

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

**Residential Development (in principle) on
Land to the South of the A977 at Balado, Kinross**

Ref No: 07/01226/IPM
Ward No: 8 Kinross-shire

Summary

The Council were minded to grant this proposal in principle as a delegated item in May 2008 subject to the completion and registration of a Section 75 Agreement for phosphate mitigation. The new guidelines dated 3 August 2009 however now require any pending major applications to be reported to Committee. The Section 75 is being negotiated at the present time. This report recommends approval of the application for residential development in principle.

BACKGROUND AND DESCRIPTION

- 1 This is an application in principle for residential development to the western end of the village of Balado near Kinross. Part of the application site to the south west is outwith the village boundary and has been indicated for open space and play provision use. An indicative layout shows a proposal for 40 houses including 10 affordable houses. An Illustrative Development Framework has also been submitted indicating the existing access onto the A977 to be upgraded, bus stop and safe crossing facilities, structure planting, open space and play provision. Phosphate mitigation to the Loch Leven Catchment Area is proposed through a Waste Water Treatment Plant which will serve the proposed development and existing houses in the village.

NATIONAL POLICY AND GUIDANCE

The Scottish Planning Policy 2010

- 2 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.

3 Of relevance to this application are:

- Paragraphs 66 - 91 : Housing
- Paragraphs 86 - 88 : Affordable Housing
- Paragraphs 149 -158: Open Space and Physical Activity
- Paragraphs 165 -181: Transport
- Paragraphs 196 -211: Flooding and Drainage.

Planning Advice Note 74 Affordable Housing

4 This states that for sites in urban areas local authorities should seek to achieve on-site provision of affordable houses on housing developments of 20 or more units, but in rural areas, where the general scale of development is smaller, a lower threshold for on-site provision may be appropriate in order to make affordable housing available in a range of locations.

Planning Advice Note 38 Housing Land

5 The main aim is to provide advice on the availability of sites for development and which supports sustainable options that can be delivered in a suitable time period to meet the present level of demand.

Planning Advice Note 56 Planning and Noise

6 The main aim is to provide guidance on dealing with noise in the planning process by introducing noise exposure categories and the need to build mitigation of noise into the design process.

Planning Advice Note 67 Housing Quality

7 A successful place in which to live is one which is distinctive, safe and pleasant, accessible, welcoming, adaptable and resource efficient.

Development Plan

8 The Development Plan for the area comprises the Approved Perth and Kinross Structure Plan 2003 and the Adopted Kinross Area Local Plan 2004.

Perth and Kinross Structure Plan, 2003

9 The principal relevant policies and strategies are in summary: -

Strategy 2 - The Lowland Area

10 Allocation of most new housing land in the larger settlements whilst promoting opportunities in smaller villages and rural areas.

Sustainable Communities Policy 3

- 11 The Council will seek to secure affordable and low-cost housing in local areas as identified through housing needs assessments, and will work with agencies, developers, and communities to secure adequate provision. Where need has been identified, Local Plans will allocate land to meet the requirements.

Sustainable Communities Policy 6

- 12 In the Lowland area, housing allocations will be made:
- in the former Burghs.
 - in smaller settlements, subject to their scale, landscape fit and impacts on the environment being acceptable 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.

Sustainable Communities Policy 9

- 13 Local Plans will ensure that new development:
- makes a positive contribution to the identity, character and quality of the built and historic environment.
 - contributes to sustainable development, through energy conservation, efficiency through design, site layout and where possible, the use of local materials.
 - assists urban renewal, community regeneration by encouraging the appropriate re-use of vacant and derelict buildings and land.

Environment and Resources Policy 10

- 14 The use of sustainable drainage solutions to regulate run-off will be required as part of development proposals to control the rate and quality of run-off as close to its source as possible.

Kinross Area Local Plan 2004

- 15 The majority of the application site is within the settlement boundary of Balado. The application site forms part of housing allocation H19 in the Kinross Area Local Plan 2004 within the village of Balado and part of it lies outwith the village boundary. The remainder of the H19 site (approximately one third of the total H19 area) is situated to the east of the application site. There is a small portion of the site to the south west which is in the landward area.
- 16 The principle relevant policies are in summary: -

Policy 1 Kinross Sustainable Development

- 17 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.

