

Perth and Kinross Council  
Development Control Committee – 14 October 2015  
Report of Handling by Development Quality Manager

**Residential development (in principle) on land North West of Schiehallion, Crook of Devon**

Ref. No: 15/01110/IPL  
Ward No: 8 – Kinross-shire

**Summary**

This report recommends approval of the application for residential development (in principle) as the development is considered to comply with the relevant provisions of the Development Plan and there are no material considerations apparent which would outweigh the Development Plan.

**BACKGROUND AND DESCRIPTION**

- 1 This application relates to a paddock of overgrown land located on the northern edge of Crook of Devon. The site extends to 0.9 hectares and is bound to the north east by the 'Millennium' core footpath, to the south east by a number of existing residential properties, to the south west by the River Devon and to the North West lies the Nine Acres Scout Camp. The site is largely undeveloped land which is well contained, with housing to the east and trees and vegetation on the other boundaries, including the bank of the adjoining River Devon. However the north eastern corner of the site features an access and there is a small fenced compound that contains two storage containers which were used in the past by the applicant for the storage of tools and building materials.
- 2 Planning permission in principle is being sought for residential development within the application site. An indicative layout plan has been submitted which proposes a development comprising of 9 detached dwellinghouses set out in a 'U-shape' with access taken from the public road via the 'Millennium' core footpath. The indicative plan also proposes the creation of a water feature which will also form an attenuation feature for surface water drainage purposes, supplementary landscape planting throughout the site and improvements to the surface of the existing shared access (Millennium Footpath).

**NATIONAL POLICY AND GUIDANCE**

- 3 The Scottish Government expresses its planning policies through The National Planning Framework 1 & 2, the Scottish Planning Policy (SPP), Planning Advice Notes (PAN), Designing Places, Designing Streets, and a series of Circulars.

## **Scottish Planning Policy 2014**

- 4 The Scottish Planning Policy (SPP) was published on June 23 2014. It sets out national planning policies which reflect Scottish Ministers' priorities for operation of the planning system and for the development and use of land. The SPP promotes consistency in the application of policy across Scotland whilst allowing sufficient flexibility to reflect local circumstances. It directly relates to:
- the preparation of development plans;
  - the design of development, from initial concept through to delivery; and
  - the determination of planning applications and appeals.
- 5 Of relevance to this application are:
- Paragraphs 109 – 134: Enabling Delivery of New Homes

## **PAN 1/2011 – Planning and Noise**

- 6 This document provides guidance on matters relating to noise issues and sets out the range of noise issues that planning authorities need to be aware of in formulating development plans, making decisions on planning applications and in taking enforcement action.

## **DEVELOPMENT PLAN**

- 7 The Development Plan for the area consists of TAYplan Strategic Development Plan 2012 – 2032 and the Perth and Kinross Local Development Plan 2014.

### **TAYplan Strategic Development Plan 2012 – 2032 - Approved June 2012**

- 8 Whilst there are no specific policies or strategies directly relevant to this proposal the overall vision of the Tay Plan should be noted. The vision states *“By 2032 the TAYplan region will be sustainable, more attractive, competitive and vibrant without creating an unacceptable burden on our planet. The quality of life will make it a place of first choice, where more people choose to live, work and visit and where businesses choose to invest and create jobs.”*
- 9 Under the TAYPlan the principal relevant policy is:-

### **Policy 5: Housing**

- 10 Ensure that the mix of housing type, size and tenure meets the needs and aspirations of a range of different households throughout their lives, including the provision of an appropriate level of affordable housing based on defined local needs. Local Development Plans (where applicable) will need to set affordable housing requirements for or within each housing market area.

## **PERTH AND KINROSS LOCAL DEVELOPMENT PLAN 2014**

11 The Local Development Plan was adopted by Perth and Kinross Council on 3 February 2014. It is the most recent statement of Council policy and is augmented by Supplementary Guidance.

12 The principal relevant policies are, in summary:

### **Policy PM1A - Placemaking**

13 Development must contribute positively to the quality of the surrounding built and natural environment, respecting the character and amenity of the place. All development should be planned and designed with reference to climate change mitigation and adaptation.

