

Perth and Kinross Council  
Development Management Committee – 27 March 2013  
Report of Handling by Development Quality Manager

**Formation of access road, surface water drainage and associated landscaping  
at Clashburn Road, Kinross**

Ref. No: 12/02186/FLL  
Ward No: N8

**Summary**

This report recommends approval of the application for the formation of a 100m access road, associated surface water drainage and landscaping. The development is considered to accord with the provisions of the Development Plan and environmental impacts in this location would be acceptable.

**BACKGROUND AND DESCRIPTION**

1. The land subject of this proposal is presently undeveloped and is located at the western edge of Kinross. The application site is bounded to the west by the M90 Motorway and new distributor road, housing to the north and east, playing fields, industrial land and premises.
2. The site is within the settlement boundary for Kinross. The new distributor road, which was approved in 2010 (10/02175/FLL) is a proposal within the adopted Kinross Area Local Plan (2004) and the land along the route is identified for employment use.
3. The recently constructed 'Kinross Western Edge Link Road' connects Station Road in the north of the town and Clashburn Road in the South, serving to relieve traffic congestion from the towns historic High Street. The area of land (approximately 2.6Ha) to the east of the link road has been identified for employment development. In order to effectively market the employment land, Perth and Kinross Council have submitted the current application which includes a 100m access road leading from the new link road into the employment land.
4. The submitted layout relates to a single existing northern most access spur, originally constructed as part of the Kinross Western Edge Link Road scheme. The horizontal alignment is comprised of one single straight element while the vertical is a combination of elements, designed to assist with surface water drainage. The proposal includes 3 vehicular access spurs, with options for potential developers to use as an access towards a car park, office building or warehouse. Associated infrastructure elements including surface water drainage and street lighting have also been proposed.

**PAC (Pre Application Consultation)**

5. A pre-application consultation exercise took place and a report has been submitted in support of the process undertaken. The detailed PAC and the

subsequent report are related to the wider development of the site and not the delivery of a 100 metre access road in isolation. The PAC report does, however, specifically refer to the access road, its feasibility, detailed design and associated drainage and street lighting in association with suitable Class 4, Class 5 and Class 6 uses.

### **Screening Report**

6. A formal screening report was submitted in accordance with the provisions of the Town and Country Planning (Environmental Impact Assessment) (Scotland) Regulations 2011- Statutory Instrument 2011 No. 139 and Schedule 1 (the "Regulations") and Scottish Planning Series Circular 5 2009: Hierarchy of Developments
7. The Screening Report addressed the following environmental aspects in relation to the proposed development potential effects:
  - Air quality
  - Ecology
  - Landscape and Visual effects
  - Noise and vibration
  - Water Environment
8. A screening opinion was issued by the Council on 9 November 2011, which deemed that a formal EIA was not required for this project. An Environmental Statement supported the earlier planning application ref: 10/02175/FLL, which tackled key environmental concerns forming this submission and remains relevant as part of this assessment.

### **NATIONAL POLICY AND GUIDANCE**

9. The Scottish Government expresses its planning policies through the National Planning Framework 1& 2, the Scottish Planning Policy (SPP) and Planning Advice Notes (PAN).

### **THE SCOTTISH PLANNING POLICY 2010**

10. The 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 specific relevance to this application are:

- Paragraph 25: Determining planning applications
- Paragraphs 34 - 44 Sustainable Development and Climate Change
- Paragraph 45: Economic Development
- Paragraphs 77 – 81 Location and Design of Development
- Paragraphs 125 -148 Landscape and Natural Heritage
- Paragraphs 142 - 145 Protected Species
- Paragraphs 165 -170 Transport
- Paragraphs 196 – 211 Flooding and Drainage
- Paragraphs 255 - 257: Outcomes

## **DEVELOPMENT PLAN**

11. The Development Plan for the area consists of the Approved Tayplan Strategic Development Plan and the Adopted Kinross Area Local Plan 2004. The Council's Proposed Local Development Plan 2012 is a relevant material consideration.