Policy 2 Kinross Development Criteria

- 18 All developments within the Plan area will be judged against series of criteria including a landscape framework regard the scale, form, colour and density of development within the locality, compatibility with its surroundings in land use terms and should not result in a significant loss of amenity to the local community, capacity of the local road and public transport network, sufficient spare capacity in drainage, water and education services to cater for the new development, buildings and layouts for new development should be designed so as to be energy efficient and be located in those settlements which are the subject of inset maps.

Policy 5 Landscape

- 19 Development proposals should seek to conserve landscape features and sense of local identity, and strengthen and enhance landscape character.

Policy 6 Design and Landscaping

- 20 The Council will require high standards of design for all development in the Plan Area. In particular encouragement will be given to the use of appropriate high quality materials, innovative modern design incorporating energy efficient technology and materials.
- 21 The design principles set out in the Council's Guidance on the Design of Houses in Rural Areas will be used as a guide for rural housing applications and where appropriate for other forms of built development.

Policy 7 Design and Landscaping

- 22 Details of landscape treatment should be submitted with development proposals including where appropriate, boundary treatment, treatment of settlement edges, and impact on key views.

Policy 13 – Loch Leven Catchment Area

- 23 Sewage treatment facilities will only be permitted in unsewered settlements, sewered areas or adjacent to sewered areas in certain circumstances.

Policy 14 – Surface Water Drainage

- 24 Surface water should be disposed of to closed soakaways or by the best management practices highlighted in the SEPA document ‘Sustainable Urban Drainage Systems – Design Manual for Scotland and Northern Ireland.’

Policy 29 – Archaeology

- 25 The Council will seek to protect unscheduled sites of archaeological significance and their settings.

Policy 41 – Open Space Provision

- 26 The Council will seek the provision of appropriate areas of informal and formal recreational open space as an integral part of new housing development.

Policy 43 – Transport Standards

- 27 Suitable provision for parking and where appropriate public transport must be made in all new developments in accordance with the Council’s ‘Roads Development Guide’.

Policy 67 – General Residential

- 28 Areas of residential and compatible uses are identified where existing residential amenity will be retained and possibly improved. Where sites become available housing will be the most obvious alternative use.

OTHER KEY POLICIES

Affordable Housing Policy (revised 2007)

- 29 The Council’s Affordable Housing Policy is applicable to all residential development of 5 units and above. Below 10 units a financial contribution may be accepted whilst for sites of 10 units or more the provision of units on site as part of the development is preferred, or if this is not appropriate, houses may be provided off-site as an alternative.

Perth and Kinross Council’s Guidance Note on Primary Education and New Housing Development 2009

- 30 This guidance sets out the basis on which Perth and Kinross Council will seek to secure contributions from developers of new homes towards the cost of meeting primary education infrastructure improvements necessary as a consequence of development. All new housing from the date of adoption including those on sites identified in adopted Local Plans will have the policy applied

SITE HISTORY

31 No relevant planning history on file for this site.

CONSULTATIONS

- 32 **Scottish Environment Protection Agency** No objections
- 33 **Scottish Water** No objections
- 34 **Head Of Public Space Management** No objections subject to tree survey, detailed landscaping and play provision including a Local Equipped Area for Play and a Kick About Pitch to be provided at the detailed stage.
- 35 **Housing And Community Care** No objections in principle, an education contribution will be required for additional houses over 20 units.
- 36 **Education & Children's Services** No objections
- 37 **Head Of Environmental & Consumer Services** No objections

REPRESENTATIONS

38 One letter of representation was received from a neighbouring landowner concerned that the granting of this consent will not prejudice any development potential of his own land.

ADDITIONAL STATEMENTS

39	Environment Statement	Not required
	Screening Opinion	Not required
	Environmental Impact Assessment	Not required
	Appropriate Assessment	Not required
	Design Statement / Design and Access Statement	Submitted
	Report on Impact or Potential Impact	Not required

APPRAISAL

40 Sections 25 and 37(2) of the Town & Country Planning (Scotland) Act 1997 (as amended) requires the determination of the proposal to be made in accordance with the provisions of the Development Plan, unless material considerations indicate otherwise.