### **Policy PM1B - Placemaking**

14 All proposals should meet all eight of the placemaking criteria.

### **Policy PM3 - Infrastructure Contributions**

15 Where new developments (either alone or cumulatively) exacerbate a current or generate a need for additional infrastructure provision or community facilities, planning permission will only be granted where contributions which are reasonably related to the scale and nature of the proposed development are secured.

### **Policy RD1 – Residential Areas**

16 In identified areas, residential amenity will be protected and, where possible, improved. Small areas of private and public open space will be retained where of recreational or amenity value. Changes of use away from ancillary uses such as local shops will be resisted unless supported by market evidence that the existing use is non-viable. Proposals will be encouraged where they satisfy the criteria set out and are compatible with the amenity and character of an area.

### **Policy RD4 - Affordable Housing**

17 Residential development consisting of 5 or more units should include provision of an affordable housing contribution amounting to 25% of the total number of units. Off-site provision or a commuted sum is acceptable as an alternative in appropriate circumstances.

### **Policy EP2 – New Development and Flooding**

18 There is a general presumption against proposals for built development or land raising on a functional flood plain and in areas where there is a significant probability of flooding from any source, or where the proposal would increase the probability of flooding elsewhere. Built development should avoid areas at significant risk from landslip, coastal erosion and storm surges. Development

should comply with the criteria set out in the policy.

### **Policy EP3B – Water, Environment and Drainage**

- 19 Foul drainage from all developments within and close to settlement envelopes that have public sewerage systems will require connection to the public sewer. A private system will only be considered as a temporary measure or where there is little or no public sewerage system and it does not have an adverse effect on the natural and built environment, surrounding uses and the amenity of the area.

### **Policy EP3C – Water, Environment and Drainage**

- 20 All new developments will be required to employ Sustainable Urban Drainage Systems (SUDS) measures.

### **Policy EP8 - Noise Pollution**

- 21 There is a presumption against the siting of proposals which will generate high levels of noise in the locality of noise sensitive uses, and the location of noise sensitive uses near to sources of noise generation.

### **Policy NE3 - Biodiversity**

- 22 All wildlife and wildlife habitats, whether formally designated or not should be protected and enhanced in accordance with the criteria set out. Planning permission will not be granted for development likely to have an adverse

## **OTHER POLICIES**

### **Affordable Housing Supplementary Guide 2014**

- 23 This supplementary guidance was produced by officers at Perth & Kinross Council to provide advice and information to all those with an interest in the delivery of affordable housing based on the experience of operating the affordable housing policy since it was approved in August 2005.

### **Developer Contributions 2014**

- 24 This supplementary guidance seeks to secure both A9 junction contributions and education contributions in certain circumstances. The guidance should be read in conjunction with Local Development Plan Policy PM3: Infrastructure Contributions and Developer Contributions Supplementary Guidance.

## **SITE HISTORY**

- 25 None

## **CONSULTATIONS**

## External

- 26 **Scottish Environment Protection Agency** – Initially raised concerns regarding flood risk but have withdrawn objection following the submission of more accurate ground level which demonstrate the site is not at risk.
- 27 **Scottish Water** – No comments received.
- 28 **Fossway Community Council** – Object to the proposed development on the basis of lack of sufficient drainage capacity, layout and density not in keeping with surrounding settlement and lack of provision for affordable housing.

## Internal

- 29 **Biodiversity Officer** – No objection to proposed development but recommended a condition requiring an otter survey given the proximity of the site to the River Devon.
- 30 **Transport Planning** – The Transport Planner has advised that the proposed development will not result in any significant increase in levels of traffic or impact on road traffic safety.
- 31 **Education And Children's Services** – As this application is only “in principle” it is not possible to provide a definitive answer at this stage however it should be noted that the Developer Contributions Policy would apply to all new residential units with the exception of those outlined in the policy. The determination of appropriate contribution, if required, will be based on the status of the school when the full application is received.
- 32 **Contributions Officer** – Recommends conditions requiring compliance with the Council’s Supplementary Guidance relating to Primary Education Developer Contributions and Transport Infrastructure Development Contributions.
- 33 **Community Greenspace - Access Officers** – No comments received.
- 34 **Affordable Housing Officer** – The proposed development is likely to result in the creation of more than 5 units, which would mean that the Affordable Housing Policy would apply and a condition to reflect this should be attached to any planning application granted.
- 35 **Local Flood Prevention Authority** – No concerns expressed regarding flood risk but recommend condition relating to the submission of a drainage impact assessment will need to be provided with any detail application.

