

Issue 33b	Kinross-shire Area - Milnathort Small Housing Sites	
Development plan reference:	Table 7.1.14, page 198 Kinross/Milnathort, page 202-209 E19 - Stirling Road, Milnathort, page 204 H48 - Pitdownie, Milnathort, page 205 H49 - Pace Hill, Milnathort, page 206 H50 - Old Perth Road, Milnathort, page 206 Op16 - Stirling Road, Milnathort, page 208	Reporter: Timothy Brian
Body or person(s) submitting a representation raising the issue (including reference number):		
Robert Hall (00090) Teresa Stirling (00098) S Smart (00348) Ann Borland (00407) Jane Matthews (00516) Jane Smallwood (00702) Jane Brown (00733) William MacDonald (00843)		Forth Wines (00888) Scottish Natural Heritage (05211) Persimmon Homes East Scotland (09004) Kinross Estate Company (09313) BP North Sea Infrastructure (09994) David Wilson Homes (10227) Ken Miles (10236)
Provision of the development plan to which the issue relates:	Sets out the identified sites for residential development to meet the housing strategy for the Kinross Housing Market Area.	
Planning authority's summary of the representation(s):		
<p><u>H48</u> Robert Hall (00090/1/001): Object on grounds of it not being legal (It is not clear from the Representation why the site is not legal), lack of detail, existing ground conditions not suitable for development, density too high, road safety and increased traffic. No access should be taken through Curlers Crescent.</p> <p>S Smart (00348/1/001): Object on grounds of flooding, increased traffic and noise. The noise impact assessment was not a true reading as the test was not conducted where development would take place on the site.</p> <p>Ann Borland (00407/1/001): Object on grounds of increased flooding, wet ground conditions, increased traffic, impact on health, education, sewage infrastructure and Loch Leven. No local employment will increase commuting and will change the character of the area. Should build on Brownfield land.</p> <p>Jane Brown (00733/1/001): Object on grounds of impact on road and education infrastructure.</p> <p>David Wilson Homes (10227/1/009): It is an ineffective site as it was identified in the previous Local Plan (S4_Doc_571) and was not developed. Object to its inclusion on grounds of impact on road, service, education infrastructure and landscape setting of Milnathort.</p> <p>Kinross Estate Company (09313/11/001): It is an established site allocated in the adopted Kinross Area Local Plan (S4_Doc_571) and has planning permission. It is</p>		

already part of the established supply and should not be included as a new housing site as it is in effect being counted twice as in terms of the housing land requirement.

Jane Matthews (00516/1/001): Will increase traffic, Manse Road is already congested. The site is wet and is between the motorway and an electric substation which is not healthy.

Kinross Estate Company (09313/12/001): Object to the density as proposed capacity is unrealistic given the significant development constraints (drainage, noise, access) and is in excess of that shown in the Adopted Kinross Area Local Plan (S4_Doc_571). Should be identified for 28 units to reflect development constraints and the Adopted Local Plan.

BP North Sea Infrastructure (09994/6/001): The retention of the indicative landscaping is supported as it corresponds with the pipeline consultation zone.

Jane Smallwood (00702/1/004): Support, a sensible size of development with adequate access.

H49

Jane Brown (00733/1/002): Object on grounds of impact on road and education infrastructure.

David Wilson Homes (10227/1/010): It is an ineffective site as it was identified in the previous Local Plan (S4_Doc_571) and was not developed. Object to its inclusion on grounds of impact on road, service, education infrastructure and landscape setting of Milnathort.

Kinross Estate Company (09313/11/002): It is an established site allocated in the Adopted Kinross Area Local Plan (S4_Doc_571) and has planning permission. It is already part of the established supply and should not be included as a new housing site as it is in effect being counted twice as in terms of the housing land requirement.

Teresa Stirling (00098/1/001): Concern over access, it should only be taken from the west but not from the east and would increase traffic, noise and safety issues. The density is disproportionate to surrounding areas and will impact on local amenities, education infrastructure and the character of Milnathort.

Kinross Estate Company (09313/12/002): Object to the density as proposed capacity is unrealistic given the significant development constraints (drainage, noise, access) and is in excess of that shown in the Adopted Kinross Area Local Plan (S4_Doc_571). Should be identified for 28 units to reflect development constraints and the Adopted Local Plan.

