications of the soakaway and the porosity of the ground will be considered and controlled by Building Regulations through the Building Warrant process and do not form part of the planning application consideration.
- 28 No concerns regarding the quality of the foul discharge from the proposed treatment plant are raised by the consultees.

Residential Amenity

- 29 The proposed foul drainage system will have no impact on the residential amenity of the existing houses at Croftcroy due to the underground nature of the development and the distance from the houses.

Trees

- 30 It is unlikely in the extreme that the trees to the west and north of the application site would be affected by the additional low levels of discharge from the proposed treatment plant. Tree roots could potentially be affected if they were to be saturated with standing water but given the distance from the site, the gradients of the surrounding land and the porosity of the ground there will be no potential for standing water resulting from this particular development.

LEGAL AGREEMENTS

- 31 A legal agreement is not required for this application.

DIRECTION BY SCOTTISH MINISTERS

- 32 Under the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2008, regulations 30–32, 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

- 331 In conclusion, the application must be determined in accordance with the adopted Development Plan unless material considerations indicate otherwise. In this respect, it is considered to comply with the adopted Structure and adopted Local Plan. I have taken account of material considerations and find none that would justify overriding the adopted Development Plan. The application is therefore recommended for approval subject to conditions.

RECOMMENDATION

A Approve the application subject to the following conditions:

- 1 The development shall be begun within a period of three years from the date of this consent.
- 2 The proposed development must be carried out in accordance with the approved plans, unless otherwise provided for by conditions imposed on the planning consent.
- 3 All plant, machinery and equipment associated with the operation of the biodisc, sand filter and soakaway shall be so enclosed, attenuated and/or mitigated such that any noise therefrom shall not exceed International Standards Organisation (ISO) Noise Rating 35 between 0700 and 2300 hours daily, or Noise Rating 20 between 2300 and 0700 hours daily, within any neighbouring residential premises, with all windows slightly open, when measured and/or calculated and plotted on an ISO rating curve.

Reasons:-

- 1 In accordance with the terms of Section 58 of the Town and Country Planning (Scotland) Act 1997 as amended by Section 20 of the Planning etc (Scotland) Act 2006.
- 2 To ensure that the development is carried out in accordance with the plans approved.
- 3 To safeguard the residential amenity of nearby residential properties.

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 NOTE

None.

D INFORMATIVES

- 1 Under section 27A of the Town and Country Planning (Scotland) Act 1997 (as amended) the person undertaking the development is required to give the planning authority prior written notification of the date on which it is intended to commence the development. A failure to comply with this statutory requirement would constitute a breach of planning control under section 123(1) of that Act, which may result in enforcement action being taken.
- 2 This development will require the 'Display of notice while development is carried out', under Section 27C(1) of the Town and Country Planning Act 1997, as amended, and Regulation 38 of the Development Management Procedure (Scotland) Regulations 2008. The form of the notice is set out in Schedule 7 of the Regulations and a draft notice is included for your guidance. According to Regulation 38 the notice must be:
 - Displayed in a prominent place at or in the vicinity of the site of the development
 - Readily visible to the public
 - Printed on durable material.
- 3 As soon as practicable after the development is complete, the person who completes the development is obliged by section 27B of the Town and Country Planning (Scotland) Act 1997 (as amended) to give the planning authority written notice of that position.

Background Papers: 7 letters of representation
Contact Officer: Christine Brien – Ext 75359
Date: 9 June 2010

Nick Brian
Development Quality Manager

Perth & Kinross Council Development Control Committee: 7th July 2010 10/00392/FLL Croftinloan School



This map is based upon Ordnance Survey material with the permission of Ordnance Survey on behalf of the Controller of Her Majesty's Stationery Office © Crown copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings. Perth & Kinross Council. Licence number 100016971. 2008.

