

Perth and Kinross Council  
Development Control Committee – 17 March 2010  
Report by Development Quality Manager

**Erection of dwellinghouses and formation of access roads, car parking and landscaping (in principle) on land to the South of Millhill Drive, Greenloaning**

Ref No: 08/00358/IPM  
 Ward No: 7 Strathallan

**Summary**

This report recommends refusal of the application for residential development in principle due to the extent of proposed noise mitigation measures required and their potential visual impact.

**SITE DESCRIPTION AND PROPOSAL**

- 1 This application site relates to an area of land located on the southern edge of Greenloaning, between the recent housing development on Millhill Drive and the main A9 Trunk road. The site is an area of rough open greenfield land that extends to approximately 3.905 hectares.
- 2 The applicant is seeking planning permission in principle for a residential development on the site. The original submission initially identified an illustrative development of comprising three stages of residential development across the entire site with an estimated total of 48 units. However since the initial submission of the application and following discussions with officers the applicant has submitted revised indicative layouts and conceptual landscaping plans for the proposed site based on a development of 6 units.
- 3 Consent was granted in 2001 (01/01005/FUL) for the erection of a single storey unit on land to the east of the applicant's property at Craiguall. A renewal of this consent was subsequently approved in 2006 (06/01996/FUL). It should be noted that this accounts for the sixth unit that is illustrated on the indicative layout plan. As such the applicant is essentially proposing an additional 5 units.

**NATIONAL POLICY AND GUIDANCE**

**The Scottish Planning Policy 2010**

- 7 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.

Of relevance to this application are

- Paragraphs 66 - 91 : Housing
- Paragraphs 125 -148: Landscape and Natural Heritage
- Paragraphs 196 -211: Flooding and Drainage

## **DEVELOPMENT PLAN**

- 4 The Development Plan for the area comprises of the Approved Perth and Kinross Structure Plan 2003 and the Adopted Strathearn Local Plan 2001.

### **Perth and Kinross Structure Plan 2003**

#### **Strategy 2 – The Lowland Area**

- 5 Greenloaning is located within the Lowland Area of the Structure Plan and in this area the Strategy seeks to promote greater social and economic self-sufficiency and facilitate diversification of the rural economy through a range of measures including:

- Allocating the majority of new housing land in the larger settlements while promoting opportunities in smaller villages and rural areas.

#### **Sustainable Communities Policy 6**

- 6 Sustainable Communities Policy 6 states that in the Lowland area (which covers the proposal site) housing allocations will be made in the former Burghs and in smaller settlements, subject to their scale, landscape fit and impacts on the environment being acceptable. The policy continues that Local Plans will develop housing in the countryside policies for rural housing development which reflect the need to support the rural economy while preventing commuting; is well sited and is of a scale and standard of design appropriate to its location.

#### **Strathearn Area Local Plan 2001**

- 7 Under the Local Plan the site lies partially within the settlement boundary of Greenloaning and partially on land adjacent to the village settlement boundary where the following policies are applicable:

##### **General Policies 1: Sustainable Development**

- 8 The Council will seek to ensure, where possible, that development within the Plan area is carried out in a manner in keeping with the goal of sustainable development. Where development is considered to be incompatible with the pursuit of sustainable development, but has other benefits to the area which outweigh this issue, the developer will be required to take whatever mitigation

measures are deemed both practical and necessary to minimise any adverse impact. A series of principles will be used as guidelines in assessing whether projects pursue a commitment to sustainable development:

### **General Policies 2: Development Criteria**

- 9 All developments will also be judged against a series of criteria including landscape framework, scale form and density, compatible with surroundings, capacity of road network, capacity in services, energy efficient and built close to those settlements subject to inset maps.

### **Policy 3: Strathearn Landscape Policy**

- 10 Development proposals should seek to conserve landscape features and sense of local identity, and strengthen and enhance landscape character. The Council will assess development that is viewed as having a significant landscape impact against the principles of the Tayside Landscape Character Assessment produced by Scottish Natural Heritage

### **Policy 4: Strathearn Landscape Policy**

- 11 Details of landscape treatment should be submitted with development proposals including, where appropriate, boundary treatment, treatment of settlement edge and impact on key views. Developers will be required to demonstrate that satisfactory arrangements will be made, in perpetuity, for the maintenance of areas of landscaping.