## REPRESENTATIONS

- 36 9 valid letters of objection have been received from 8 neighbouring residents and Fossway Community Council. The grounds of objection can be summarised as follows:

- Impact on core path
- Impact of noise from neighbouring Scout Camp at 9 Acres
- Impact of development on amenity of neighbouring Scout Camp
- Road safety/increase in road traffic
- Overdevelopment
- Lack of foul drainage infrastructure
- Loss of open space
- Impact on biodiversity
- Impact on amenity of neighbouring properties
- Loss of privacy
- Light pollution

37 These issues are addressed in the Appraisal section of this report.

38 In addition to the above, comments have also been received in relation to the lack of demand for housing, inadequate water pressure, loss of views and impact of construction traffic. These comments are not considered to be valid material planning issues.

39 2 letters of support have also been received which make reference to the local need for new housing and the benefit to local services within village.

## ADDITIONAL STATEMENTS

40

Environment Statement	Not required
Screening Opinion	Not required
Environmental Impact Assessment	Not required
Appropriate Assessment	Not required
Design Statement / Design and Access Statement	None submitted
Report on Impact or Potential Impact	Flood Risk Statement submitted

## APPRAISAL

### Policy

41 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 proposals comply with Development Plan policy or if there are other material considerations, which justify a departure from policy.

42 Under the previous Kinross Area Local Plan 2004 this site was located outwith the settlement boundaries of Crook of Devon. However under the recently adopted

Perth and Kinross Local Development Plan 2014 the settlement boundaries of Crook of Devon have been revised and the site is now included within the settlement boundary. As such the most relevant policies of the local plan are Policies RD1 'Residential' and PM1 'Placemaking'.

- 43 Policy RD1 identifies areas of residential and compatible uses where new development will only be acceptable where the use proposed is compatible with existing (residential uses) and will not adversely affect the character or amenity of the existing area.
- 44 Policy PM1A is applicable to all new proposals within the plan area and seeks to ensure that the quality of the surrounding built and natural environment is maintained and that all new development respects the existing character and amenity of the existing areas
- 45 As this is a planning in principle application, the key test of the acceptability of this proposal on policy grounds is ultimately whether or not the proposed land use (for residential) is consistent with the requirements of the Local Development Plan. In this instance the applicant is seeking to establish the principle of residential development within an area where residential development is generally considered to be acceptable.
- 46 It is also important to highlight that during the examination of the recently adopted Perth and Kinross Local Development Plan 2014 the Scottish Government Reporter assessed the site as being suitable for residential development subject to further assessment in relation to flood risk. As a result the site was included within the settlement boundaries on the basis that it would be developed for housing.
- 47 As such, it is considered that the principle of residential development is in accordance with the Local Development Plan.

### **Design and Layout**

- 48 The applicant has not provided any detailed design for the proposed houses but an indicative layout based on a development of 9 detached dwellinghouse has been submitted in support of the application. The plan proposes a 'U-shaped' layout with each plot taking access from a central access road. The plan also features a small landscaped water feature which will also be used for surface water drainage.
- 49 It is considered that this indicative plan is far too optimistic as to the number of units that could realistic be achieved within the site. The density and form of the layout does not reflect the traditional pattern of development in the immediate area and is more akin to the type of development that would be expected in a more urban environment. However it is acknowledged that this plan is only indicative and the specific number of units and detailed design and layout will be determined during the assessment of a subsequent detailed planning application.

## **Residential Amenity**

- 50 A number of objections have been received from neighbouring residents in relation to the potential impact on their amenity, particularly in relation to light pollution and privacy.
- 51 In terms of the impact on the existing residential amenity of the area, as this is a planning in principle application the exact impact on existing amenity and also the proposed residential amenity of future occupiers of housing within the development cannot be reasonably assessed at this (in principle) stage. The applicant has submitted a layout based on 9 detached dwellings this plan is only indicative and as outlined above, would not be supported. However, bearing in mind the size of the site and the nature of what is proposed, it is considered that a smaller scheme could be achieved which would not compromise the amenity of existing residential properties and will equally provide a suitable level of residential amenity for new future occupiers.

