

Perth and Kinross Council  
Development Control Committee – 8 September 2010  
Report of Handling by Development Quality Manager

**Erection of 5 dwellinghouses and garages, formation of access road and associated site works (reserved matters) at Old Perth Road, Milnathort**

Ref. No: 08/00805/AML  
Ward No: 8 – Kinross-shire

**Summary**

This report recommends approval of a detailed application for the erection of 5 dwellinghouses and associated landscaping/tree planting on a site identified for housing in the Kinross Area Local Plan 2004 and following the approval of a planning application in principle in February 2006.

**BACKGROUND AND DESCRIPTION**

- 1 The application site relates to an agricultural field, just off Old Perth Road Milnathort. The site is currently identified in the adopted Kinross Local plan as a housing site (H31) for 5 houses. A band of mature trees to the west of the application site separates it from an area of ground allocated for housing in the local plan at Pace Hill (H10) The 3.71ha site has also been part identified for community woodland which will supplement existing woodland on the site and provide further planting to form a landscape buffer between any residential development and the M90 motorway.
- 2 This is an application for the approval of matters required by condition on a planning permission in principle proposal for a residential development. The outline consent was for no more than 5 houses granted in February 2006 (05/01263/OUT).
- 3 The current application proposes the erection of 5 x four bedroom detached 2 storeydwellinghouses with detached garages. The access onto the Old Perth Road was amended to create a wider bellmouth. Materials include artificial slate to the roof, wet dash render and artificial stone features to the external walls and timber windows.
- 4 Detailed landscaping proposals have been submitted which include woodland, thicket and hedge planting and also rough grass and wild flower planting which will consolidate the landscape framework for the housing. A whin dust footpath is included around the woodland and provides a link from the site to the west at Linden Road/Linden Park. A Tree Survey has also been submitted.

**NATIONAL POLICY AND GUIDANCE****The Scottish Planning Policy 2010**

- 5 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 & Natural Heritage

## **DEVELOPMENT PLAN**

- 6 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)**

- 7 The principal policies are in summary:

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

- 8 In the lowland area housing allocations will be made in the former burghs and in smaller settlements subject to scale, landscape fit and impacts on the environment being acceptable.

### **Kinross Area Local Plan (2004)**

- 9 Under the Local Plan the application site lies within the settlement boundary of Milnathort, where the site is identified for housing under allocation H 31 and community woodland.

- 10 The principal policies of relevance are in summary:

#### **Policy 1: Sustainable Development**

- 11 Identifies guidelines by which all development should be considered in relation to sound principles of sustainable development.

#### **Policy 2: Development Criteria**

- 12 Provides criteria by which all developments will be judged. In particular, that the development should have a landscape framework and should have regard to the scale, form, colour and density of development.

### **Policy 5: Landscape**

- 13 Indicates that developments should conserve landscape features and sense of local identity.

### **Policy 6 & 7: Design & Landscaping**

- 14 High standards of design and landscaping are required.

### **Policy 14: Surface Water Drainage**

- 15 Surface water should be disposed of to closed soakaways or by the adoption of best management practices

### **Policy 67 Residential and Compatible Uses**

- 16 Existing residential amenity will be retained in defined areas.

### **Policy 73: Community Woodland**

- 17 Inset Map 2 indicates indicative areas of Community Woodland which will be particularly encouraged in the area between Kinross and Milnathort, on the northern boundary of Milnathort and along water margins.

## **OTHER POLICY GUIDANCE**

### **Affordable Housing Policy (revised 2007)**

- 18 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 above 10 units 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.

## **SITE HISTORY**

- 19 February 2006 planning permission in principle was granted for the erection of 5 houses on the site (05/01263/OUT)

## **CONSULTATIONS**

- 20 **Environmental Health** – No objection subject to conditions for noise mitigation.
- 21 **Scottish Water** – No objection
- 22 **SEPA** – No objection

## REPRESENTATIONS

23 Eight letters of representation from separate households have been received which raise the following issues:

- Concern over the access and it's location
- Increased traffic impacting on road safety
- Old Perth Road should be improved as part of the scheme
- Concern over the impact of construction traffic
- Street lighting required
- Reinstatement of stone wall
- The preservation of the community woodland

24 These issues are all raised in the Appraisal section of this report.

## ADDITIONAL STATEMENTS

25	Environment Statement	Not required
	Screening Opinion	Not required
	Environmental Impact Assessment	Not required
	Appropriate Assessment	Not required
	Design Statement / Design and Access Statement	None
	Noise Impact Assessment and Tree Survey	Submitted

## APPRAISAL

### Policy

26 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. The determining issues here are whether the proposal complies with Development Plan policy or if there are other material considerations, which justify a departure from policy. The most relevant policies of the Development Plan are Kinross Area Local Plan policies 2, 6, 7 and 73.