### **Policy 5: Design**

- 12 The Council will require high standards of design for all development in the Strathearn Area. In particular encouragement will be given to, the use of appropriate high quality materials; innovate modern design incorporating energy efficient technology and materials; extensive under-building; ensuring that the proportions of any building are in keeping with its surroundings and the development fits its location.
- 13 The design principles set out in the Council's "Guidance and Design of Houses in Rural Areas" will be used as a guide for all development in the Strathearn Area.

### **Policy 44: General Land Uses**

- 14 Built development should not be located adjoining and outwith those settlements that are the subject of Inset Maps.

### **Policy 54: Housing in the Countryside**

- 15 This policy indicates that the Council will normally only support proposals for the erection of individual houses in the countryside which fall into at least one of the following categories:

- Building Groups
- Renovation or Replacement of Houses
- Conversion or Replacement of Non-Domestic Buildings
- Operational Need

#### **Policy 74: General Residential and Housing Policies**

- 16 Inset Maps 4 to 13 indicate villages where residential amenity and character will be retained and if possible improved. It continues that some scope may exist for infill development particularly for affordable housing but only where this will not adversely affect the density, character or amenity of the village and where a suitable access can be obtained. Under this policy encouragement will generally be given to those proposals which will improve the character and environment of the village.

#### **Policy 79: Landscape Improvements**

- 17 Inset Maps 5, 6 and 11 identify areas of land that would benefit from landscape improvements. The use of native species will be encouraged.

### **OTHER KEY POLICIES**

#### **Revised Housing in the Countryside Policy, 2009**

- 18 A revised Housing in the Countryside Policy was approved by the Council in August 2009. The policy applies over the whole local authority area of Perth and Kinross except where a more relaxed policy applies at present. In practice this means that the revised policy applies to areas with other Local Plan policies and it should be borne in mind that the specific policies relating to these designations will also require to be complied with. The policy aims to:

- Safeguard the character of the countryside;
- Support the viability of communities;
- Meet development needs in appropriate locations;
- Ensure that high standards of siting and design are achieved.

#### **Affordable Housing Policy**

- 19 The Council's Affordable Housing Policy is applicable to all residential development of 5 units and above. It is therefore relevant to this application. A minimum of 25% of affordable units should be provided on site, in accordance with the terms of the Policy. This may require a Section 75 agreement being entered into with the landowner/developer at the time of a detailed application.

#### **Primary Education and New Housing Development: Planning Guidance Note**

- 20 The developer contributions policy applies to the whole of Perth and Kinross and seeks to secure contributions from developers of new homes towards the cost of meeting primary education infrastructure improvements necessary as a

consequence of development. Currently a contribution of £6,105 per qualifying house is required where a primary school; is at or would reach capacity as a result of the development proposed. Again, a Section 75 agreement to secure the contribution may be required at the time of a detailed application.

## **SITE HISTORY**

- 21 Consent was granted in 2001 (01/01005/FUL) for the erection of a single storey unit on land to the east of the applicant's property at Craigoall. A renewal of this consent was approved in 2006 (06/01996/FUL).

## **CONSULTATIONS**

- 22 The Head of Environmental and Consumer Services has no objections subject to any approval being made subject to conditions relating to the erection of the 4.5 metre high acoustic bund/fence and the installation of a specific standard of window; in order to reduce the impact of noise from the A9.
- 23 The Trunk Roads Authority has no objection to the erection of a residential development on the site provided the number of units is limited to a maximum of 5 units otherwise a Traffic Assessment would be required in order to assess the potential impact on the trunk road junctions.

