

Issue 02	Placemaking	
Development plan reference:	Policy 1: Placemaking, page 19-20 Policy 2: Design Statements, page 20 Policy 17: Residential Areas, page 35	Reporter:
Body or person(s) submitting a representation raising the issue (including reference number):		
P Malcolm (0025) Lynne Palmer (0040) Tayside & Central Scotland Transport Partnership (TACTRAN) (0057) Stewart Milne Homes (0290/06 & 09) Scottish Natural Heritage (SNH) (0353) Alistair Godfrey (0410) Springfield Properties PLC (0455) Cleish & Blairadam Community Council (0510)	Kinross-shire Civic Trust (0526) The Royal Society for the Protection of Birds (RSPB) (0546) Homes for Scotland (0562) Councillor Mike Barnacle (0584) Ken Miles (0592) A&J Stephen Limited (0622) Mrs C Hendry (0709) Scottish Environmental Protection Agency (SEPA) (0742)	
Provision of the development plan to which the issue relates:	Placemaking – Policies 1, 2 and 17.	
Planning authority's summary of the representation(s):		
<p>Policy 1: Placemaking</p> <p>Lynne Palmer (0040/01/001): Supports the Placemaking policy and wonders if it can bring back “community spirit”.</p> <p>Mrs C Hendry (0709/01/002): Supports a policy which dictates that a development should contribute positively to the surrounding built and natural environment.</p> <p><u>Policy 1A</u></p> <p>TACTRAN (0057/01/003): Supports Policy 1A outlining that development should be located where it creates and improves links within and beyond the site, as this will create more accessible developments..</p> <p><u>Policy 1B</u></p> <p>TACTRAN (0057/01/003): Supports the following criteria within Policy 1B as it provides a clear commitment to providing active and sustainable travel options as part of any new development (e) & (h).</p> <p>RSPB (0546/01/002): Suggests the term “to promote active travel” to be replaced in Policy 1B with “including to promote active travel and enhance biodiversity”. They would also like to add to Policy 1 a requirement for all new developments to avoid a specified and rising proportion of projected greenhouse gas emissions from their use, through the installation and operation of low and zero-carbon generating technologies. Also add a requirement for</p>		

all planning applications to be accompanied by an energy statement that demonstrates how the development would satisfy both this policy requirement and criteria (f) and U) of Policy 1B.

SEPA (0742/01/001): Supports the policy commitments that all development should be planned and designed with reference to climate change mitigation and adaptation and that buildings and spaces should be design with climate change and resource efficiency in mind. These policy commitments accord with the principle of supporting climate change mitigation and adaptation set out in paragraph 29 of Scottish Planning Policy (CD004) along with paragraph 159 and the local authority duties under the Climate Change (Scotland) Act 2009 (CD025). We support the incorporation of green infrastructure Policy (1B (h)) into new development, sustainable design and construction and provision of waste storage space. These policy commitments accord with Scottish Planning Policy paragraphs 45, 176, 179, 194, 195 and 220 and the local authority duties as a responsible authority under the Water Environment and Water Services (Scotland) Act 2003 (CD038) to ensure compliance with the WFD and River Basin Planning process in carrying out statutory functions.

Policy 1C

Alistair Godfrey (0410/01/001): Considers that Policy 1C needs to be clear on integration of new settlements with existing settlements to avoid split communities.

TACTRAN (0057/01/003): Supports Policy 1C for larger developments creating sustainable, neighbourhood as this reduces the need to travel and encourages active and sustainable travel patterns

Policy 1D

Homes for Scotland (0562/01/003); A&J Stephen Limited (0622/01/019); Springfield Properties PLC (0455/01/001): Considers the need to remove capacity ranges and replace with indicative site capacities. An unambiguous statement should then be included within the Local Development Plan that states that such capacities are indicative only. True site capacity can then be addressed through the planning application process in full consideration of the place-making expectations as well as any relevant implications for infrastructure needed to support the development. The respondents support initiatives to delivery better quality places through the planning process and as such the principle of Policy 1 is supported. They also recognise the historic issues with setting fixed capacity assumptions within the development plan particularly when higher capacities are progressed through the detailed planning application process. However, by setting a capacity range, there is a risk of further confusion being generated for stakeholders.