27 The principle of providing housing on the site has already been established through the local plan zoning within the settlement of Milnathort and the approval of the application in principle. The proposal is considered to be acceptable in site planning terms, with the provision of suitable infrastructure and landscaping/tree planting providing a suitable framework for the housing and of wider benefit to the community.

28 The provision of new housing in existing centres is in accordance with national and regional planning policy and provides better access to existing utilities, employment opportunities and social and community facilities.

## **Residential Amenity**

- 29 The proposed houses are situated in large plots with sufficient garden ground and the distance from neighbouring boundaries provides a satisfactory level of residential amenity to occupiers of the development and to existing residential properties nearby. The application site is in close proximity to the M90 where there is the potential for noise disturbance from road traffic noise. A Noise Impact Assessment was submitted with the application. Environmental Health have no objection to the assessment subject to conditions to further mitigate noise with the requirement to increase the bunding adjacent to the motorway from 2.2m to 2.5m in height and for a higher glazing specification to be installed in the properties overlooking the M90.

## **Traffic**

- 30 Access to the site is proposed off the Old Perth Road. There were issues raised by neighbours about the access onto Hattonburn Road and road safety. The outline consent had required that this junction should be improved. In consultation with the Council's Roads Engineer the proposal had been amended to provide a wider bellmouth onto Hattonburn Road. The internal road layout and parking provision is in accordance with accepted roads standards. The proposal is acceptable on traffic and roads safety grounds.

## **Drainage and Flooding**

- 31 There are no objections from Scottish Water to the proposal and there is sufficient capacity at Milnathort Waste Water Treatment Works. There are no issues with regard to flood risk at this site. SEPA have no objections to the proposals and surface water drainage is to be dealt with through control at source provided by filter drains and site control through a detention pond in the east of the site.

## **Design and Layout**

- 32 The scale and design of the houses are acceptable and are examples of traditional-style modern house types in the area. The form and layout of the proposal is determined to an extent by the location and topography of the site and the local plan designation, where there is a requirement to provide a green buffer to the M90 and separation from the existing houses on Old Perth Road. This has been achieved satisfactorily and the proposed layout will provide an acceptable level of amenity for the proposed housing and existing housing on Old Perth Road.
- 33 The 5 plots will be served by a curving road and will radiate out from the outer frontage of the road. A large area to the inner frontage of the road would remain, extending to the southern boundary of the site.

## **Landscaping and Trees**

- 34 The northern part of the application site has been identified in the Kinross Area Local Plan 2004 for community woodland which will contribute to the wider aim of providing a landscape buffer for built development in the north of Milnathort from the M90 motorway.
- 35 A detailed tree survey has been carried out and specimen tree cover is restricted to a single line of mature lime trees running north west to south east in the eastern part of the site. The mature specimen trees on the site will be unaffected by the proposals. A small sycamore growing against the stone boundary wall will be the only tree to be removed.
- 36 A detailed landscaping and tree planting scheme has been submitted which will provide a suitable landscape framework for the site and also provide an informal recreational facility for the wider community linking it with areas of existing woodland. The present use of the site is a vacant farm field. The tree, hedge and wild flower planting proposed will provide valuable habitat and therefore enhance the biodiversity potential of the site from its former agricultural use.
- 37 To ensure the establishment of the proposed landscaping and tree planting scheme a condition will be attached to any consent which will require reinstatement of plant losses of equal quality to that originally specified. Existing trees on the site will be protected as indicated in the Tree Survey Report.
- 38 Long term maintenance will also be covered by condition which will require an annual maintenance programme to be undertaken as indicated in the Landscape Specification and Tree, Thicket & Hedge Planting Schedule.

## **Affordable Housing**

- 39 There is a requirement for affordable housing provision on this site which will be in the form of a commuted financial payment equivalent to 1.25 units, i.e 1.25 x £15 000 = £18750. This should be paid in full prior to issue of consent or the applicant may be able to defer payment through the conclusion of a suitable legal agreement.