## **REPRESENTATIONS**

- 24 Two letters of representation have been received from two neighbouring households. The grounds of the objections can be summarised as follows:
- Contrary to Structure Plan Policy
  - Lack of infrastructure
  - Drainage issues/potential flood risk
  - Loss of natural woodland
  - Traffic increase/impact on safety
  - Lack of capacity at local schools
  - Lack of detail

## **APPRAISAL**

### **Policy**

- 25 The main determining issues in this particular case are whether the proposal complies with the Development Plan and whether or not there are material considerations supporting approval contrary to the Development Plan. In this instance the site straddles the boundaries of Greenloaning; as such the appropriate Local Plan policies are Policy 44 'General Land Uses', Policy 74 'General Residential and Housing Policies' and Policy 79 'Open Space'
- 26 The western area of the site is identified in the Local Plan as falling out with the village settlement boundaries of Greenloaning. 'General Land Uses' Policy 44 identifies that built development should not be located adjoining and out

with village settlement boundaries. As such the area of ground forming the western area of the application site is contrary to Policy 44 of the Local Plan. However following discussions the applicant submitted revised illustrative plans that omitted this area of land from the proposed development site.

- 27 The eastern area of the site to the south of the housing on Mill Drive and the land to the south of the three existing houses are located within the village settlement boundary of Greenloaning as identified in the Strathearn Area Local Plan. However the majority of this land is zoned in the Local Plan as an opportunity for landscape improvements. The reason for this is to create a landscape buffer comprising of native species between the A9 and Greenloaning in order to minimise the visual impact and noise created by traffic. It should be noted that the designation of this site has been carried through from the previous 1991 Strathearn Area Local Plan in which it was identified for 'Tree Planting'. As such it is considered that the site is contrary to Policy 79 of the Local Plan.
- 28 However prior to the submission of this application the applicant engaged in pre-application discussions with the Councils 'Forward Planning' team where proposals for residential development were discussed. At this stage the applicant was advised that the proposals would likely be contrary to the Development Plan and that the site should be taken forward through the next review of the Strathearn Area Local Plan. However it was also acknowledged that the landscape improvements were unlikely to be realised without some form of development on the site. It is important to note that the Council did not comment on the potential number of units at that stage and the applicant was advised that if any application was submitted in advance of the Local Plan review, a limited development of housing may be acceptable as a departure from policy but it would be necessary to incorporate a strong landscape framework within the site.
- 29 The applicant subsequently submitted this current application with an indicative site analysis plan based on a development comprising of 48 units with associated landscaping and an acoustic fence. However concerns were raised by both the Council and the Trunk Roads Authority in regards to the size of the proposed development. Whilst the proposals were only conceptual it was considered that a development of the size envisaged would not provide the substantial landscaping that the Local Plan requires. The Trunk Roads Authority also raised concerns in relation to the potential impact that such a large development could have on the existing trunk road junctions. As such the applicant was advised that the proposals were unacceptable in their current form.
- 30 In an attempt to address these concerns that applicant submitted a revised indicative site plan based on a significantly reduced development site comprising of 28 units with a 25 metre landscape strip. However it was again considered that the proposed 25 metre landscape strip was not deep enough to provide the substantial woodland buffer that the Council required under Policy 79. As such that applicant was advised that a limited development of housing, possibly comprising of 4 or 5 units, may be acceptable in principle provided

that: (1) a significantly greater amount of woodland landscaping is provided along the boundary with A9, and (2) the proposed noise mitigation measures can be achieved and are visually acceptable.