## **Noise**

- 52 Concerns have been expressed regarding the potential impact of noise from the Scout camp at Nine Acres located to the west of the proposed site. It has also been suggested that the proposed development could impact on operation of the Scout camp.
- 53 Having visited the site it is considered that the existing activities at Scout camp are unlikely to give rise to any issues in relation to noise. Whilst it is accepted that there will be some noise associated with youngsters partaking in outdoor activities, it is unlikely the level of noise will be substantial and would be largely limited to day light hours. It is also noted that the proposed indicative plan proposed to establish additional planting along the western boundary which will create a screen between the development site and the camp area.
- 54 In addition to the above, it is also considered that the proposed development will not have any impact on the day to day operation of the Scout camp. Whilst the proposed development is located immediately to the east of the reception buildings, the main camp area is located over 100 metres from the development site. It is also noted that the 2<sup>nd</sup> Fife Scout Group have stated that they have no objection to the principle of residential development within site.
- 55 It should also be noted that concerns regarding noise were specifically raised during the examination of the Local Development Plan and the Government Reporter concluded that the concerns were not substantiated and that a noise problem is unlikely to arise given that the camping area is some distance from the proposed housing site.

## **Flooding**

- 56 The River Devon is located to the south west of the proposed site and whilst there is a relatively substantial height difference between the development site and the

river, SEPA's indicative flood map identifies that the a small section in the south east corner of the site may be at risk to flooding.

- 57 The applicant has submitted a statement from their flood engineer and provided detailed topographical information, including cross sections, which illustrate that the river is approximately 4 metres lower than the lowest point of the proposed development site. It also identifies that the opposite bank of the river is also 4 metres lower than the site level. As such it is concluded that the site is not at risk to flooding and that any flooding will take the preferred flow path off site to the west.
- 58 The Council's Flood Prevention Officer has assessed the proposals and advised that he has no objection to the proposed principle of residential development but recommends that a drainage impact assessment will be to be provided with any future detailed planning application.
- 59 SEPA has also been consulted and they initially raised concerns regarding the accuracy of the site levels indicated on the plans. However SEPA has withdrawn their objection the application following the submission of updated plans which provide accurate topographical data.

### **Surface Water Drainage**

- 60 The plans indicate that a water feature will be created which will provide surface water attenuation for the proposed development. As this application is only in principle, the detailed specification for the proposed surface water drainage scheme (SUDS) is not necessary at this stage. However the submission of detailed information regarding the proposed means of surface water drainage has been conditioned and will therefore form part of the submission of any detailed application in future.

### **Foul Water Drainage**

- 61 The applicant proposes to dispose of foul effluent to the public sewer which is the preferred method of disposal and complies with the requirements of Policy EP3B 'Water, Environment and Drainage'.
- 62 Scottish Water has been consulted but no response has been received. However it is known that there is presently limited capacity at the Crook of Devon Wastewater Treatment Works. The lack of drainage capacity will obviously have a direct impact on the ability to develop the site but it is considered to be a separate matter that the applicant should discuss directly with Scottish Water.

### **Roads and Access**

- 63 A number of local residents have raised concerns that the existing access into the site and the surrounding road network is not suitable for the level of traffic that will be generated by the proposed development.

- 64 In this regard the Transport Planner has been consulted and acknowledges the concerns regarding access and road safety, but he considers that the level of traffic generated by any residential development on this site would be relatively small and the existing local road network can accommodate the proposals without impacting on road safety. Whilst he notes that visibility at existing junction onto the public road is restricted, it is acceptable given the low speed of traffic in the vicinity. It is also considered there is scope to improve the junction as part of any improvements to the existing shared access track (Millennium Footpath).

### **Biodiversity**

- 65 It is noted that an objector has made reference to the site being an important habitat for red squirrels, bats and otters. In discussion with the Biodiversity Officer it is considered that the development of this site is unlikely to have any significant impact on any protected species. It is acknowledged that the rural nature of the site will provide a habitat for various insects and wildlife but the site does not contain any trees and could be developed without have a significant impact on the biodiversity of the local area. However, given the proximity of the site to the River Devon, a condition has been applied requiring the submission of an Otter Survey with any subsequent detailed application.