POLICY

- 41 The application site forms part of housing allocation H19 in the Kinross Area Local Plan 2004 within the village of Balado and part of it lies outwith the village boundary. The remainder of the H19 site (approximately one third of the total H19 area) is situated to the east of the application site. It is considered that the principle of providing housing on the site is already accepted given the local plan allocation, however the proposal should generally accord with the Developer Requirement's outlined in the plan and if not a reasoned justification for any departure from it is required.
- 42 That part of the application site which is outwith the settlement boundary will not include any housing and will be for open space/ recreational use which is considered to be acceptable. The indicative number of houses proposed is greater than recommended in the Developer Requirements, however the applicant in the supporting statement has stated that the proposed density will be within the range of 11-19 houses per hectare as recommended in the local plan. This has been achieved through extending partially outwith the zoned site into an area for tree planting and extending outwith the village envelope. To provide housing in the tree planting area it would need to be demonstrated at the detailed stage that there is still an adequate area left for tree planting to the north of the site to function as a buffer to the A977. The provision of a sewage treatment plant, improvement of the road junction, and the provision of a bus stop and safe crossing facility, a village landscape plan, children's play area/kick about area and noise attenuation measures along the A977 are in accordance with the local plan.

Affordable Housing

- 43 The provision of affordable housing a requirement through the Council's Affordable Housing Policy. The applicant will require to provide 25% affordable housing. This is a matter which will be dealt with at the detailed stage.

Education

- 44 The application site falls within the Kinross Primary School catchment area. As a zoned housing site in the adopted local plan the number proposed in the plan can be accommodated. An Education contribution however will be required towards additional accommodation for any additional houses over 20, and this should be secured prior to the issue of any detailed consent.

Traffic

- 45 A new access to the site is proposed off the A977 to the west of the site. There are no objections from the Council's Road Engineers subject to conditions including suitable SUDs treatment and a street lighting system. Car parking and means of access to the site are reserved matters and will include bus stop, pick up and drop off areas and safe crossing facilities for the A977.

Drainage

- 46 The application site is within the Loch Leven Catchment Area where suitable phosphate mitigation measures require to be implemented. A new sewage treatment plant is proposed for the development and the existing houses in Balado, which will provide the appropriate phosphate mitigation. The applicant will be required to enter into and conclude a Section 75 to ensure the ownership and maintenance of the sewage treatment plant capable of phosphate mitigation to the Loch Leven Catchment Area prior to issue of any consent.

Residential Amenity

- 47 Issues relating to residential amenity will be dealt with at the detailed stage including the requirement for a Noise Impact Assessment and any required noise attenuation measures relating to the A977.

Design and Layout

- 48 The indicative layout for the site has established that the site can be developed in principle. Design and layout of the site will however be dealt with at the detailed planning application stage.

Open Space and Landscaping

- 49 Outdoor Services have stated that the proposal is well considered and would appear to contribute to both the setting of Balado and recreational facilities. A full tree survey will be required at the detailed stage along with measures for tree protection. The play area should meet the standards set out in the Council's Play Strategy. The location of the village green needs to be reassessed to provide a better sense of place. Access to the Community Woodland needs to be provided at the detailed planning stage. Prior to the issue of a detailed consent, arrangements for the maintenance of all landscape areas in perpetuity requires to be put in place to the satisfaction of the Council.

Natural heritage and biodiversity

- 50 The requirement to mitigate phosphate to the Loch Leven Catchment Area will result in no detrimental impact on the natural heritage interests of Loch Leven. The existing site is agricultural land with little biodiversity value. New tree planting and woodland creation will help to enhance biodiversity in this location.

Sustainability

- 51 Providing new housing in existing settlements is in accordance with national and Development Plan policy where it can take advantage of existing infrastructural and community facilities. The application site is also in close proximity to public transport facilities along the A977.

REPRESENTATIONS

- 52 The concern raised in the single representation by a neighbouring landowner that the proposed development will prejudice the development potential of his own land is not a material planning consideration.

LEGAL AGREEMENTS REQUIRED

- 53 A legal agreement will be required to ensure phosphate mitigation and maintenance to the Loch Leven Catchment Area, for any deferred educational contributions and also for the provision and maintenance of adequate landscaping for the site.