### **Noise Mitigation and Landscaping**

- 31 The applicant has submitted an acoustic survey of the site in order to assess the noise levels from the adjacent A9. This survey has advised that a bund and acoustic barrier combination of 4.5 metres will be required along the entire length of the southern boundary in order to reduce the noise levels from the A9 to an acceptable standard. This has been accepted by Environmental Health and they have advised that they would have no objection to the proposals subject to the inclusion of conditions requiring that the noise mitigation measures are implemented.
- 32 However it is considered that the required acoustic mitigation measures will have a significant detrimental visual impact. The application site is presently an open area of rough grassland with a gentle slope which is typical of the surrounding area. It is considered that the introduction of a large bund and acoustic fence will be alien to the surrounding environment and will have a significant impact on the visual character of the area on a prominent arterial route into Perthshire.
- 33 The applicant has argued that any visual impact would be temporary and that structured landscape planting would screen the bund and fence through the passage of time. In an attempt to address these concerns the applicant has submitted a detailed landscape plan and supporting document. Whilst my landscape colleagues agree that the fence and bund would likely be able to be screened by the proposed landscaping, they have advised that it would take between 5 to 12 years to establish and they have concerns as to its long term maintenance. I also have concerns that the proposed landscaping would reduce sunlight into the southern facing rear gardens of the housing plots and as a result the residents may seek to remove the landscaping in order to enjoy a greater degree of light and space within their rear gardens.
- 34 In any case, it is considered that the extensive noise mitigation measures will have too great a visual impact and although the applicant is proposing to establish a significant amount of landscaping, this will take a long period of time to establish to such an extent that the bund and fence would be screened. I also have concerns that even once the landscaping has become fully established it may still appear alien within the surrounding flat open landscape.

### **Roads and Access**

- 35 The Trunk Roads Authority has been consulted and they initially advised that they would require a Traffic Impact Assessment (TIA) in order to assess the potential impact on the trunk road junctions. However this advice was based on a development of approximately 28 units and they have since advised that they would not require a TIA if the development is restricted to 5 units.

- 36 The Council Roads Authority has advised that they have no objection to the proposed development subject to standard roads conditions.

### **Education**

- 37 Greenloaning Primary School is currently considered to be at capacity by Education and Children's Services. Therefore the Council's recently approved Planning Guidance Note on Primary Education and New Housing Development will apply. However as this application is only in principle it is not possible to apply this policy at this stage.

### **Affordable Housing**

- 38 On the basis of the most recent illustrative layout of a development of 5 units, the applicant would be required to either allocate one of the units as affordable housing or pay a financial contribution of £19,000. However as this application is only seeking to establish the principle of residential on the site it is not possible to apply this policy at this stage.

### **Surface Water Drainage**

- 39 An objector has raised concerns in relation to the proposed method of surface water drainage and the potential that this may result flooding. The objectors concern is that if the surface water was drained into the nearby watercourse it could potentially cause flooding of the burn.
- 40 As this application is in outline there are no detailed plans in relation to the surface water drainage proposals and such plans would only be required upon the submission of an application for the approval of details reserved by condition.

### **Lack of Foul Drainage Capacity**

- 41 Objectors have made reference to the lack of capacity in the local public sewage treatment plant.
- 42 Scottish Water has been consulted and they have advised that there is limited capacity at the Greenloaning Waste Water Treatment Works. However they have advised that if this application were to be approved any issues relating to drainage would be assessed upon the submission of an application for the approval of details reserved by condition.

### **Loss of Natural Woodland**

- 43 One letter of objection has made reference to the loss of an existing belt of natural woodland.
- 44 The area of woodland referred to is located along the existing eastern boundary of Craigouall. Whilst this is mature tree belt, it is not protected by any Tree Preservation Order and is not under any environmental designation. It should

however be noted that the most recent revised indicative layout plan now seeks to retain this belt of trees.

## **LEGAL AGREEMENT REQUIRED**

45 A legal agreement is not required for this development.

## **DIRECTION BY SCOTTISH MINISTERS**

47 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 REASON FOR RECOMMENDATION**

47 Overall I conclude that whilst the applicant is proposing to establish a significant level of landscaping, the required noise mitigation measures will have far too great a visual impact on the surrounding area. I have taken all material considerations into account and I find none to justify approval. On that basis the application is recommended for refusal.

## **A RECOMMENDATIONS**

Refuse the application for the following reasons:

### **Reasons:-**

1 It is considered that the proposed development is contrary to Policy 3 of the Local Plan as the proposed noise mitigation measures shall have a significant detrimental visual impact on the surrounding landscape.

## **B JUSTIFICATION**

It is considered that the proposed substantial noise mitigation measures associated with the proposed residential development will have a significant visual impact. As such it is considered that the proposed development is contrary to the Development Plan and there are no material considerations which would justify a departure in this instance.

## **C PROCEDURAL NOTES**

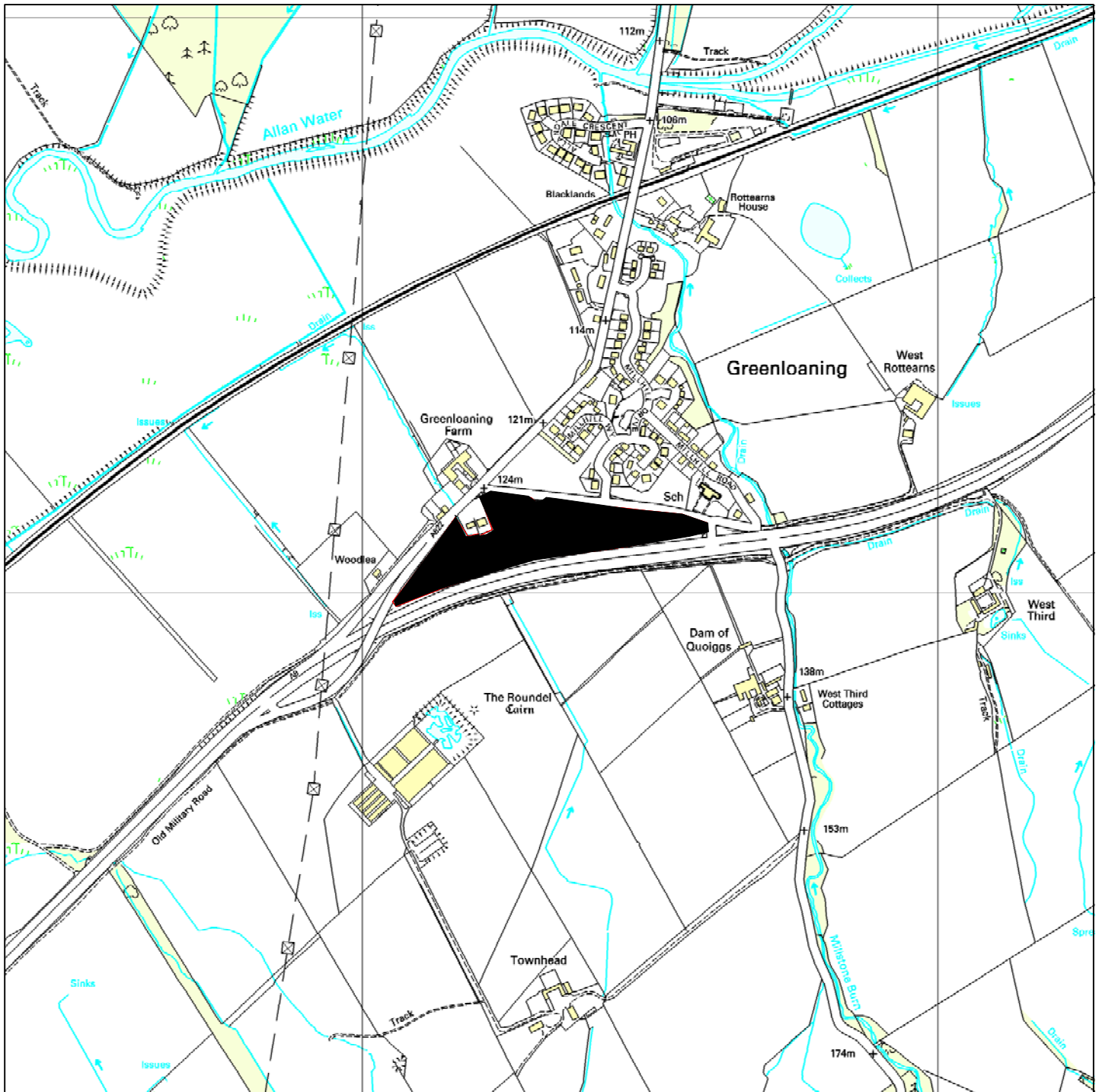
None

## **D INFORMATIVES**

None

Background Papers: Two letters of representation have been received.  
Planning Officer: David Niven  
Date: 2 March 2010

**Nick Brian**  
**Development Quality Manager**



Scale : 1:10000

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