## **DEVELOPER CONTRIBUTIONS**

### **Education**

- 66 With reference to the above planning application the Council Developer Contributions Supplementary Guidance requires a financial contribution towards increased primary school capacity in areas where a primary school capacity constraint has been identified. A capacity constraint is defined as where a primary school is operating, or likely to be operating following completion of the proposed development and extant planning permissions, at or above 80% of total capacity.
- 67 As this application is only "in principle" it is not possible to provide a definitive answer at this stage however a condition is applied to ensure that any future detailed development complies with the requirements of the Developer Contributions Guide 2012.

### **Affordable Housing**

- 68 The Affordable Housing Supplementary Guidance 2014 is applicable to all developments of 5 or more units. However as this application is only seeking to establish the principle of residential use on the site it is not possible to apply this guidance at this stage. Again, a condition will be applied to any consent requiring compliance with this guidance note.

## **ECONOMIC DEVELOPMENT**

- 69 The economic impact of the proposal is likely to be minimal and limited to the construction phase of the development.

## **LEGAL AGREEMENTS**

70 None

## **DIRECTION BY SCOTTISH MINISTERS**

71 Under the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013, 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**

72 In conclusion, the application must be determined in accordance with the adopted Development Plan unless material considerations indicate otherwise. In this respect, the proposal is considered to comply with the approved TAYplan 2012 and the adopted Local Development Plan 2014. I have taken account of material considerations and find none that would justify overriding the adopted Development Plan. On that basis the application is recommended for approval subject to conditions.

## **RECOMMENDATION**

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

- 1 The development shall not commence until the following matters have been approved by the Planning Authority through the submission of an application or applications for approval of matters specified in conditions:
  - a) A detailed levels survey (existing and proposed) and cross sections showing proposed finished ground and floor levels of all buildings forming part of the development, relative to existing ground levels and a fixed datum point;
  - b) The siting, design, layout, height and external materials of all buildings or structures;
  - c) A detailed Otter Survey undertaken by a qualified ecologist.
  - d) Details of vehicular access to the site, the provision car parking spaces and turning facilities;
  - e) A detailed specification for the improvements to the surface of the existing shared access from the public road to the entrance of Nine Acres;
  - f) Details of the proposed surface water drainage scheme (SUDs);
  - g) Details of all proposed landscaping, planting, screening and boundary treatment;
  - h) Details of suitable storage for waste disposal/collection;
  - i) A detailed tree survey of all existing trees within and immediately adjacent to the development site.

Reason - This is a Planning Permission in Principle under Section 59 of the Town and Country Planning (Scotland) Act 1997 as amended by Section 21 of the Planning etc. (Scotland) Act 2006.

- 2 The development shall be in accordance with the requirements of the Council's Developer Contributions Guide August 2014 and Policy PM3 of the Local Development Plan 2014; all to the satisfaction of the Council as Planning Authority.

Reason - In the interests of reviewing educational capacity at an appropriate stage; and in full accordance with the Council adopted Developer Contributions Guidance.

- 3 The development shall be in accordance with the Council's Affordable Housing Supplementary Guidance August 2014 and Policy RD4 of the Local Development Plan 2014; all to the satisfaction of the Council as Planning Authority.

Reason - To comply with the Council's approved policy on affordable housing.

- 4 The layout and number of dwellings illustrated on the proposed indicative layout are not approved by this consent.

Reason - This applicant is in principle and for the avoidance of doubt.

- 5 All matters regarding access, car parking, road layout, design and specification, including the disposal of surface water, shall be in accordance with the standards required by the Council as Roads Authority and to the satisfaction of the Planning Authority.

Reason - In the interests of pedestrian and traffic safety and in the interests of free traffic flow.

## **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 Application for the approval of matters specified in conditions shall be made before the expiration of 3 years from the date of the grant of planning permission in principle, unless an earlier application for such approval has been refused or an appeal against such refusal has been dismissed, in which case application for the approval of all outstanding matters specified in conditions must be made within 6 months of the date of such refusal or dismissal.

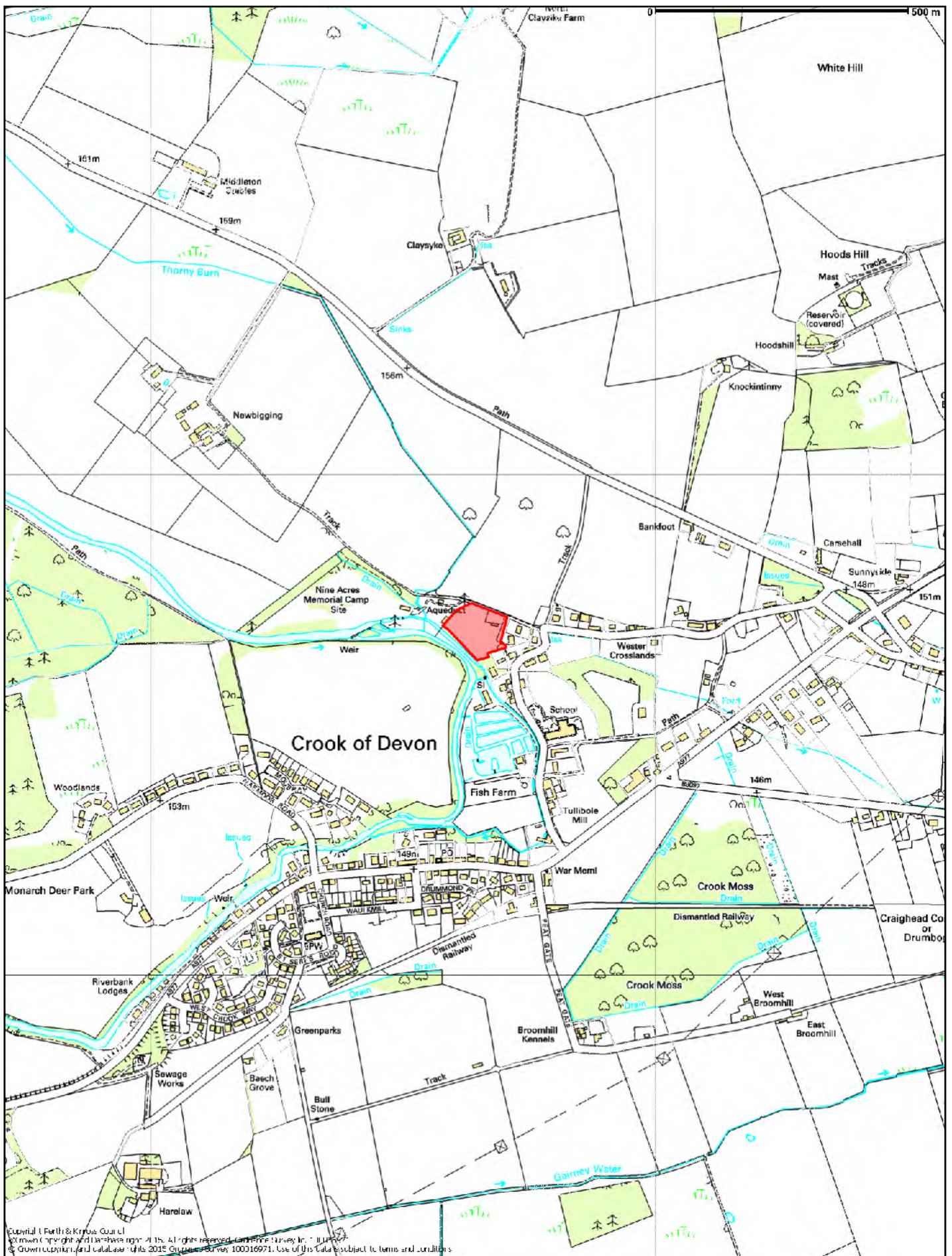
- 2 The approved development shall be commenced not later than the expiration of 3 years from the date of grant of planning permission in principle or 2 years from the final approval of matters specified in conditions, whichever is later.
- 3 Applicants are advised that should their application for Approval of Matters specified be refused and/or their appeal against such refusal dismissed outwith the three year time limit they are entitled to submit a revised application for Approval of Matters specified within six months after the date of refusal of the earlier application or of the dismissal of an appeal against such refusal.
- 4 The applicant should be advised that in terms of Section 21 of the Roads (Scotland) Act 1984 he must obtain from the Council as Roads Authority consent to construct a new road prior to the commencement of roadworks. 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. The applicant should also be advised that in terms of Section 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.
- 5 The applicant is advised that the granting of planning consent does not guarantee a connection to Scottish Water's assets. The applicant must make a separate application to Scottish Water Planning & Development Services team for permission to connect to the public wastewater system and/or water network and all their requirements must be fully adhered to