Stewart Milne Homes (0290/09/001 & 0290/03/006): Proposes the deletion of Policy 1D. This is because applications for residential development will be informed by market demand for units at the time, as well as detailed technical assessments which will feed into the design process, influencing the final layout and housing types. The number of units deliverable on sites should not be fettered by the inclusion of capacity ranges within the Local Development Plan at this early stage. Site capacity will ultimately be based on detailed assessments at the appropriate time. Furthermore, they discuss the importance of higher density and state that it can be beneficial to a safer, more inclusive society than the standard suburban development that has been the norm for a number of years. Higher density development is not appropriate on all sites and should be considered on its own

merits. It is therefore more appropriate to consider the appropriate number of units at the detailed design stage. If the Council are mindful to keep 1D, they suggest the following sentence be removed: "Only in exceptional circumstances will permission be granted for proposals which fall outwith the identified range".

Kinross-shire Civic Trust (0526/01/001): State that this policy needs more distinction between rural and urban development in terms of identifying capacity ranges. This should reflect the different contexts for development.

Cleish and Blairadam Community Council (0510/01/001): Concerned with Policy 1D defining the range of houses that will be permitted on a particular site. There should be a clear distinction between rural developments and urban/suburban developments. The Draft Placemaking Guide (CD041) goes partially towards that but not nearly enough. Argyll and Bute Council's excellent Sustainable Design Guidance (RD004) makes clear distinction between Small Scale Housing Development, Large Scale Housing Development and working with the Built Heritage. These are very important considerations and will be dealt with in more detail in comments on Housing in the Countryside.

Councillor Mike Barnacle (0584/01/006): Welcomes capacity ranges but thinks they might be too generous.

Ken Miles (0592/01/007); P. Malcolm (0025/01/001): Objects to the inclusion of the proposed Site Capacity Range. A fixed maximum number of houses on specific designated sites should be agreed and adhered to. Major applications have previously regularly breached these agreed numbers by a gross margin, the agreed numbers being wrongly treated as "indicative".

Alistair Godfrey (0410/01/001): Considers that Policy 1D needs clarification; exceptional circumstances requires definition if the range is to be exceeded. He proposes that amendments should be made to section.

Policy 2: Design Statements

Kinross-shire Civic Trust (0526/01/002): States that the opening statement is weak in that it says "Design Statements will normally need to accompany ... The word 'normally' should be deleted and then the opening sentence is much more definite and positive and leaves no room for debate.

Policy 17: Residential Areas

SNH (0353/01/007) seeks the addition of text to Policy 17 to reflect the current LDP policy (CD014, page 36) on residential areas, whereby small areas of private and public open space will be retained where they are of recreational or amenity value.

Councillor Michael Barnacle (0584/01/008) raises the following points in relation to Policy 17:

- Policy mentions improving amenity of existing residents and this should be accorded more importance.
- Possibility of creating significant buffer zones between developments.
- Enhance policy to give communities more time to protect 'assets of community value', such as garages and hotels, giving more time for alternative proposals to develop.

Modifications sought by those submitting representations:

Policy 1: Placemaking

Policy 1B

RSPB (0546/01/002): Term “to promote active travel” to be replaced in Policy 1B with “including to promote active travel and enhance biodiversity”. Add a requirement to Policy 1 for all new developments to use low and zero-carbon generating technologies. Add a requirement for all planning applications to be accompanied by an energy statement that demonstrates how the development would satisfy both this policy requirement and criteria (f) and(j) of Policy 1B.

Policy 1D

Alistair Godfrey (0410/01/001): Exceptional circumstances requires definition if the range is to be exceeded.

Stewart Milne Homes (0290/09/001): Delete Policy 1D.