William MacDonald (00843/1/001): Lower density bungalow type development should be built no closer than 300 metres from the existing properties at Linden Park Road and 400 metres in Linden Park. Access from North Street would require to be improved and the impact on the primary school addressed.

BP North Sea Infrastructure (09994/7/001): Support. The retention of the indicative landscaping is supported as it corresponds with the pipeline consultation zone.

H50

Jane Brown (00733/1/003): Object on grounds of impact on road and education infrastructure.

David Wilson Homes (10227/1/011): It is an ineffective site as it was identified in the previous Local Plan (S4_Doc_571) and was not developed. Object to its inclusion on grounds of impact on road, service, education infrastructure and landscape setting of Milnathort.

Kinross Estate Company (09313/11/003): It is an established site allocated in the Adopted Kinross Area Local Plan (S4_Doc_571) and has planning permission. It is already part of the established supply and should not be included as a new housing site as it is in effect being counted twice as in terms of the housing land requirement.

Jane Smallwood (00702/1/005): Agree only very low numbers due to access and in keeping with surrounding area. Will safeguard local amenity walking route. Very visible from the M90 and large numbers could destroy the first impressions of Milnathort.

Op16

Forth Wines (00888/1/001): Understand that the Council's thinking is that a '*corridor*' of housing intruding from Op16 into the E19 could create an incompatibility between the two sites. The development of the entire Forth Wines land holding is required to make the relocation of the business economically viable. The development of a wider 'Masterplan' for the whole area clearly shows how best use can be made of both sites, side by side. (No Masterplan has been submitted)

Persimmon Homes East Scotland (09004/12/001): OP16 contains land in control of Persimmon Homes identified as a housing allocation H5 in the adopted Kinross Area Local Plan (S4_Doc_571). Site OP16 includes land in control of a 3rd party, which is currently identified in the Kinross Area Local Plan as existing industrial business site.

Persimmon Homes is committed to delivery of the Kinross Area Local Plan H5 allocation and does not support the proposal to 'join together' the two land use proposals as bringing two landowners/developers together raises issues about delivery, timing and compatibility of uses especially how noise impact can be adequately mitigated.

There is concern about the re-generation capability of the existing industrial estate at Stirling Road. The Local Development Plan is not clear whether the site would be re-developed or be re-marketed and enhanced.

The existing Kinross Area Local Plan H5 allocation should be identified for residential in the Local Development Plan by either allocating it for affordable housing at a high density capacity of 30 units, or identify the site as part of H47 and revise the number of housing units and explanation of delivery requirements for affordable housing arising at the Lathro Farm site.

Ken Miles (10236/1/002): Identification of Opportunity Sites is missing from table at 7.1.6 (S4_Doc_499). Employment opportunities exist at Op16 and Op13. Plan should clearly state Stirling Road Op16 or there could be confusion with Stirling Road E19.

Scottish Natural Heritage (05211/25/019): The Site Specific Developer Requirements should reflect the outcome of the Habitats Regulations Appraisal (S4_Doc_156).

E19

Forth Wines (00888/1/002): Op16 should extend further into E19 to better align with land ownership boundaries allowing both sites to bring forward full development proposals (S4_Doc_178). Land in Forth Wines ownership is divided between both Op16 and E19.

The existing buildings on site are not fit for purpose and Forth Wines are seeking to upgrade the warehouse facilities further south by Kinross. The development of the entire Forth Wines land holding is required to make the relocation of the business economically viable. Forth Wines has been working with a developer on a wider 'Masterplan' for the whole area, which shows clearly how best use can be made of both sites, side by side. (No Masterplan has been submitted)

Scottish Natural Heritage (05211/25/017): The Site Specific Developer Requirements should reflect the outcome of the Habitats Regulations Appraisal (S4_Doc_156).

Modifications sought by those submitting representations:

H48

Robert Hall (00090/1/001), S Smart (00348/1/001), Ann Borland (00407/1/001), Jane Brown (00733/1/001), David Wilson Homes (10227/1/009), Kinross Estate Company (09313/11/001): Remove site from the Local Development Plan.