### **Tayplan: Strategic Development Plan 2012-2032**

12. The principal relevant policies are in summary:

#### **Policy 1: Location Priorities**

13. Tier 2 Settlement – having the potential to make a major contribution to the regional economy, but accommodating a smaller share of the region's additional development.

#### **Policy 2: Shaping Better Quality Places**

14. Requiring new development to be fit for place, supporting more sustainable ways of life for people and businesses.

#### **Policy 3: Managing Tayplan's Assets**

15. Safeguarding resources and land with potential to support sustainable economic growth.

#### **Policy 6: Energy and Waste/Resource Management Infrastructure**

16. Ensuring that energy and waste/resource management infrastructure are in the most appropriate locations.

### **Kinross Area Local Plan 2004**

17. The site lies within the settlement boundary for Kinross as identified in the Kinross Area Local Plan 2004.

18. A key purpose of the Plan is to stimulate and encourage development where appropriate and Kinross is the principle settlement within the Plan area.
19. The principal relevant policies are in summary:

**Policy 1: Sustainable Development**

20. Sets out a development strategy based on sustainable principles. The policy identifies that key considerations include the maintenance and improvement of the quality of the natural environment and the conservation of biodiversity.

**Policy 2: Development Criteria**

21. Identifies detailed criteria against which development proposals will be assessed. This includes landscape framework; satisfactory vehicular access and road capacity.

**Policy 4: Flood Risk**

22. Identifies that development in areas liable to flood or where remedial measures would adversely affect flood risk elsewhere will not normally be permitted.

**Policy 5: Landscape**

23. Indicates that the Council will assess development proposals that may have a significant landscape impact against the principles of the Kinross-shire Landscape Character Assessment.

**Policy 6: Design and Landscaping**

24. Identifies that the Council will require high standards of design for all developments and encouragement will be given to ensuring that new development fits its location.

**Policies 10-13: Drainage within Loch Leven Catchment Area**

25. Set out the criteria for drainage within the Loch Leven Catchment Area. New development is required to secure a sustainable net reduction of phosphorus within the Loch Leven catchment area.

**Policy 14: Surface Water Drainage**

26. Identifies that surface water drainage should accord with the management practices set out in SEPA's Sustainable Urban Drainage Systems Manual.

**Policy 19: Nature Conservation International Sites**

27. Identifies that development affecting conservation interests for which a Special Protection area or Ramsar site has been designated will be limited to those

which will not adversely affect the integrity of the site or where there are overriding reasons of public interest

**Policy 21: National Nature Reserves and Sites of Special Scientific Interest**

28. Identifies those developments affecting SSSI's will not normally be permitted where the objectives of designation and the overall integrity of the designated area would be compromised.

**Policy 79: Roads and Transport**

29. The Council will require developments along the western edge of Kinross to implement the proposed town centre relief road within their site and utilise it as the local distributor road serving their development.

**PERTH AND KINROSS PROPOSED LOCAL DEVELOPMENT PLAN 2012**

30. On the 30 January 2012 the Proposed Plan was published. The adopted Local Plan will eventually be replaced by the Proposed Local Development Plan. The Council's Development Plan Scheme sets out the timescale and stages leading up to adoption. It has recently undergone a period of representation; the Proposed Local Development Plan may be modified and will be subject to examination prior to adoption. This means that it is not expected that the Council will be in a position to adopt the Local Development Plan before December 2014. It is therefore a material consideration in the determination of this application, reflecting a more up to date view of the Council.

The principal relevant policies are in summary:

**Policy PM1: Placemaking**

31. Development must contribute successfully to the quality of the surrounding built and natural environment

**Policy TA1B: Transport Standards**

32. Development proposals should be well served by all modes of transport and provide safe access/car parking etc.

**Policy ED1A: Employment and Mixed Use Areas**

33. Areas identified for employment uses should be retained for such uses. Within these areas any proposed development must be compatible with surrounding land uses.