Homes for Scotland (0562/01/003); A&J Stephen Limited (0622/01/019); Springfield Properties PLC (0455/01/001): State that site capacities are indicative only.

Ken Miles (0592/01/007): A fixed maximum number of houses on specific designated sites should be agreed and adhered to.

Policy 2: Design Statements

Kinross-shire Civic Trust (0526/01/002): Delete the word “normally” from the opening statement "Design Statements will normally need to accompany...".

Policy 17: Residential Areas

SNH (0353/01/007) seeks the addition of text to Policy 17 to reflect the current policy (CD014, page 30) on residential areas, whereby small areas of private and public open space will be retained there they are of recreational or amenity value.

Councillor Michael Barnacle (0584/01/008) raises the following points in relation to Policy 17 and seeks the following changes:

- Policy mentions improving amenity of existing residents and this should be accorded more importance.
- Possibility of creating significant buffer zones between developments.
- Enhance policy to give communities more time to protect ‘assets of community value’, such as garages and hotels, giving more time for alternative proposals to develop.

Summary of responses (including reasons) by planning authority:

Policy 1: Placemaking

Policy 1B

RSPB (0546/01/002): RSPB have requested that additional wording is added to Criteria (h) to read “including to promote active travel and enhance biodiversity”. The Council considers that the reference to making connections to blue and green networks indicates that habitat is of equal importance. Furthermore, in terms of placemaking, the policy is focused on creating places that people will live in. It establishes the overarching principles that should be met when designing new developments, drawing together a range of policies that are required in order to achieve good placemaking. Policy 40: Green Infrastructure is a more detailed policy that emphasises the need to create new habitats and wildlife corridors. It works in tandem with Policy 1 to provide a comprehensive approach to green infrastructure requirements. Furthermore, SEPA have supported the incorporation of green infrastructure Policy (1B (h)) into new development, sustainable design and construction and provision of waste storage space. They state that these “policy commitments accord with Scottish Planning Policy (CD014) paragraphs 45, 176, 179, 194, 195 and 220 and the local authority duties as a responsible authority under the Water Environment and Water Services (Scotland) Act 2003 to ensure compliance with the WFD and River Basin Planning process in carrying out statutory functions” (CD038).

No modification is proposed to the Plan.

RSPB (0546/01/002): RSPB also request a new criterion is added “for all new developments to avoid a specified and rising proportion of projected greenhouse gas emissions from their use, through the installation and operation of low and zero-carbon generating technologies”. RSPB further requests that a requirement for all planning applications to be accompanied by an energy statement that demonstrates how the development would satisfy both this policy requirement and criteria (f) and (j) of Policy 1B. Criteria (f) and (j) both focus on ensuring proposals are designed to be energy efficient, reflecting the impact on climate change and future uses. The currently adopted SG that relates specifically to sustainable building design will be revised in accordance with the most current advice and drafted into a technical note attached to the Draft Placemaking Guide (CD014). This will further develop how sustainable building design can reduce carbon emissions in practice, providing more in-depth guidance on lowering emissions through passive technology.

Combined with other policies within the plan, including the Spatial Strategy for a Low Carbon Place (pages 45-58), the Council believes that the plan meets with the Section 3F of the Town and Country Planning (Scotland) Act 1997 requirement for all developments to be designed to ensure the installation and operation of low and zero-carbon generating technologies (LZCGT) (CD031). Indeed, SEPA have supported these policy commitments stating that they are in accordance with the “principle of supporting climate change mitigation and adaptation set out in paragraph 29 of Scottish Planning Policy along with paragraph 159 and the local authority duties under the Climate Change (Scotland) Act 2009” (CD025). The Council therefore considers that this proposal would simply be a repetition of the existing criteria. Furthermore, the Council does not consider criterion for an energy statement to be the preferred approach to measuring its implementation. The placemaking criteria are identified to ensure that the key issues surrounding the design of a new development are addressed holistically and are applicable to any size of

development. Many development proposals are very minor and it would be disproportionate to require an energy statement for every application. All the criteria are further developed within the Draft Placemaking Guide and the technical notes that are programmed to follow (CD041).