## **Education**

- 40 There is no requirement for any financial contribution towards future education provision as the previous outline approval pre-dated the Council's Primary Education and New Housing Development Policy 2009.

## **Sustainability**

- 41 The development of land for housing within settlements taking advantage of existing infrastructure and good access to economic, social and community facilities is a sustainable approach to housing development. The extensive

planting proposed to provide community woodland will increase the biodiversity/habitat value of the site and increase it's informal recreational potential to the benefit of the wider community.

## **LEGAL AGREEMENTS**

- 42 A legal agreement may be required for this proposal for the deferral of an affordable housing contribution.

## **DIRECTION BY SCOTTISH MINISTERS**

- 43 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**

- 44 The principle of providing housing on the site has already been established through the local plan zoning within the settlement of Milnathort and the approval of the application in principle. The detailed proposal is considered to be acceptable in site planning terms and the design of the housing is of a good quality. There are no objections from the main consultees. The provision of a significant area of community planting within the site will enhance the biodiversity of the area and increase the sustainability of built development in this location.

## **RECOMMENDATION**

### **A Approve the application subject to the following conditions:**

#### **Conditions:**

- 1 The Planning Permission in Principle for this development lapses on the expiration of 2 years from this approval (or, in the case of the approval of different matters on different dates, from the requisite approval for the last such matter being obtained) unless the development to which the permission relates is begun before that expiration.
- 2 The proposed development must be carried out in accordance with the approved plans herewith, unless otherwise provided for by conditions imposed on the planning consent.
- 3 Details of the specification and colour of the proposed external finishing materials to be used shall be submitted for the approval of the Planning Authority prior to the commencement of the development. The scheme as approved shall be implemented prior to the occupation and or use of the development.

- 4 No trees on the site shall be lopped topped or felled without the prior written approval of the Planning Authority. Trees should be protected during construction work in accordance with BS 5837: 2005 Trees in Relation to Construction.
- 5 The approved landscaping scheme and long term maintenance of the scheme shall be carried out in accordance with the Landscape Specification & Tree, Thicket and Hedge Planting Schedule dated 24 June 2008 by Dougal Thornton.
- 6 Prior to the occupation of the dwellinghouses a 2.5m high bund shall be constructed along the northern boundary of the site approximately 5m from the existing motorway fence barrier to the satisfaction of the Planning Authority.
- 7 Prior to occupation of the three northerly dwellinghouses closest to the M90 double glazing specification greater than 4/12/4, such as 10/12/6 shall be installed in the three dwellinghouses to the satisfaction of the Planning Authority.
- 8 During the construction stage the vehicular access to any neighbouring property shall not be interrupted to the satisfaction of the Council as Planning Authority.
- 9 Prior to the occupation of the first dwellinghouse, the stone wall running along the boundary of the application site with Old Perth Road shall be fully reinstated / repaired to the satisfaction of the Council as Planning Authority.
- 10 The site shall be served from Old Perth Road and the existing junction of Old Perth Road with Hattonburn Road shall be improved to comply with the Council's Roads Development Guide Type C Figure 5.7 access to the satisfaction of the Council as Planning Authority prior to the occupation of the dwellinghouses.

**Reasons:**

- 1 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.
- 2 To ensure that the development is carried out in accordance with the plans approved.
- 3 In the interests of visual amenity; to ensure a satisfactory standard of local environmental quality.
- 4 In the interests of tree protection.
- 5 In order to ensure that the approved landscaping and tree planting works are properly established on site and maintained to the satisfaction of the Planning Authority.

- 6-7 In order to protect the amenity of the occupiers of the dwellinghouses.
- 8 In the interests of residential amenity.
- 9 In the interests of visual amenity; to ensure a satisfactory standard of local environmental quality
- 10 In the interests of traffic and pedestrian safety.

## **B JUSTIFICATION**

The proposal is considered to comply with the Development Plan and there are no other material considerations that would justify a departure there from.