Jane Matthews (00516/1/001): Modify the Site Specific Developer Requirements to require a new access from Stirling Road and not from Manse Road or Curlers Crescent.

Kinross Estate Company (09313/12/001): Reduce the number of units to 28.

H49

Jane Brown (00733/1/002), David Wilson Homes (10227/1/010), Kinross Estate Company (09313/11/002): Remove site from the Local Development Plan.

Teresa Stirling (00098/1/001): Reduce the site capacity.

Kinross Estate Company (09313/12/002): Reduce site capacity to 28.

William MacDonald (00843/1/001): Reduce site capacity to 25-28.

H50

Jane Brown (00733/1/003), David Wilson Homes (10227/1/011), Kinross Estate Company (09313/11/003): Remove site from the Local Development Plan.

Op16

Forth Wines (00888/1/001): Site Op16 should be extended into E19 to reflect the land holding of Forth Wines (S4_Doc_178).

Persimmon Homes East Scotland (09004/12/001): The Local Development Plan should reflect site H5 in the Kinross Area Local Plan (S4_Doc_571).

Ken Miles (10236/1/002): Identification of Opportunity Sites should be included at table at 7.1.6. Plan should clearly state Stirling Road Op16 to prevent confusion with Stirling Road E19.

Scottish Natural Heritage (05211/25/019): Modify the Site Specific Developer Requirements to include:

- *'Construction Method Statement to be provided where the development site will affect a watercourse. Methodology should provide measures to protect the watercourse from the impact of pollution and sediment so as to ensure no adverse effects on Loch Leven Special Protection Area.'*

- *The SUDS for development proposals should include sufficient attenuation to protect those watercourses which flow into Loch Leven from erosion during periods of heavy rainfall.'*

E19

Forth Wines (00888/1/002): Site Op16 should be extended into E19 to reflect the land holding of Forth Wines (S4_Doc_178).

Scottish Natural Heritage (05211/25/017): Modify the Site Specific Developer Requirements to include:

- *'Construction Method Statement to be provided where the development site will affect a watercourse. Methodology should provide measures to protect the watercourse from the impact of pollution and sediment so as to ensure no adverse effects on Loch Leven Special Protection Area.*
- *The SUDS for development proposals should include sufficient attenuation to protect those watercourses which flow into Loch Leven from erosion during periods of heavy rainfall.'*

Summary of responses (including reasons) by planning authority:
Overview

The land allocations in Kinross and Milnathort are appropriate and of more than sufficient scale allowing the Local Development Plan strategy in the Kinross Housing Market Area to meet the requirement of the TAYplan spatial strategy as is confirmed in Schedule 4 no. 20c Housing Land Strategy.

Infrastructure

A review of the local primary schools in Kinross and Milnathort has identified that the current capacity may not be able to sustain the projected growth during the Plan period. A site has been identified for a new primary school adjacent to the Loch Leven Community Campus (Op15) which will allow for the sharing of facilities and transport as well as the provision of sufficient education capacity to support future needs. The former high school does not provide sufficient scope to share facilities or adequately serve both Kinross and Milnathort (see site Op12). This site is beneficial as the focus of the majority of new development is to the north of Kinross and this central location for an additional school provides flexibility when reviewing school catchments. In line with Policy PM3: Infrastructure Contributions (S4_Doc_496) and the Developer Contributions Supplementary Guidance (Core_Doc_069) new residential development will be required to contribute towards this primary school provision.

A new health centre was open in Kinross adjacent to the Loch Leven Community Campus in 2009 which will support the current and future needs of the local community. The Health Board have been consulted on the Proposed Plan and have raised no issues or objections.

Extensive consultation has taken place with Scottish Water and SEPA with regards to water and drainage provision in Kinross and Milnathort. Both agencies have raised no objections to the development sites identified in the Plan.