**Employment Site E18 – Station Road South**

34. 3.2Ha identified for general employment uses

Key site criteria:

- Flood risk assessment.
- High quality of building and landscape design.
- High quality internal landscaping.
- Significant woodland planting along western boundary of site.
- Provision of multi-user path from Station Road to southern boundary of site.
- Noise attenuation measures where required.

### **Policy NE3: Biodiversity**

35. The Council will seek to protect and enhance all wildlife including wildlife habitats.

### **OTHER POLICIES**

36. None

### **OTHER PLANNING GUIDANCE**

#### Tayside Landscape Character Assessment (TLCA)

37. The Tayside Landscape Character Assessment (TLCA) is published by Scottish Natural Heritage. The Structure Plan makes it clear that the TLCA will be a 'material consideration' when considering any development proposal in Perth & Kinross. The TLCA suggests that the overall aim of any management strategy should reflect the sensitivities of the landscape and to protect it from inappropriate development.

### **SITE HISTORY**

38. 10/02175/FLL – Formation of distributor road to connect Station Road with Clashburn Road (approved)
39. 12/00004/PAN – Formation of a business development site comprising of an office building and warehouse with parking facilities (undetermined).
40. 12/01968/SCRN – EIA Screening Opinion for Installation of infrastructure, drainage, utilities to facilitate a new business site (no formal EIA).

### **CONSULTATIONS**

41. **Transport Scotland** - Confirm that proposal not likely to have significant impact on operation of M90 road network accordingly did not advise against development being granted.
42. **Scottish Water** - No objections to the planning application.

43. **Flood Officer** - Initial concerns remedied through representation of earlier Flood Risk Assessment. No objections.
44. **Environmental Health** - No objections raised as the predicted noise levels would virtually imperceptible.

## REPRESENTATIONS

45. The application has attracted a single representation from a neighbouring residential developer in relation to lack of noise bund continuing along the wider site.

## ADDITIONAL STATEMENTS

46.	Environment Statement	None
	Screening Opinion	None
	Environmental Impact Assessment	None
	Appropriate Assessment	N/A
	Design Statement / Design and Access Statement	Submitted
	Report on Impact or Potential Impact	FRA submitted/ Screening Opinion

## APPRAISAL

### Policy

47. Sections 25 and 37(2) of the Town & Country Planning (Scotland) Act 1997 (as amended) require the determination of the proposal in accordance with the provisions of the Development Plan, unless material considerations indicate otherwise. The determining issues here are whether the proposals comply 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 TAYPlan Policies 1, 2, 3 and 6 and Kinross Area Local Plan Policies 4, 19 and 79.

### Principle

48. From the review of planning policy it can be noted that an ongoing established designation for an employment area (E18) forms part of the proposal of the Proposed LDP and would accord with the objectives of the Plan provided that detailed planning issues are satisfied. The key determining issues in this instance are whether the proposal satisfies the development plan provisions in relation to: transport standards, drainage, flooding; and natural heritage interests.

## **Drainage and Flooding**

49. SPP 2010 states that built development should not take place on functional flood plains other than in specific, exceptional circumstances. If proposals include alterations to topography in such areas these changes have the potential to impact on water levels upstream and/or downstream of the site. The consequences of such work can be the removal of floodplain storage.
50. The South Queich forms the southern boundary of the application site. The Gelly Burn and Clash Burn also flow close to the site. These watercourses are the main watercourses in the vicinity likely to affect the site in terms of flooding. The proposed access road crosses an area which suffers from periodic flooding and part of which is identified on SEPA Flood Map as at risk from a 1 in 200 year Flood event.

### Drainage/ Flood Risk Strategy:

51. The original FRA of the 2010 link road application concluded that the proposed link road would not materially affect floodplain function or contribute to flood risk elsewhere. In line with the original link road assessment, the proposed access road is deemed to have negligible impact on flood levels in the area for a range of flows up to a 1 in 200 year event, including an allowance for climate change.