DIRECTION BY SCOTTISH MINISTERS

- 54 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

- 55 The principle of providing housing on the site is acceptable and the proposal is generally in accordance with both national and local plan policy. The details of the design, layout and density of the proposal, along with affordable housing and educational capacity issues will be dealt with at the detailed stage.

Recommendation

A Approve subject to the following conditions:

Conditions:-

- 1 Application for the approval required by a condition imposed on this Planning Permission in Principle shall conform with the requirements of Regulation 12 of the Town and Country Planning (Development Management Procedure)(Scotland) Regulations 2008 and of Section 59 (2) and (3) of the Town and Country Planning (Scotland) Act 1997 as amended by Section 21 of the Planning etc. (Scotland) Act 2006 and, in particular, must be made before whichever is the latest of the following:
 - (i) the expiration of 3 years from the date of the grant of the planning permission in principle,
 - (ii) the expiration of 6 months from the date on which an earlier application for the requisite approval was refused, or
 - (iii) the expiration of 6 months from the date on which an appeal against such refusal was dismissed.

- 2 The following reserved matters, the siting, design, layout and external appearance of the development, the landscaping of the site including play area provision, a tree survey, public access to woodland areas, all means of enclosure, the car parking and means of access to the site, noise impact from the A977, affordable housing and education contribution shall be as approved by the Planning Authority.
- 3 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.
- 4 'Pick up and drop off' areas for bus passengers shall be provided on both sides of the A977 Kincardine Bridge - Kinross public road adjacent to the development at a location to be agreed with the Council as Roads Authority. The areas shall be a minimum of 6m long by nominally 1.8m wide kerbed, surfaced and provided with appropriate bus shelters to the requirements of the Council as Roads Authority to the satisfaction of the Planning Authority.
- 5 A 1.8m wide footpath constructed to the standard and specifications required by the Council as Roads Authority shall be provided to connect the site with the public transport pick up and drop off areas and implemented prior to the occupation of houses.
- 6 Storm water drainage from all paved surfaces, including the access, shall be disposed of by means of suitable sustainable urban drainage systems to meet the requirements of best management practices.
- 7 On site affordable housing provision shall be required as part of a reserved matters application in accordance with the Council's Affordable Housing Policy 2005.
- 8 The indicative layout on drawing number: pod-b-011-01-06 is not approved. All built development shall be within the confines of H19 as defined in the Kinross Area Local Plan 2004.
- 9 The development shall be in accordance with the Council's Primary Education and New Housing Development Policy approved in May 2009 all to the satisfaction of the Council as Planning Authority.

Reasons:-

- 1 This is an application in outline.
- 2 In accordance with the terms of Section 59 of the Town and Country Planning (Scotland) Act 1997 as amended by Section 21 of the Planning etc (Scotland) Act 2006.
- 3-6 In the interests of pedestrian and traffic safety and in the interests of free traffic flow.

- 7 In order to accord with Perth and Kinross Council's Affordable Housing Policy 2005.
- 8 This is an application in outline.
- 9 To comply with the Council's approved Education Contributions policy.

B Justification

The proposals are in accordance with the development plan and there are no material planning reasons for not approving them.