No modification is proposed to the Plan.

Policy 1C

Alistair Godfrey (0410/01/001): Policy 1C is worded to focus developers on creating sustainable neighbourhoods through masterplanning. Nonetheless, it is important that these larger developments integrate into the surrounding area. This approach is reflected in the draft Placemaking Guidance throughout the document, in terms of green networks, built context, access and social impacts (CD041). Policy 1C notes that the Guide provides greater detail on the masterplanning approach. The Council therefore see no need to add further wording to this policy.

No modification is proposed to the Plan.

Policy 1D

Alistair Godfrey (0410/01/001); P. Malcolm (0025/01/001); Stewart Milne Homes (0290/09/001 & 0290/03/006); Springfield Properties PLC (0455/01/001); Homes for Scotland (0562/01/003); A&J Stephen Limited (0622/01/019); Councillor Mike Barnacle (0584/01/006); Ken Miles (0592/01/007): The capacity range for allocated sites in LDP2 has been established using the methodology set out in the Proposed Plan Housing Background Paper 2017 (CD018). The thought process behind establishing a range is to acknowledge that through more detailed design work, different densities can be worked up on a site. Furthermore, the requirements of the area in terms of house type and size could change over time. Providing a capacity range acknowledges these possibilities and allows for more flexibility in terms of how a site might be brought forward. These ranges are not indicative, they are, in the majority of cases, a clear threshold that a development should not either go over or under. They have been calculated on the developable area identified through the environmental constraints on a site, the local density of the settlement and capacity of local services. The maximum density provides a clear guide as to what the Council considers acceptable on any individual site, based on the surrounding area, the infrastructure capacity of the specific settlement and on site environmental constraints. The range should not cause confusion; it should make it clearer what the Council find acceptable and unacceptable on a site.

The Council, however, acknowledges the concerns of Ken Miles (0592/01/007). Mr Miles objected to the inclusion of the proposed Site Capacity Range and requested that a fixed maximum number of houses on specific designated sites should be agreed and adhered to.

It is important to the communities, where development takes place, that they have a clear understanding of the maximum level of development proposed. The Council's experience from the development management process suggests that this concern is widespread amongst the public and various community bodies.

The Council's first LDP identified an indicative density with the intention that this figure was flexible. Many members of the public however, interpreted this as fixed figure which

could not be exceeded and this has caused a good deal of public concern and criticism of the Council for permitting development above the indicated number of houses.

As a result, the Council opted to indicate density ranges in LDP2 believing that it gave a clearer indication to the public that a range of house numbers may be appropriate and that this could only be decided through the detail contained in a planning application. Whilst previously, the majority of planning applications were consented for numbers higher than the indicative figure in the LDP, the Council believes the majority of applications are now likely to be within the identified range.

The Council remains convinced that, at the LDP site identification stage, it would be inappropriate to specify a fixed number of houses. The use of a capacity range provides an appropriate degree of flexibility for developers whilst giving the public a clearer idea of the likely number of houses that might be acceptable. Greater certainty could be achieved by making the upper limit an absolute maximum, thus providing the certainty sought by the objector, and it is acknowledged that this would likely gain widespread public support.

No modification proposed to the Plan. However the Council requests that the Reporter consider the matter and suggests that the policy be amended to make it clear that the upper limits of the site capacity ranges in the Plan are a maximum number of houses that must not be exceeded. The following change to Policy 1D is therefore suggested:

“Sites allocated in the Plan for housing development have a capacity range identified. Applications which exceed the identified capacity range will not be permitted. The Placemaking Supplementary Guidance will set out how capacity ranges will be calculated on windfall sites.

“Note: Placemaking Supplementary Guidance will set out how the Council aims to implement the above policy. Technical notes will provide further detailed information as to how the individual criteria can be achieved. Further information will also be provided on how capacity ranges have been calculated on allocated sites. It will also set out how capacity ranges will be calculated on windfall sites, and sites under construction with consent, which do not appear in the LDP.”