### Sustainable Urban Drainage systems (SUD's)

52. The treatment of surface water runoff by SUDs is a legal requirement and the location, design and type of SUD's is largely controlled through planning. With any SUD's attenuation for the development of a greenfield site, the detailed design would be required to restrict post development flows to pre-development levels.
53. The Flood Risk Assessment (FRA) acknowledges the need for SUD's providing provisional information in relation to possible location, land take, design and post-development run-off rates. The FRA assumes that the layout/density of the employment area when developed would be consistent with that of the adjacent industrial estates and run-off rates are modelled on that basis.
54. New buildings and roads are required to be constructed to ensure that sufficient freeboard (600mm above a 200 year flood event +climate change allowance) can be secured. Whilst the detailed design and finished floor level of buildings will be examined through any future application the position of the access road spur indicates that appropriate freeboard requirements can be met.
55. As a consequence of the above, the Council's Flood Officer remains content with the originally submitted FRA and offers no formal objection to the access road proposals.

## Natural Heritage Interests

56. The application site lies within 500m of Loch Leven which carries a number of national and international conservation designations (SPA, Ramsar site and SSSI) which reflect its environmental importance. The Loch is also a National Nature Reserve and is an important site for nature conservation, supporting insect, plant and bird life. The water quality of the Loch is fundamental to its conservation value and interest. Pollution entering the Loch from manmade sources has caused problems with water quality for many years causing a decline in aquatic plant growth, changes to insect and aquatic plant populations and a detrimental impact on the loch's value as a good example of a nutrient-rich loch (Loch Leven Catchment Management Plan 1999).
57. The submitted proposals are not directly connected with, or necessary to, the conservation or management of this protected site.
58. At the operational stage, collection and treatment of surface water would be to the new SUD's facilities. All road surface water runoff would pass into associated filtration trenches and either dissipate to ground or percolate over time to perforated pipes at the base of the trench which would outfall to the detention basin. The outlet from the basin would be to the South Queich watercourse. The resultant construction and post construction operation of the proposed access and its associated infrastructure is deemed to have negligible impact on natural heritage interests.

## Landscape

59. Tayside Landscape Character Assessment (TLCA): identifies that the application site lies within the Loch Leven Basin.
60. The TLCA highlights that more recent developments in the principal settlements (including Kinross) are particularly prominent due to the materials of finish employed and the absence of screening around the urban edge.
61. The TLCA offers Landscape Guidelines which seek to influence the form of new development. Those of relevance to this proposal include:
  - The careful consideration of the interface between settlement and countryside;
  - The delivery of on-site and where possible, off-site screening to reduce the visual and aural impacts of Transport related development;
  - Consideration of key vistas, views and gateway approaches.
62. The landscaping proposals identified extend beyond the remit of the application site boundary and have not been specifically assessed in this regard. The wider landscape proposals submitted are considered to constitute background information to this application and are most appropriately dealt with through planning application 10/02175/FLL, through the relative extents of the respective application site areas.

63. Notwithstanding, a wide mix of planting has been included in and around the environs of the application site boundary, tied into the wider mixed planting strategy, which adopts a site hierarchy and is generally supported in principle. The objection comments made in relation to landscaping, specifically relate to the wider landscape proposals, which do not formally constitute part of this planning application.

### **Traffic Implications and Noise**

#### Traffic Implications

64. The Transportation Planner does not raise objection to the proposals, whilst Transport Scotland do not raise objection in relation to the implications for the movement of traffic onto and from Trunk Road and Motorway network.

#### Access Improvements

65. An associated footpath is to be constructed along the northern and southern channel of the proposed access road, tying in with the link road footpath and beyond to the recently constructed cycle path to the east of the site. Dropped kerbs and tactile paving are provided at the junction with the link road and will also be included at each of the three proposed access spurs on the access road, which will serve to aid pedestrian crossing movements.