H48

Robert Hall (00090/1/001), S Smart (00348/1/001), Ann Borland (00407/1/001), Jane Brown (00733/1/001), David Wilson Homes (10227/1/009), Kinross Estate Company (09313/11/001 & 09313/12/001); Jane Matthews (00516/1/001): This allocation is a

continuation from the Adopted Kinross Area Local Plan 2004 (S4_Doc_571) which identified it under H8 for residential development of 28 units. Planning permission has been granted under 07/00442/OUT (S4_Doc_572) which has established the principle of development. The developable area of the site was limited to 1.9ha due to drainage restrictions in Milnathort. These restrictions have now been lifted and the site area has been increased to 3ha to provide further scope for development. The developer requirements of a flood study and noise assessment will define the final developable area. The impact on the road network has been reviewed and the proposed level of development is considered acceptable with suitable access points being available. The final access points will be defined through a planning application. Making better use of land through increased densities minimises the loss of greenfield land and although the number of units has increased over that previously identified the proposal is within the defined medium density range and is capable of being developed without compromising good design or amenity. The Council has not identified any double-counting between those sites identified to meet the additional allocations required and those sites already included as part of the effective land supply. In any event the Housing Background Paper has been updated (S4_Doc_786)) to reflect the 2012 Housing Land Audit (Core_Doc_191) which includes the proposed LDP sites thus eliminating any risk of double-counting. The additional housing allocations identified in tables 4 and 5 of the Housing Background Paper Update are over and above what is already counted as effective supply in the 2012 Audit.

No modification is proposed to the Plan.

H49

Jane Brown (00733/1/002), David Wilson Homes (10227/1/010), Kinross Estate Company (09313/11/002 & 09313/12/002); Teresa Stirling (00098/1/001); William MacDonald (00843/1/001): This allocation is a continuation from the Adopted Kinross Area Local Plan 2004 (S4_Doc_571) which identified it under H10 for residential development of 28 units. Planning permission has been granted under 08/01101/OUT (S4_Doc_573) which has established the principle of development. The developable area of the site was limited to 1.9ha due to drainage restrictions in Milnathort. These restrictions have now been lifted and the site area has been increased to 3.5ha to reflect the true developable area. Making better use of land through increased densities minimises the loss of greenfield land and although the number of units has increased over that previously identified the proposal is within the defined medium density range and is capable of being developed without compromising good design or amenity. The impact on the road network has been reviewed and the proposed level of development is considered acceptable with suitable access points being available. The Council has not identified any double-counting between those sites identified to meet the additional allocations required and those sites already included as part of the effective land supply. In any event the Housing Background Paper has been updated (S4_Doc_786)) to reflect the 2012 Housing Land Audit (Core_Doc_191) which includes the proposed LDP sites thus eliminating any risk of double-counting. The additional housing allocations identified in tables 4 and 5 of the Housing Background Paper Update are over and above what is already counted as effective supply in the 2012 Audit.

No modification is proposed to the Plan.

H50

Jane Brown (00733/1/003), David Wilson Homes (10227/1/011), Kinross Estate Company (09313/11/003): This allocation is a continuation from the Adopted Kinross Area Local Plan 2004 (S4_Doc_571) which identified it under H31 for low density

residential development of a maximum of 5 dwellings. Planning permission has been granted under 05/01263/OUT (S4_Doc_574) which has established the principle of development on this site. Permission is minded to grant for 5 units on site under 08/00805/AML (S4_Doc_575). It is considered the site is capable of supporting a slightly higher density without compromising good design or amenity while making the best use of greenfield land. The Council has not identified any double-counting between those sites identified to meet the additional allocations required and those sites already included as part of the effective land supply. In any event the Housing Background Paper has been updated (S4_Doc_786) to reflect the 2012 Housing Land Audit (Core_Doc_191) which includes the proposed LDP sites thus eliminating any risk of double-counting. The additional housing allocations identified in tables 4 and 5 of the Housing Background Paper Update are over and above what is already counted as effective supply in the 2012 Audit.

No modification is proposed to the Plan.

Op16 and E19

Forth Wines (00888/1/001 & 00888/1/002): This allocation seeks to facilitate a comprehensive regeneration of the entire site while not prejudicing the adjacent site (E19). The Council is keen to support Forth Wines and the wider regeneration of this part of Milnathort.

The entire site is within the SEPA 1:200 year indicative flood risk area and the developer requirements note that a Flood Risk Assessment (FRA) is required. It is anticipated that the FRA will demonstrate that whilst the majority of the site may be capable of development, the developable area may be limited particularly in the south west corner of the Forth Wines landholding.

