

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

**Formation of a recycling point and erection of an information board on
 Land at Youngs Moss, Scotlandwell**

Ref. No: 09/02108/FLL
 Ward No: N8 - Kinross-shire

Summary

This report recommends approval of the application for the formation of a recycling point and erection of an information board as the development is considered to comply with the Development Plan.

BACKGROUND AND DESCRIPTION

- 1 The application site is located within the landward area of Kinross-shire to the south of Scotlandwell and to the east of the B920. The recycling point is proposed to be formed on an existing area of hard standing which is used as a car park for the adjacent allotments. The proposal includes the provision of five recycling bells, one litter bin and a community information board. The application has been advertised in the local press as the development comes under Section 34 Bad Neighbour Development.

NATIONAL POLICY AND GUIDANCE

- 2 The Scottish Government expresses its planning policies through The National Planning Framework, a series of National Planning Policy Guidelines (NPPG) which are currently being replaced by Scottish Planning Policy (SPP) and Planning Advice Notes (PAN) which are practice statements.

Scottish Planning Policy 10: Planning for Waste Management

- 3 This SPP supports a planned approach to the identification of sites for waste management installations.

Planning Advice Note: 56 Planning and Noise

- 4 This advice note demonstrates the role of the planning system in preventing and limiting the adverse effects of noise without prejudicing investment in enterprise, development and transport.

Planning Advice Note 63: Waste Management Planning

- 5 This Planning Advice Note (PAN) complements Scottish Planning Policy 10: Planning and Waste Management. It also builds on the information given on land use planning for waste management in the National Waste Strategy: Scotland (NWS).

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.

The principal relevant policies are in summary: -

Perth and Kinross Structure Plan 2003

- 7 Environment and Resources Policy 18:- Perth & Kinross Council will actively pursue a policy of self-sufficiency for waste management within the Tayside Waste Plan Area. Development proposals for waste management facilities will only be supported where they are justified against the National Waste Strategy and Local Plans will:

- Establish a policy framework and location criteria to control and direct the development of waste management facilities to ensure protection of key environmental assets and the quality of life for residents in terms of a series of criteria, including the proximity principle, avoid pollution, flood risk, impact on the natural historic and built environment. Safeguard the amenity of surrounding areas and minimise effects of traffic movements on the road network.
- Encourage, in conjunction with other waste management initiatives, development that supports waste reduction and recycling.
- Accord with the Development Strategy and BPEO as set out by the Tayside Area Waste Plan.

Where appropriate, development proposals will require to be accompanied by Environmental Impact and Transport Assessments.

Kinross Area Local Plan 2004

- 8 Under the Local Plan the site lies outwith any defined settlements and therefore countryside policies prevail.

The principal relevant policies are in summary:

Policy 01: Sustainable Development

- 9 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, including the consumption of non-renewable resources should be at levels that do not

restrict the options for future generations, use of renewable resources, the quality of the natural environment should be maintained or improved, the Precautionary Principle should be applied, the costs and benefits (material and non-material) of any development should be equitably distributed, biodiversity is conserved, the production of all types of waste should be minimised and new development should meet local needs and enhance access to land, employment, facilities, services and goods.

10 **Policy 02: Development Criteria**

All developments within the Plan area will be judged against a series of criteria including: landscape framework the scale, form, colour and density of development within the locality compatible with surroundings in land use terms and should not result in a significant loss of its amenity to the local community, the local road and public transport network should be capable of absorbing the additional traffic generated by the development and a satisfactory access onto that network provided sufficient spare capacity in drainage, water and education services to cater for the new development, the site should be large enough to accommodate the impact of the development, should be designed so as to be energy efficient and, where possible, be located in those settlements which are the subject of inset maps

Policy 05: Landscape

- 11 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 Kinross-shire Landscape Character Assessment published by Scottish Natural Heritage.

Policy 49: Portmoak airfield safeguarding zone

- 12 Proposals Map 1 indicates an area surrounding Portmoak Airfield where developments likely to have an impact on the safe operation of aircraft from Portmoak Airfield, will be refused. Applicants for planning consent within this area may be required to provide an independent assessment prepared by a suitably qualified person.

OTHER POLICIES

- 13 None

SITE HISTORY

- 14 A proposal for the change of use from agricultural to horticultural land and erection ancillary buildings was approved on the 07 July 2008 application 08/00777/FUL refers.

- 15 Planning application 09/00641/FLL for the erection of buildings ancillary to horticultural operations and formation of above ground septic tank (in retrospect) was approved on the 20 August 2009
- 16 Application 09/01854/FLL which seeks the modification of condition 2 of the previous consent (09/00641/FLL) (hours of retail) is currently pending consideration.

CONSULTATIONS

- 17 Transport Planning: - No objection.
- 18 Environmental Health Manager: - No objection subject to conditions.

REPRESENTATIONS

- 19 No of representations Received: None
- 20 Summary of Issues raised by Representations: Not applicable.

21 ADDITIONAL STATEMENTS RECEIVED

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| Environment Statement: | Not required |
| Screening Opinion: | Not required |
| Environmental Impact Assessment: | Not required |
| Appropriate Assessment: | Not required |
| Design Statement or Design and Access Statement: | Not required |
| Report on Impact or Potential Impact: | Not required |

APPRAISAL

- 22 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 Kinross Area Local Plan 2004.
- 23 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.

Policy

- 24 The Structure Plan recognises that everyone produces waste through their day-to-day activities, as householders, at work or through leisure. It is therefore important to recognise that everyone has a part to play in moving towards a more sustainable system. The strong dependence on landfill for waste in Perth and Kinross is not sustainable in the longer term as it involves

the depletion of both renewable and finite natural resources. These represent an overall loss to society, the economy, and the environment.

- 25 The proposed recycling collection point will effectively promote and help residents of Perth and Kinross to reduce the extent of waste being sent to landfill and thus minimising levels of pollution and the consumption of finite resources. Taking this matter into account I consider the scheme adheres to Environment and Resources Policy 18 of the Structure Plan and Policy 1: Sustainable Developments of the Local Plan.

Visual Impact on Landward Area

- 26 Due to the site being located within the landward area of Kinross there is a requirement to ensure the character of the landscape is conserved (Policy 5 of the adopted Local Plan) as well as ensuring there is a suitable framework capable of absorbing, and if necessary, screening the development (Policy 1 of the adopted Local Plan).
- 27 However, in view of the open nature of the immediate area, I consider an element of screening should be erected to ensure compliance with policies 1 and 5. This should be preferably dark green in nature and located to the northern boundary of the site as well as the returns to ensure an element of enclosure round the bins. This can be controlled through a suitably worded condition taking account of guidance contained within Scottish Government Circular 4/1998: The use of Conditions in Planning Permissions.

Impact on Portmoak airfield safeguarding zone

- 28 Due to the scale of the development there will not be an impact on the Portmoak airfield safeguarding zone.

Noise and Odour

- 29 To ensure the development is compatible with its surroundings in land use terms the Council's Environmental Health Manager was consulted on the application. The response notes the recycling point is to be located on land around 220 metres away from the nearest residential properties. It is considered that noise from the site will be limited, however there is potential due to the topography of the site for noise to carry over and disturb the nearest residential properties.
- 30 The Environmental Health Service and Waste Services have reached an arrangement that should noise be found to be a nuisance then measures will be taken to attenuate the noise up to and including withdrawal of the site. No objection is therefore raised apart from the inclusion of a condition to control the hours of servicing the site.

LEGAL AGREEMENTS REQUIRED

- 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

- 33 In conclusion, the application must be determined in accordance with the adopted Development Plans 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 herewith, unless otherwise provided for by conditions imposed on the planning consent.
- 3 No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a plan indicating the positions, design, material, colour (preferably dark green) and type of boundary treatment to be erected around the recycling point. The boundary treatment shall be completed in accordance with the approved details before the use hereby permitted is brought into use and thereafter retained all to the reasonable satisfaction of the Local Planning Authority.
- 4 All servicing vehicles associated with the collection of materials from the site shall be restricted to between the hours of 08:00 to 19:00 hours on all days.

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 visual amenities of the locality and the privacy/amenities of the adjoining properties.
- 4 In order that the amenity of nearby occupied premises shall be adequately safeguarded.

B JUSTIFICATION

Overall the application is considered to comply with the adopted Kinross Area Local Plan 2004. 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.

C PROCEDURAL NOTES

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: None
Contact Officer: John Russell – Ext 75346
Date: 29 January 2009

Nick Brian
Development Quality Manager