Background Papers: 9 letters of representation  
Contact Officer: David Niven – Ext 75345  
Date: 1 October 2015

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

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**Development Management Committee**

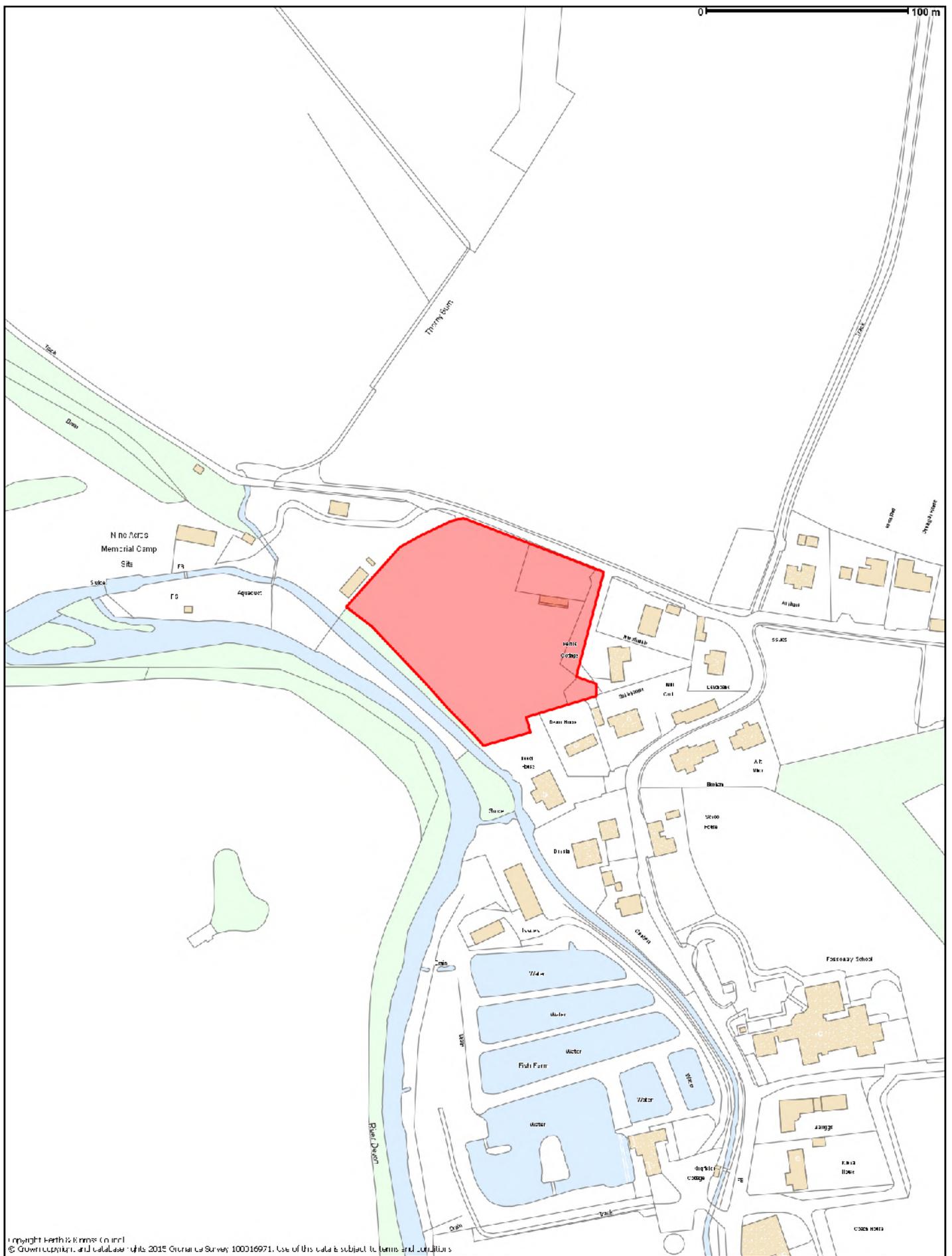


**15/01110/IPL**

**Residential development (in principle) at Land North West of Schiehallion, Crook of Devon**







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**Development Management Committee**



Scale 1:2500

**15/01110/IPL**

**Residential development (in principle) at Land North West of Schiehallion, Crook of Devon**