It is recognised that the development of Forth Wines land holding in isolation from neighbouring areas will not maximise the potential of the site as some of the current operations may not be compatible with residential amenity. Whilst the redevelopment of the existing brownfield site could be acceptable for residential, to develop it in isolation may have a negative impact on the southern edge of Milnathort and it is not considered that a suitable design can be achieved reflecting the principles in Designing Streets. To date no Masterplan has been presented showing how the land holding for Forth Wines could be developed in conjunction with future and existing neighbouring land uses. However in order offer flexibility and to enable the Forth Wines land holding to maximise its development potential in design terms the site boundary would require to be modified including a larger area of E19 and more effectively rounding off the settlement. Whilst this would result in the loss of employment land it is suggested that from an urban design point of view this would present a more acceptable solution to southern Milnathort. The Council also acknowledges that the area of their landholding is outwith the suggested revised boundary. It could form part of the housing site as, whilst the principle of built development on this site may be unacceptable, it may be inherently suitable for the SUDS or open space provision. The suggested amendment to the site boundary of Op16 which the Council would be prepared to accept is still the subject of dispute with Forth Wines who wish their entire land holding included as a potential residential development site. (S4_Doc_601).

The Councils preferred position is for no modification to the Plan but if the Reporter was so minded the Council would have no objection to the site boundary of Op16 being modified to reflect the attached map (S4_Doc_178).

Persimmon Homes East Scotland (09004/12/001): The allocation of this site does not restrict the area identified as H5 in the Kinross Area Local 2004 (S4_Doc_571) from being developed but requires that in doing so it takes account of neighbouring land uses in order to comprehensively develop the site. By individually identifying this land for residential use the opportunity to maximise the potential of the site and the wider regeneration of this area of Milnathort could be lost. The site is within the identified 1:200 year flood area (S4_Doc_576) and until a Flood Risk Assessment is carried out it is not possible to determine the full developable area.

No modification is proposed to the Plan.

Ken Miles (10236/1/002): Table 7.1.16 (S4_Doc_499) in the Local Development Plan sets out where new employment sites are identified. Op16 is currently in employment use and the Opportunity designation provide the option to diversify this including residential use. As this may result in a net loss of employment land it would not be appropriate to include this site in Table 7.1.16.

No modification is proposed to the Plan.

Scottish Natural Heritage (05211/25/019 & 05211/25/017): It is considered that amending the Site Specific Developer Requirements to incorporate mitigation measures as set out in the Habitats Regulations Appraisal (Including Appropriate Assessment) (S4_Doc_156) would provide greater clarity and transparency for applicants in terms of how the provisions of the Plan's Policy NE1: International Nature Conservation Sites apply to these sites.

If the Reporter is so minded the suggested additional text by the respondent, as detailed in the 'Modifications Sought' sections, should be added to the Site Specific Developer Requirements.

Reporter's conclusions:

Infrastructure

1. There is no evidence that infrastructure constraints would prevent Kinross and Milnathort accommodating the scale of housing growth envisaged in the Proposed Plan. There is already a new health centre, and a new secondary school campus serving the area. A site has been identified for the development of a new primary school (Op15), to which developers will be required to contribute, to cater for the growth in population. There have been no objections to the proposed housing sites from the key local agencies – the Health Board, Scottish Water and the Scottish Environment Protection Agency (SEPA).

H48: Pitdownie

2. This site is already committed for housing development. It was allocated for 28 houses in the adopted local plan, and outline planning permission was granted in 2008 for residential development on the land. There has been no change in circumstances which would justify its removal from the Proposed Plan. H48 is a small area (3 hectares) of pasture between the current edge of Milnathort and the M90 motorway. Its development for housing represents a logical rounding off on the north side of Milnathort, and would not have a significant impact on the landscape setting of the town.

3. The site is shown as effective in the most recently published housing land audit in 2012. The area is served by a new health centre, and provision is being made for a new primary school. The drainage constraint which previously restricted the extent of development on the site no longer applies. A flood risk assessment, and probably a noise assessment, would be required to establish the parameters of the land to be developed. The layout of the development would be established at the detailed planning application stage, at which time the access arrangements would be finalised.
4. The proposed density (13 per hectare) is unusually low, and even when the site area is reduced to take account of the motorway on one side and the watercourse on the other there should be ample space to accommodate 40 houses at an appropriate density.
5. Therefore H48 should not be removed from the Proposed Plan.

H49: Pace Hill

6. This sloping 3.5 hectare site, like H48, lies between the north edge of Milnathort and the M90 motorway. The site is well contained in that location, and its development for housing could be regarded as urban consolidation.
7. Once again, this is a committed site, having been allocated for residential development in the adopted local plan, with outline planning permission having been granted in 2008. There has been no change in circumstances to justify its removal from the Proposed Plan. The site is shown as effective in the most recently published housing land audit. There is no infrastructure constraint (education, health, drainage, roads or noise) which would prevent its development within the Plan period, though detailed access proposals would need to be discussed with the council's road engineers.
8. The proposed density (14 per hectare) is particularly low, and even taking account of the need for woodland planting and noise attenuation on its northern boundary, the development of 50 houses on the site would not represent a high density.
9. Site H49 should remain in the Proposed Plan.

H50: Old Perth Road

10. Site H50 is a small (1.8 hectare) field between Old Perth Road and the M90. Old Perth Road, which is popular with walkers, narrows to single track at its east end. Any development of the site would require remodelling of the road, an improved junction with Hattonburn Road, and provision for pedestrians. Only 7 houses are proposed on this site, and development would be subject to a flood risk assessment, noise attenuation scheme, woodland planting, and road and access improvements.
11. In common with H48 and H49, the principle of residential development on H50 is already established. The site was allocated for that purpose in the adopted local plan, and outline planning permission was granted in 2006 for the erection of up to 5 houses on the land. More recently (2010) the council confirmed its willingness to grant permission for 5 units on the site. There has been no change of circumstances since then which would justify changing that stance. The development of 7 houses on an area of almost 2 hectares can be seen as a very low density. There is no legitimate reason to remove this site from the Proposed Plan.

Op16 and E19: Stirling Road

12. Op16 is an opportunity site of 3.8 hectares on the westerly edge of Milnathort, with potential for “*employment use and residential on no more than 75% of site*”. The site is currently occupied by a large warehouse for Forth Wines, together with building and fencing supplies premises, which share an access from Stirling Road. To the east is a medium density housing area accessed from Bridgefauld Road. Op16 also includes an undeveloped triangle of land to the rear of Forth Wines, potentially accessed from Fleming Court.

13. Forth Wines’ landholding (including a substantial modern extension to the warehouse) projects into the adjoining E19 designation. E19 is a mainly greenfield site of 4.5 hectares, which is allocated for general employment uses.

14. There is no objection to Forth Wines’ intention to redevelop its current site and move to more suitable premises elsewhere in the area. Nor is there any objection to Persimmon Homes’ aspiration to develop the land in their control. However, the request to modify the allocations to reflect land ownership boundaries is problematic. The proposed development on Op16 will need to be planned in a comprehensive fashion to ensure a satisfactory and coherent layout which avoids placing incompatible uses together, and takes proper account of flood risk and other site constraints. Similar considerations will apply to the neighbouring E19.

15. There is little to be gained by adjusting the shared boundary of Op16 with E19 as the council now suggests. Moreover, to follow the boundary of Forth Wines’ land holding could result in a long narrow development extending towards the motorway, which would not be a satisfactory urban edge. There is no real alternative but to consider Op16 and E19 holistically, to avoid unfortunate, piecemeal development on the west edge of Milnathort. Therefore allocations Op16 and E19 should remain in the Proposed Plan, though they should be subject to the mitigation measures recommended by Scottish Natural Heritage.

16. It would not be appropriate to include Op16 in the table of employment sites at paragraph 7.1.6, as most of the site is already in employment use and some of the land is likely to be redeveloped for housing.

Reporter’s recommendations:Op16 and E19: Stirling Road

1. Modify the site specific developer requirements as follows:

- *“Construction Method Statement to be provided where the development site will affect a watercourse. Methodology should provide measures to protect the watercourse from the impact of pollution and sediment so as to ensure no adverse effects on Loch Leven Special Protection Area.*
- *The SUDS for development proposals should include sufficient attenuation to protect those watercourses which flow into Loch Leven from erosion during periods of heavy rainfall.”*