#### Noise

66. The previous environmental assessment showed a negligible increase in background noise. The predicted effects were originally considered to be negligible increase in background noise to a level which the Environmental Health Manager is satisfied would be virtually imperceptible and accordingly no additional mitigation was considered necessary. In this context, whilst not specifically controllable through development within the application site area, the introduction of additional noise earth bunding above that proposed is not deemed necessary.

### **Economic Benefits**

67. It is anticipated the 100 metre service access will provide improved options for the marketing of the site for employment opportunities at this strategic locale. The proposals are therefore critical to facilitating the wider development opportunities for this area and providing the catalyst for that development to be realised.

### **PLANNING AUTHORITY WITH AN INTEREST IN THE LAND**

68. The Town and Country Planning (Notification of Applications) (Scotland) Direction 2009 advises on the procedure for notification of planning applications to the Scottish Ministers for developments in which planning authorities have an interest. Part of the land within the application site is owned by the Council. The Direction states that notification to the Ministers is only required where the

proposal involves a significant departure from the authority's own Development Plan. The proposal is not a significant departure from the Development Plan and accordingly a notification to Ministers is not required in this instance.

## **DIRECTION BY SCOTTISH MINISTERS**

69. 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.

## **LEGAL AGREEMENTS**

70. None required

## **CONCLUSION AND REASONS FOR RECOMMENDATION**

71. Section 25 of the Act requires that determination of the proposal should be made in accordance with the provisions of the Development Plan unless material considerations indicate otherwise. The proposal is consistent with the objectives of the Development Plan.
72. The provision of this access road from the new distributor road part satisfies part of a key Local Plan objective. It is anticipated the 100 metre service access will provide improved options for the marketing of the site for employment opportunities at this strategic locale. In line with the assessment of the original distributor road, the proposed access spur, which is modest in scale, has an acceptable relationship to nearby sensitive receptors, ensuring that the conservation interests of the Loch Leven SPA, Ramsar site and SSSI remain safeguarded.

## **RECOMMENDATION**

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

1. The proposed development must be carried out in accordance with the approved plans, unless otherwise provided for by conditions imposed on the planning consent.
2. Storm water drainage from all new paved surfaces including the new road, shall be disposed of by means of suitable sustainable urban drainage systems to meet the requirements of best management practices.
3. Prior to the commencement of site works, details of road lighting along the new access road shall have been submitted to and approved in writing by the Council as Planning Authority. The approved lighting scheme shall thereafter be implemented with those details.

**Reasons:**

1. To ensure that the development is carried out in accordance with the plans approved.
2. To ensure no adverse impact on neighbouring amenity or the qualifying environmental interests of the area.
3. To ensure details are acceptable to the Council as Planning Authority in the interests of the amenity of the area.

**B JUSTIFICATION**

The proposal is in accordance with the Development Plan and there are no material reasons which justify departing from the Development Plan.

**C PROCEDURAL NOTES**

None.

**D INFORMATIVES**

1. This planning permission will last only for three years from the date of this decision notice, unless the development has been started within that period. (See Section 58(1) of the Town and Country Planning (Scotland) Act 1997 (as amended)).
2. 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.
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.
4. 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.

Background Papers: 1 Letter of representation  
Contact Officer: Callum Petrie – Ext 75353  
Date: 7 March 2013

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

If you or someone you know would like a copy of this document in another language or format, (On occasion only, a summary of the document will be provided in translation), this can be arranged by contacting the  
Customer Service Centre  
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Council Text Phone Number 01738 442573

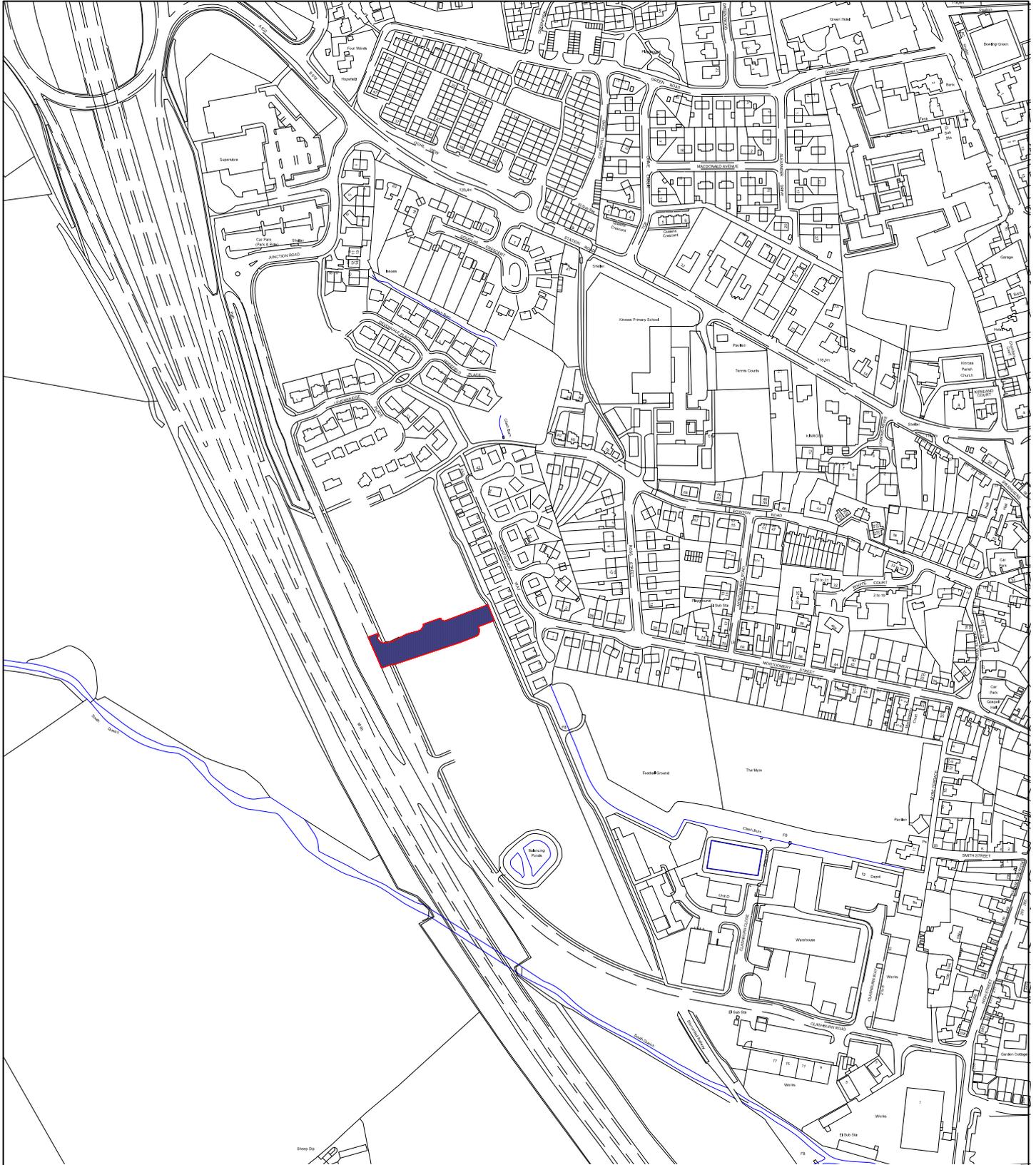


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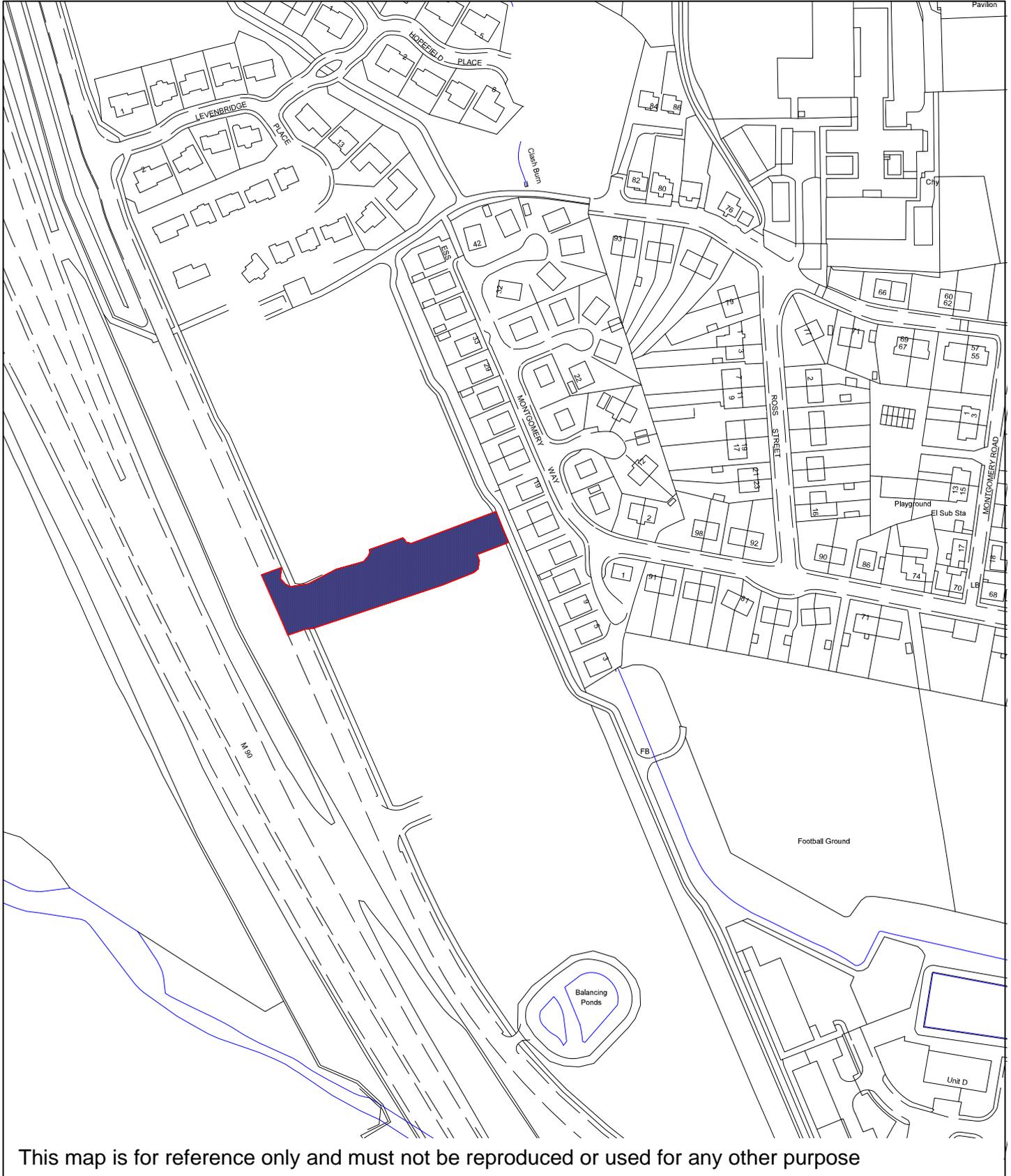
Land 150m NW of Unit C Kinross Business Park, Clashburn Close

Formation of 100m access road, associated drainage, street lighting and landscaping



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↑ Scale  
1:5000



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↑ Scale  
1:2500