C Procedural Notes

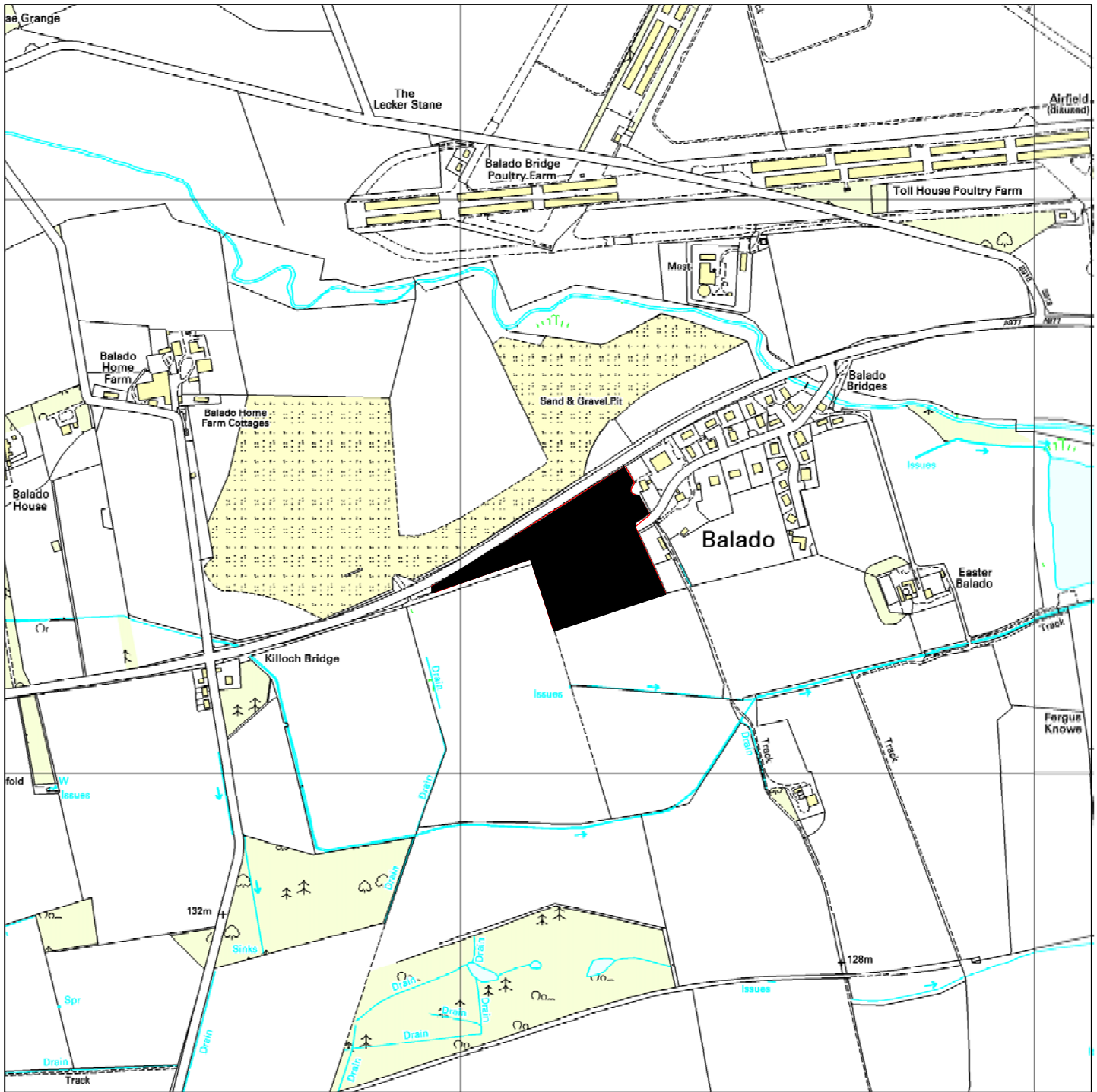
- 1 Prior to the issue of outline planning consent the applicant shall enter into and conclude a Section 75 Agreement for the ownership and maintenance of the sewage treatment plant to ensure phosphorus mitigation to the Loch Leven Catchment.
- 2 Prior to the issue of a reserved matters or detailed consent, arrangements for the maintenance of all landscape areas in perpetuity requires to be put in place to the satisfaction of the Council.
- 3 The applicants are advised that they must apply to the Roads Authority, for construction consent to form a new street. Please contact The Construction and Maintenance Manager, The Environment Service, Perth and Kinross Council, The Atrium, Glover Street, Perth.
- 4 The applicant is advised that in terms of Sections 56 of the Roads (Scotland) Act 1984 he must obtain from the Council as Roads Authority consent to open an existing road or footway prior to the commencement of works. Advice on the disposal of surface water must be sought at the initial stages of design from Scottish Water and the Scottish Environmental Protection Agency.

Background Papers: One letter of representation
Contact Officer: Mark Williamson Ext 75360
Date: 3 March 2010

Nick Brian
Development Quality Manager

07 01226 IPM

Residential development, land south of A977, Balado



Scale : 1:10000

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Organisation	Perth & Kinross Council
Department	Planning
Comments	
Date	19 February 2010
SLA Number	100013289

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