## **C PROCEDURAL NOTES**

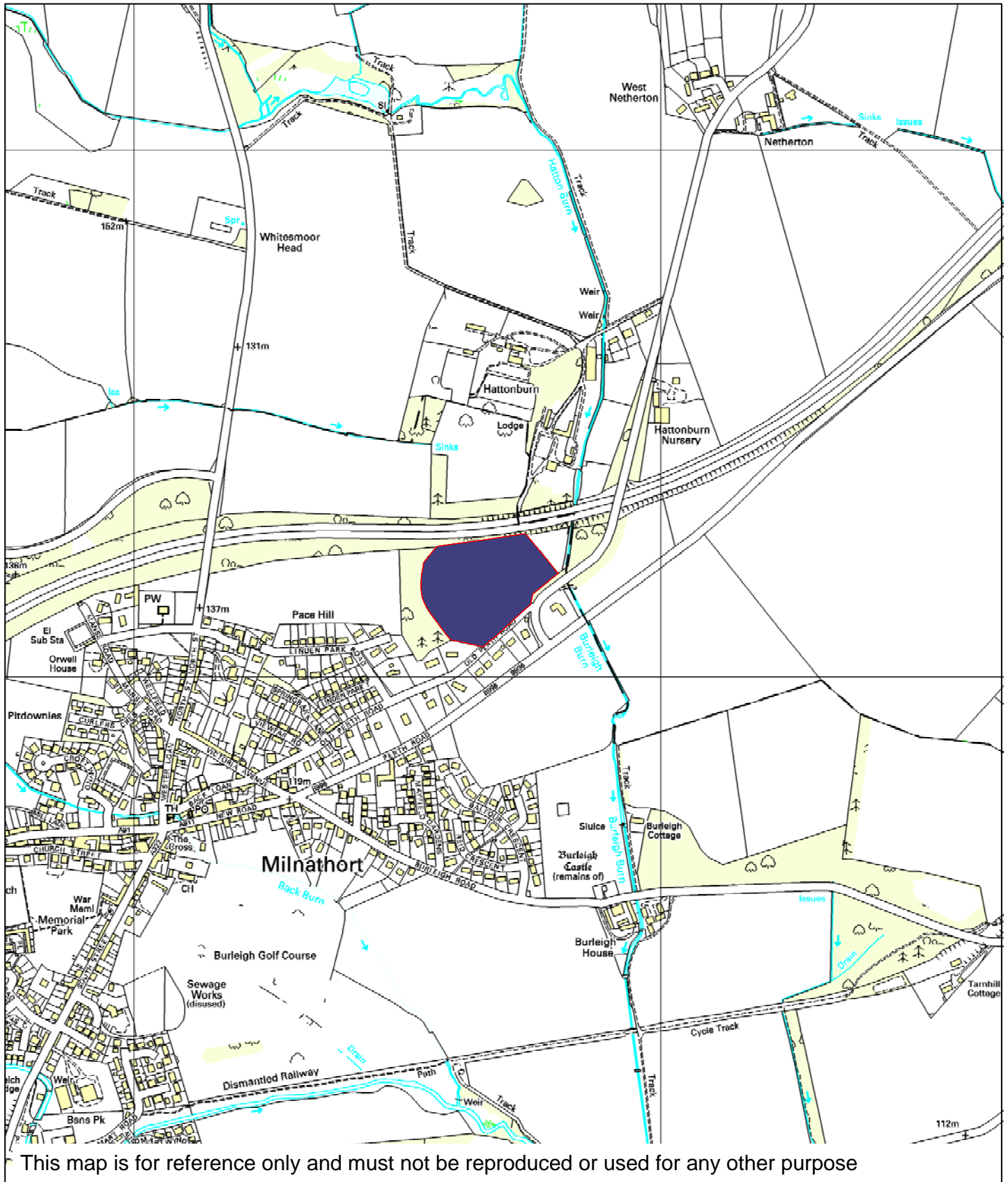
Prior to the issue of planning consent the applicant shall make a financial contribution of £18 750 towards affordable housing provision. The applicant may be able to defer payment of this sum through the conclusion of a suitable legal agreement.

## **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 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.
- 3 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.
- 4 No work shall be commenced until an application for building warrant has been submitted and approved.
- 5 The applicant is advised that a Controlled Activities Regulations (CAR) application is required and contact should be made with SEPA at an early date to establish the requirements for this application

Background Papers: 8 letters of representation  
Contact Officer: Mark Williamson: Ext 475355  
Date: 19 August 2010

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



↑ Scale  
1:10000