If the Reporter is minded to accept the modification the Council would highlight that this may have implications for the Housing Background paper, and for the consideration of individual sites where there are objections to capacity ranges. As this has arisen as a result of an Amendment made at the Council meeting (CD376) there has not been sufficient time to identify all the potential changes prior to the submission of the Plan for Examination, however the work is ongoing and can be provided on request.

In reference to A&J Stephen Limited’s comments regarding the missing Draft Placemaking Guidance (CD041), a draft form of this has already been out for consultation. An updated version of this Guide reflecting the updated policy of LDP2 will be consulted upon in the autumn of 2018. Details regarding the allocations at Auchterarder are discussed in the Schedule 4: Issue 41 Strathearn Area – Auchterarder.

No modification is proposed to the Plan.

Cleish and Blairadam Community Council (0510/01/001); Kinross-shire Civic Trust (0526/01/001): In terms of the comments concerned with rural and urban contextual differences, the capacity ranges have been worked on the basis of local context and

therefore reflect what is appropriate to that particular site. Each site is first assessed on the basis of its context. If it is in a rural village with limited services, the density calculation is likely to be low; for a city brownfield development, it is likely to be higher. Nonetheless, there are times when higher density can be appropriate in a smaller settlement but might not be appropriate in an urban context. This assessment is made on each individual site, reflecting the local urban grain as well the constraints regarding road capacity and access services. The policy clearly states that the Draft Placemaking Guide (CD041) will provide further information on how to calculate windfall sites.

No modification is proposed to the Plan.

Policy 2: Design Statements

Kinross-shire Civic Trust (0526/01/002): The statement "Design Statements will normally need to accompany..." provides the necessary flexibility and acknowledges there are circumstances where a design statement might not be appropriate. The Council therefore considers this to be the appropriate wording for the policy.

No modification is proposed to the Plan.

Policy 17: Residential Areas

SNH (0353/01/007): It is considered that Policy 14 (Open Space Retention and Provision) of the Proposed Plan provides suitable coverage for protecting and retaining areas of private and public open space, within residential areas, which have recreational or amenity value. The opening line of Policy 14 states that: 'Areas of open space... are areas of land which have value to the community for either recreational or amenity purposes' and this policy statement is considered to address the concerns of SNH as there is specific reference to protecting open space which has recreational or amenity value. It is not considered necessary to provide additional text in Policy 17.

No modification is proposed to the Plan.

Councillor Michael Barnacle (0584/01/008): The opening line of Policy 17 states that 'existing residential amenity will be protected, and where possible, improved'. Therefore it is considered that Policy 17 provides suitable protection to existing residents and identifies there may be opportunities to improve residential amenity through development proposals. It is also considered that Policy 1A (Placemaking) provides further policy support for protecting residential amenity, explicitly stating that: 'the design, density and siting of development should respect the character and amenity of the place.'

No modification is proposed to the Plan.

It is considered that 'significant buffer zones between developments' would not be suitable to apply as an additional policy test within Policy 17 as the design, location and siting of development proposals is already considered through Policy 1A (Placemaking) and as a general principle it would not be sustainable nor appropriate in built up areas. As part of Policy 1A proposals are required to consider the surrounding built and natural environment, including the local context and the scale and nature of the development. It may be the case that in some instances it is appropriate – for urban design reasons – to site development opportunities close together to maintain a specific urban form and in these instances a 'buffer zone between developments' would not be appropriate.

No modification is proposed to the Plan.

Policy 17 already ensures that the Council protects assets of community value and proposals for re-development / alternative uses are resisted unless compelling market evidence is provided indicating that the existing use is no longer viable. The circumstances under which market evidence is required and the required level of detail and over what time period is dealt with on a case by case basis depending on the nature and scale of the proposal. As such the current policy is considered to provide suitable protection for community facilities where these are still viable assets within the community.

No modification is proposed to the Plan.

Reporter's conclusions:

Reporter's recommendations: