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Council Building
2 High Street
Perth
PH1 5PH

Monday, 11 September 2017

A Meeting of the **Development Management Committee** will be held in **the Council Chamber, 2 High Street, Perth, PH1 5PH** on **Wednesday, 20 September 2017** at **10:00**.

If you have any queries please contact Committee Services on (01738) 475000 or email Committee@pkc.gov.uk.

BERNADETTE MALONE
Chief Executive

Those attending the meeting are requested to ensure that all mobile phones and other communication devices are in silent mode.

Members:

Councillor Murray Lyle (Convener)
Councillor Bob Brawn (Vice-Convener)
Councillor Henry Anderson
Councillor Bob Band
Councillor Michael Barnacle
Councillor Harry Coates
Councillor Eric Drysdale
Councillor Tom Gray
Councillor Ian James
Councillor Anne Jarvis
Councillor Roz McCall
Councillor Richard Watters
Councillor Willie Wilson

Development Management Committee

Wednesday, 20 September 2017

AGENDA

MEMBERS ARE REMINDED OF THEIR OBLIGATION TO DECLARE ANY FINANCIAL OR NON-FINANCIAL INTEREST WHICH THEY MAY HAVE IN ANY ITEM ON THIS AGENDA IN ACCORDANCE WITH THE COUNCILLORS' CODE OF CONDUCT.

- 1 WELCOME AND APOLOGIES**
- 2 DECLARATIONS OF INTEREST**
- 3 MINUTE OF MEETING OF THE DEVELOPMENT MANAGEMENT COMMITTEE OF 30 AUGUST 2017 FOR APPROVAL AND SIGNATURE 5 - 30**
- 4 DEPUTATIONS**
- 5 APPLICATIONS FOR DETERMINATION**
 - (1) MAJOR APPLICATIONS**
 - (i) 17/01201/AMM - ABERFELDY - ERECTION OF 8 DWELLINGHOUSES (APPROVAL OF MATTERS SPECIFIED IN CONDITIONS 16/00478/IPM - PHASE 2) AT LAND 25 METRES SOUTH WEST OF 8 THE BEECHES, ABERFELDY 31 - 52**

Report of Handling by Interim Head of Planning (recommendation - approve) (copy herewith 17/294)
 - (ii) 17/00886/FLM - KINROSS - APPLICATION UNDER SECTION 42 OF THE TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997 TO DEVELOP LAND TO MODIFY CONDITIONS 8 (CHILDREN'S PLAY AREA) AND 9 (ACCESS) OF PLANNING PERMISSION AT LAND 300 METRES NORTH WEST OF LATHRO FARM, KINROSS 53 - 72**

Report of Handling by Interim Head of Planning (recommendation - approve) (copy herewith 17/295)
 - (2) LOCAL APPLICATIONS**

- (i) **17/00760/FLL - KINROSS - ERECTION OF 47 DWELLINGHOUSES AND ASSOCIATED WORKS AT LAND 300 METRES NORTH WEST OF LATHRO FARM, KINROSS** **73 - 98**
Report of Handling by Interim Head of Planning (recommendation - approve) (copy herewith 17/296)
- (ii) **17/00893/FLL - KINROSS - ERECTION OF 6 DWELLINGHOUSES, FORMATION OF OPEN SPACE, LANDSCAPING AND ASSOCIATED INFRASTRUCTURE WORKS FOR PLOTS 1-6, RELOCATION OF SUDS BASIN, PUMP STATION AND ERECTION OF SUBSTATION (REVISED LAYOUT AND DESIGN) (IN PART RETROSPECT) AT LAND 300 METRES NORTH WEST OF LATHRO FARM, KINROSS** **99 - 124**
Report of Handling by Interim Head of Planning (recommendation - approve) (copy herewith 17/297)
- (3) **PROPOSAL OF APPLICATION NOTICE (PAN)**
- (i) **17/00007/PAN - BENDOCHY - CHANGE OF USE OF AGRICULTURAL LAND TO GAME BIRD FARM AND ASSOCIATED MOVEABLE SHELTERS AND INFRASTRUCTURE AT LAND 400 METRES NORTH EAST OF WEST MYRERIGGS FARM, MYRERIGGS ROAD, BENDOCHY** **125 - 134**
Pre-Application Report by Interim Head of Planning (copy herewith 17/298)

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DEVELOPMENT MANAGEMENT COMMITTEE

Minute of meeting of the Development Management Committee held in the Council Chamber, Ground Floor, Council Building, 2 High Street, Perth on Wednesday 30 August 2017 at 10.00am.

Present: Councillors M Lyle (Convener), B Brawn (Vice-Convener), H Anderson, B Band, M Barnacle, H Coates, E Drysdale, T Gray (up to and including Art.**(1)(ii)), I James, A Jarvis, R Watters and W Wilson.

In Attendance: Councillors T McEwan and L Simpson; N Brian, A Condliffe, M Barr, M Petrie, D Salman, J Scott, D Niven and R Stewart (all The Environment Service); G Fogg, H Rheinallt and D Williams (all Corporate and Democratic Services).

Apology: Councillor R McCall.

Councillor M Lyle, Convener, Presiding.

. WELCOME AND APOLOGIES

The Convener welcomed everyone to the meeting and an apology was noted as above.

. DECLARATIONS OF INTEREST

Councillor T Gray declared a non-financial interest in Art.**(2)(i) in terms of the Councillors' Code of Conduct.

. MINUTES

The minute of meeting of the Development Management Committee of 2 August 2017 (Arts. **-**) was submitted, approved as a correct record and authorised for signature.

. DEPUTATIONS

In terms of Standing Order 59, the Committee agreed to hear deputations in relation to the following planning applications:

Planning Application No.	Art. No.
16/01861/FLM	** (1)(i)
16/01975/FLL	** (2)(i)

. APPLICATIONS FOR DETERMINATION

(1) Major Applications

- (i) 16/01861/FLM – RATTRAY – Residential development for 217 dwellinghouses, formation of open space, landscaping

**and associated infrastructure works at land 200 metres
North East of Lindale, Glenalmond Road, Rattray – Report
17/267 – Springfield Properties PLC**

Ms K Thomson, objector to the application, Mr D Jewell, agent for the applicant, followed by Councillor T McEwan, addressed the Committee and, following their respective representations, withdrew to the public benches.

Motion (Councillors B Brawn and M Barnacle) – Refuse the application for the following reasons:

1. The proposal is contrary to Policy RD4 of the Perth and Kinross Local Development Plan, as it does not adequately integrate affordable housing into the site along with the market housing.
2. The proposal constitutes overdevelopment of the site as the proposed number of houses represents a 33% increase to the indicative figure for Residential Site H63 in the Perth and Kinross Local Development Plan.

**Amendment (Councillors T Gray and W Wilson) - Grant,
subject to the following terms, conditions and informatives:**

Conditions

1. The proposed development must be carried out in accordance with the approved drawings and documents, unless otherwise provided for by conditions imposed on the planning consent.
2. Prior to the occupation of any residential plot, 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.
3. The hours of operation at the construction stages shall be Monday to Friday 07:00 to 19:00 hours, Saturday 08:00 to 13:00 hours and no working on a Sunday.
4. Prior to the occupation of any residential plot, details of the material specification, dimensions and finished level spot heights of all public footpaths and cycleways shall be submitted to the Planning Authority for further written approval. This shall include details of dropped kerbs on footpaths at all junctions. The agreed details shall thereafter be undertaken to the satisfaction of the Planning Authority, as part of an agreed delivery plan, prior to the completion of the development.
5. No development shall commence until a detailed delivery plan confirming the phased delivery of the site, landscaping (including of public open spaces) and

construction works has been submitted and approved in writing by the Planning Authority. Once approved, the development shall be implemented in accordance with the delivery plan.

6. In association with condition 5, and notwithstanding the details on Drawing No. SP005.16 SL-01 Revision D, prior to the commencement of development additional detailed landscape drawings shall be submitted for further written approval by the Planning Authority which should include the deletion of the bund in the western boundary screen planting. Once approved, the landscaping elements shall be implemented in accordance with the delivery plan.
7. In association with conditions 5 and 6, the areas of peripheral public open space and parkland indicated on the approved landscape and planting drawings shall be planted in accordance with the open space standards of the Planning Authority and completed in advance of the occupation of any phase of development, in accordance with the required phasing programme and agreed in writing with the Planning Authority prior to the commencement of the development.
8. Prior to the commencement of development, an onsite signage strategy for the direction and routes through the site to the identified public recreational access areas within the northern and eastern extents of the site, shall be submitted for further written approval prior to the Planning Authority. The strategy shall include details for the timing and delivery of the scheme and shall thereafter be provided in accordance with the approved details.
9. In association with condition 7, the remaining detailed landscaping and planting proposal specification as approved shall be undertaken and delivered commensurate with the residential development elements, in accordance with the approved phasing delivery plan and thereafter maintained to the satisfaction of the Council as Planning Authority.
10. Any planting failing to become established within five years shall be replaced in the following planting season with others of similar sizes and species to the satisfaction of the Council as Planning Authority.
11. The proposed on site play area is not approved as part of this application.
12. A detailed open space plan, which clearly sets out areas proposed for adoption and proposed to be taken on by private factoring arrangement, shall be submitted to the Planning Authority for further written

approval in consultation with the Council Community Greenspace Team.

13. Prior to the commencement of any works on site, all trees on site (other than those marked for felling on the approved plans) and those which have Root Protection Areas which fall within the site shall be retained and protected. Protection methods shall be strictly in accordance with BS 5837 2012: Trees in Relation to Design, Demolition and Construction. Protection measures, once in place, shall remain in place for the duration of construction.
14. Prior to the commencement of development a Construction Environment Management Plan (CEMP), incorporating a Construction Method Statement (CMS), a Construction Traffic Management Plan (CTMP), a Site Waste Management Plan (SWMP), a Site Access Management Plan, a Drainage Management Plan (DMP) and Environmental Management Plan (EMP) detailing pollution prevention and control measures for all phases of the, construction and operation programmes will be submitted to and be approved in writing by the Planning Authority, in consultation with Scottish Environment Protection Agency. Thereafter the development shall be fully undertaken in accordance with the CEMP.
15. In association with Condition 14, no removal of hedgerows, trees or shrubs or works to or demolition of buildings or structures that may be used by breeding birds shall take place between 1st March and 31st August inclusive, unless a competent ecologist has undertaken a careful, detailed check of vegetation for active birds' nests immediately before the vegetation is cleared and provided written confirmation that no birds will be harmed and/or that there are appropriate measures in place to protect nesting bird interest on site. Any such written confirmation should be submitted to the Planning Authority.
16. In association with Condition 14, measures to protect animals from being trapped in open excavations and/or pipe and culverts shall be implemented for the duration of the construction works of the development hereby approved. The measures may include creation of sloping escape ramps for animals, which may be achieved by edge profiling of trenches/excavations or by using planks placed into them at the end of each working day and open pipework greater than 150 mm outside diameter being blanked off at the end of each working day.

17. Prior to the completion of the development, a minimum of 1 Swift brick and 1 bat brick shall be incorporated into at least 50% of the approved 2 storey buildings at eaves height.
18. In line with the planting specification, all proposed semi-natural habitats, shall include planting proposals of locally native species and local provenance.
19. Development shall not commence on site until a detailed sustainable urban drainage system (SUDS) has been submitted for the further written agreement of the Council as Planning Authority, in consultation with SEPA where necessary. The scheme shall be developed in accordance with the technical guidance contained in The SUDS Manual (C753) and the Council's Flood Risk and Flood Risk Assessments Developer Guidance, and shall incorporate source control. All works shall be carried out in accordance with the agreed scheme and be operational prior to the bringing into use of the development.
20. Concurrent with the initiation of the development hereby approved and for the duration of construction, a temporary surface water treatment facility shall be implemented on site and maintained for the duration of the approved development works. The temporary surface water treatment facility shall remain in place until the permanent surface water drainage scheme is implemented.
21. Storm water drainage from all paved surfaces, including the access, shall be disposed of by means of suitable Sustainable Urban Drainage Systems to meet the requirements of best management practices.
22. The overland flow path of surface water from Parkland Road onto the development site at the North East corner, which is being routed to onsite SUDS shall be maintained in perpetuity.
23. No built development should be constructed over an existing drain (including any field drain) that is to remain active.
24. The applicant is advised to design in future proofing measures for the development to be capable of connecting to a wider heat network as part of any potential future district heating system. This includes: appropriate safeguarding of space for the future provision of pipework, energy hubs or other associated heat infrastructure to ensure that the subsequent connection of any potential district heating network can be undertaken without causing avoidable disturbance to existing buildings or infrastructure.

Justification

The proposal is considered to comply with the Development Plan and there are no other material considerations that would justify a departure therefrom.

Procedural Notes

Consent shall not be issued until a Section 75 Agreement relating to planning contributions set out above has been completed. The legal agreement should be concluded and completed within 4 months of the date of any Committee approval. Failure to conclude a legal agreement within 4 months may result in the planning application being re-assessed through failing to comply with the associated policy requirements and will be ultimately recommended for refusal under delegated powers.

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 41 of the Development Management Procedure (Scotland) Regulations 2013. 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 41 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.

5. 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.

6. The applicant is advised that the detailed design of all SUDS shall conform to 'PKC Flooding and Flood Risk Guidance Document (June 2014)', or any subsequent update.

Associated with this, it is recommended that the following information and design should be embedded within the final drainage details:

- In the event that the soakaway overtops due to a capacity issue or siltation over time, the surrounding ground should be contoured such to allow a volume of water to be retained before it can overland flow elsewhere. I.e. the land would be graded down to the soakaway (very gently). This would make it easier to identify a problem with the soakaway in the future because it would pond around it. This would provide additional protection to surrounding land/property.
- A clear indication of the design standard of all the SUDS features on the design and As-Built drawings.

7. Please consult the Street Naming and Numbering Officer, The Environment Service, Perth and Kinross Council, Pullar House, 35 Kinnoull Street, Perth PH1 5GD.

8. 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.

9. No work shall be commenced until an application for building warrant has been submitted and approved.

10. The applicant is recommended to contact the Council Contamination Officer immediately if any ground contamination is found during construction of the development.

11. The applicant is reminded that, under the Wildlife and Countryside Act 1981, as amended, it is an offence to remove, damage or destroy the nest of any wild birds

while that nest is in use or being built. Planning consent for a development does not provide a defence against prosecution under this act.

12. The applicant is recommended to incorporate mini glass recycling points in strategic areas within the approved development to compliment the kerbside recycling services that will be provided. In order to comply with the 'Household Charter', each household should have access to 10 litres of recycling capacity per week, which would roughly equate to 3 mini glass points over the development. Further details of the requirements can be sought in discussion with the Council Waste Services Team.

In terms of Standing Order 44, a roll call vote was taken.

8 members voted for the Amendment as follows:

Councillors M Lyle, H Anderson, B Band, H Coates, E Drysdale, T Gray, R Watters and W Wilson.

4 members voted for the Motion as follows:

Councillors B Brawn, M Barnacle, I James and A Jarvis.

Resolved:

In accordance with the Amendment.

- (ii) **17/00919/FLM – PERTH – Erection of residential units, commercial units (classes 1,2,3 and 10), formation of allotments/open space, landscaping and associated infrastructure works (revised site layout and change of house types) at Bertha Park, Perth – Report 17/268 – Bertha Park Ltd**

Resolved:

Grant, subject to the following terms, conditions and informatives:

Conditions

1. The proposed development must be carried out in accordance with the approved drawings and documents, unless otherwise provided for by conditions imposed on the planning permission.
2. No development shall commence until a detailed delivery plan confirming the phased delivery of the site and construction works has been submitted to and approved in writing by the Planning Authority. Once approved, the development shall proceed in accordance with the approved delivery plan, to the satisfaction of the Planning Authority.

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3. Prior to the commencement of development the extent of the economic mineral resource to be won on site, shall be quantified to ensure it is not sterilised. Details of which shall be submitted to and approved in writing by the Planning Authority.
4. Prior to the commencement of development a mineral working programme and phasing plan for the economic mineral resource to be won on site shall be submitted to and approved in writing by the Planning Authority. This shall detail the method and working direction of the mineral resource along with temporary restoration to be deployed before receiving built development.
5. No buildings shall be constructed on the identified economic mineral resource until a detailed survey plans, including levels to Ordnance Datum, to show that the economic mineral resource associated with that working phase has been extracted is submitted to and approved in writing by the Planning Authority.
6. The foul drainage shall be drained to the mains sewerage system the details of which shall be submitted to and approved in writing by this planning authority prior to its installation and in consultation with Scottish Water, Scottish Environment Protection Agency and Scottish Natural Heritage. The agreed foul drainage shall thereafter be implemented to coincide with the occupation of the development.
7. Concurrent with the initiation of the development hereby approved and for the duration of construction, a temporary surface water treatment facility shall be implemented on site and maintained for the duration of the construction works. The temporary surface water treatment facility shall remain in place until the permanent surface water drainage scheme is implemented unless otherwise agreed in writing by the Planning Authority.
8. Development shall not commence apart from the extraction of the economic mineral resource until a detailed and permanent sustainable urban drainage system (SUDS) has been submitted for the further written approval of the Planning Authority, in consultation with SEPA where necessary. The scheme shall be developed in accordance with the technical guidance contained in The SUDS Manual (C753) and the Council's Flood Risk and Flood Risk Assessments Developer Guidance, and shall incorporate source control. For the avoidance of any doubt the discharge of any surface water drainage shall be limited to the greenfield runoff rates as detailed in section 12.5.26 of the Environmental Statement. Thereafter, all works shall be carried out in accordance with the agreed details and be operational prior to the bringing the development phase

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into use.

9. Development shall not commence apart from the extraction of the economic mineral resource until the design of all new and existing culverts/bridges and associated features (such as screens) has been submitted to and approved in writing by the Planning Authority, in consultation with the Council's Flooding Team. Thereafter, all works shall be carried out in accordance with the agreed details and be operational prior to the bringing the development into use.
10. Prior to commencement of any works apart from the extraction of the economic mineral resource, full details of the finalised design of the replacement pond and SUDS pond within phase 1 of the development will be submitted for the written approval of the planning authority, in consultation with SEPA. Thereafter, all work shall be carried out in accordance with the approved scheme. The finalised design will include details of how the SUDS and replacement pond will maintain hydrology, and how biodiversity from the old pond to the new pond will be translocated.
11. For the avoidance of any doubt the domestic and non-domestic buildings to be erected shall comply with Silver Active from 2016 and Gold Active from 2020 as per the 'Building Standards Technical Handbook Section 7 - Sustainability'. The sustainability label shall be provided for the written approval of the Planning Authority prior to the occupation of the domestic or non-domestic building.
12. Prior to the commencement of the development apart from the extraction of the economic mineral resource details of the play park and sports pitches (equipment, specification) shall be submitted to the Planning Authority for written approval. Thereafter play parks and sports pitches shall be installed to accord with the approved details to coincide with the phasing of character areas which shall be agreed in writing with the Planning Authority.
13. Prior to the commencement of development apart from the extraction of the economic mineral resource a woodland management plan for a minimum of twenty years, including long term objectives, management responsibilities and maintenance schedules for all woodland areas within the site shall be submitted to and approved in writing by the Planning Authority. Thereafter the woodland management plan shall be carried out as approved on commencement of the development hereby permitted unless otherwise approved in writing by the Planning Authority.
14. Prior to the commencement of the development apart from the extraction of the economic mineral resource details of the proposed landscaping, planting, screening, open space and allotments scheme shall be submitted to the Local

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Planning Authority for approval. Details of the schemes shall include:

- a) Existing and proposed finished ground levels relative to a fixed datum point.
- b) Existing landscape features and vegetation to be retained.
- c) Existing and proposed services including cables, pipelines and substations.
- d) The location of new trees, shrubs, hedges, grassed areas and water features.
- e) A schedule of plants to comprise species, plant sizes and proposed numbers and density.
- f) The location, design and materials of all hard landscaping works including walls, fences, gates and any other means of enclosure.
- g) An indication of existing trees, shrubs and hedges to be removed.
- h) Details of areas of public open space.
- i) Details of areas for allotments.
- j) A programme for the completion and subsequent maintenance of the proposed landscaping, planting, screening, open space and allotments.

All soft and hard landscaping proposals shall be carried out in accordance with the approved scheme and shall be completed during the planting season immediately following the commencement of the development on that part of the site or such other date as may be agreed in writing with the Planning Authority.

Any planting which, within a period of 5 years from the completion of the development, in the opinion of the Planning Authority is dying, has been severely damaged or is becoming seriously diseased, shall be replaced by plants of similar size and species to those originally required to be planted.

15. Prior to the commencement of development a detailed plan of public access across the site including phasing and implementation (existing, during construction & upon completion) shall be provided for the written approval of the Council as Planning Authority and show:

- a) All existing paths, tracks & rights of way.
- b) Any areas proposed for exclusion from statutory access rights, for reasons of privacy, disturbance or curtilage, in relation to proposed buildings or structures.
- c) All paths & tracks proposed for construction, for use by walkers, riders, cyclists, all-abilities users, etc.
- d) Any diversions of paths - temporary or permanent-proposed for the purposes of the development
- e) The detailed specification of the proposed paths and

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tracks, along with how they will be constructed to avoid impacts on trees.

16. No part of the approved development is permitted to be occupied until the A9/A85 Junction Improvement, generally as proposed by Perth and Kinross Council as part of its 'Perth Transport Futures Project' transport strategy to support the Local Development Plan 2014, has been designed, approved and implemented to the satisfaction of the Planning Authority in consultation with Transport Scotland.
17. No more than 750 residential units are permitted to be occupied until the Cross Tay Link Road Improvement including the Tay Crossing, generally as proposed by Perth and Kinross Council as part of its 'Perth Transport Futures Project' transport strategy to support the Local Development Plan 2014, have been designed, approved and contract let to the satisfaction of the Planning Authority in consultation with Transport Scotland.
18. No development shall commence apart from the extraction of the economic mineral resource until appropriate mitigation measures have been agreed to address the impact of the development at the Broxden Roundabout on the A9 trunk road. The nature of the mitigation shall either be physical improvements to these junctions in the form of traffic signals and widening of approaches or a financial contribution in lieu of the said physical works. The details of the physical works or the level of financial contribution required shall be agreed in writing with the Planning Authority in consultation with Transport Scotland.
19. No development shall commence apart from the extraction of the economic mineral resource until a Construction Traffic Management Plan (CTMP) has been approved in writing by the Planning Authority in consultation with Transport Scotland. In particular the CTMP shall identify measures to control the use of any direct access onto the trunk road, including the existing priority access located on the northbound carriageway of the A9 north of Inveralmond Roundabout. Thereafter, all construction traffic associated with the development shall conform to the requirements of the agreed plan.
20. No development associated with the extraction of the economic mineral resource shall take place until a Construction Traffic Management Plan (CTMP) has been approved in writing by the Planning Authority in consultation with Transport Scotland. In particular the CTMP shall identify measures to control the use of any direct access onto the trunk road, including the existing priority access located on the northbound carriageway of the A9 north of Inveralmond Roundabout. Thereafter, all

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- construction traffic associated with the development shall conform to the requirements of the agreed plan.
21. No development shall commence until a detailed specification for the emergency/secondary access arrangements to be put in place between the Inveralmond Bridge and Bertha Lodge along with implementation timescales has been submitted to and approved in writing by the Planning Authority. Thereafter the approved emergency/secondary access arrangements to accord with the agreed timescales shall be installed and thereafter maintained to the satisfaction of the Planning Authority.
 22. Prior to the completion of the development, all watercourses on the site as referred to in the FRA dated 18 June 2015) shall be inspected and cleared of any impediments likely to create any obstruction to the free flow of water within the development and for 300m (or length otherwise agreed with the Planning Authority) upstream and downstream of the development phase; an inspection report along with details of works undertaken shall be submitted to the Planning Authority for written approval in consultation with the Roads Authority.
 23. The Finished Floor Level of all properties shall be a minimum of 600mm above the 200 year flood level including 20% for Climate Change.
 24. The overland flood routes of the dam breach analysis shall be maintained as open space to prevent any future development of the land. A minimum of a 5m Maintenance strip either side of the watercourse must be provided along all watercourses as referred to in the FRA dated 18 June 2015 within the extents of the proposed development.
 25. Prior to the commencement of development apart from the extraction of the economic mineral resource a Construction Environment Management Plan (CEMP), incorporating a Construction Method Statement (CMS), a Site Waste Management Plan (SWMP), a Drainage Management Plan (DMP) and Environmental Management Plan (EMP) detailing pollution prevention and control measures for all felling, construction and operation programmes will be submitted to and be approved in writing by the Planning Authority, in consultation with Scottish Environment Protection Agency and Scottish Natural Heritage. Such details shall be submitted not less than two months prior to the agreed scheduled commencement date and shall incorporate detailed pollution avoidance and mitigation measures for all construction elements. Thereafter the development shall be fully undertaken in accordance with the agreed CEMP.
 26. Two months prior to the commencement of the development, apart from the extraction of the economic

mineral resource an independent and suitably qualified ecologist shall be appointed as the Ecological Clerk of Works (ECOW) for the site, by the developer and at the developer's expense. This appointment shall be subject to the prior written approval of the Planning Authority and detail the extent of inspections to be undertaken by the ECOW and how this relates to the delivery of the development. The ECOW shall oversee, on behalf of the Planning Authority, in consultation with Scottish Natural Heritage, the implementation of all ecology related planning conditions and how this relates to the development being constructed. The ECOW shall undertake a watching brief throughout the construction of the development and shall have the authority to stop operations or to alter construction methods should there be any works occurring which are having an adverse impact on the natural heritage.

The ECOW shall have responsibility for the following:

- a) Monitoring compliance with the mitigation works related to the development as set out in the Construction Environment Management Plan.
- b) Advising the developer on adequate protection of nature conservation interest on the site, including altering construction practices if existing practices are having an adverse impact on the natural heritage of the site.
- c) If any protected species are found on site, the Ecological Clerk of Works will ensure that work is suspended at that location and that a protected species protection plan is implemented.

The ECOW is required to notify the Planning Authority:

- d) If there has been a requirement to stop or alter works in relation to this condition.
- e) They are required to submit a report on their inspection for the review of the Planning Authority in consultation with Scottish Environment Protection Agency and Scottish Natural Heritage during construction operations.
- f) They will have the power to amend the Construction Method Statement, where required, with any amendments and measures to mitigate submitted to the Planning Authority.

27. Two months prior to the commencement of the extraction of the economic mineral resource, an independent and suitably qualified ecologist shall be appointed as the 'Ecological Clerk of Works' (ECOW) for the extraction of the economic mineral resource area, by the developer and at the developer's expense. This appointment shall be subject to the prior written approval of the Planning Authority and detail the extent of inspections to be undertaken by the

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ECOW and how this relates to the delivery of the development. The ECOW shall oversee, on behalf of the Planning Authority, in consultation with Scottish Natural Heritage, the implementation of all ecology related planning conditions and how this relates to extraction of the economic mineral resource area. The ECOW shall undertake a watching brief throughout the extraction of the economic mineral resource area and shall have the authority to stop operations or to alter construction methods should there be any works occurring which are having an adverse impact on the natural heritage.

The ECOW shall have responsibility for the following:

- a) Monitoring compliance with the mitigation works related to the development as set out in the Construction Environment Management Plan.
- b) Advising the developer on adequate protection of nature conservation interest on the site, including altering construction practices if existing practices are having an adverse impact on the natural heritage of the site.
- c) If any protected species are found on site, the Ecological Clerk of Works will ensure that work is suspended at that location and that a protected species protection plan is implemented.

The ECOW is required to notify the Planning Authority:

- d) If there has been a requirement to stop or alter works in relation to this condition.
- e) They are required to submit a report on their inspection for the review of the Planning Authority in consultation with Scottish Environment Protection Agency and Scottish Natural Heritage during construction operations.
- f) They will have the power to amend the Construction Method Statement, where required, with any amendments and measures to mitigate submitted to the Planning Authority.

28. No development shall take place apart from the extraction of the economic mineral resource until details of checking surveys for protected species or the nests of any breeding birds on the site has been submitted to and approved in writing by the Planning Authority, in consultation with SNH. The surveys shall be undertaken by a qualified ecologist, in accordance with the approved specification, in the last 6 months preceding site preparation and construction work commencing. A programme of any mitigation measures required as a consequence of the survey results, and a timetable for any such mitigation measures shall have been submitted to and approved in writing by the Planning Authority prior to any works associated with the

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development taking place. The programme of mitigation work shall be implemented as approved under the supervision of a qualified ecologist all to the satisfaction of the Planning Authority.

29. No development associated with the extraction of the economic mineral resource shall take place until details of checking surveys for protected species or the nests of any breeding birds on the site has been submitted to and approved in writing by the Planning Authority, in consultation with SNH. The surveys shall be undertaken by a qualified ecologist, in accordance with the approved specification, in the last 6 months preceding site preparation and construction work commencing. A programme of any mitigation measures required as a consequence of the survey results, and a timetable for any such mitigation measures shall have been submitted to and approved in writing by the Planning Authority prior to any works associated with the development taking place. The programme of mitigation work shall be implemented as approved under the supervision of a qualified ecologist all to the satisfaction of the Planning Authority.
30. No development shall take place apart from the extraction of the economic mineral resource, including demolition, ground works and vegetation clearance, until a biodiversity monitoring strategy has been submitted to, and approved in writing by, the local planning authority. The purpose of the strategy shall be to monitor the abundance and distribution of protected species over the period of the development. The content of the Strategy shall include the following;
- a) Aims and objectives of monitoring to match the stated purpose.
 - b) Identification of adequate baseline conditions prior to the start of development.
 - c) Appropriate success criteria, thresholds, triggers and targets against which the effectiveness of the various conservation measures being monitored can be judged.
 - d) Methods for data gathering and analysis.
 - e) Location of monitoring.
 - f) Timing and duration of monitoring.
 - g) Responsible persons and lines of communication.
 - h) Review, and where appropriate, publication of results and outcomes.

A report describing the results of monitoring shall be submitted to the local planning authority at intervals identified in the strategy. The report shall also set out (where the results from monitoring show that conservation aims and objectives are not being met) how contingencies and/or remedial action will be identified, agreed with the

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local planning authority, and then implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme.

The monitoring strategy will be implemented in accordance with the approved details.

31. No development associated with the extraction of the economic mineral resource shall take place, including demolition, ground works and vegetation clearance, until a biodiversity monitoring strategy has been submitted to, and approved in writing by, the local planning authority. The purpose of the strategy shall be to monitor the abundance and distribution of protected species over the period of the development. The content of the Strategy shall include the following;
- a) Aims and objectives of monitoring to match the stated purpose.
 - b) Identification of adequate baseline conditions prior to the start of development.
 - c) Appropriate success criteria, thresholds, triggers and targets against which the effectiveness of the various conservation measures being monitored can be judged.
 - d) Methods for data gathering and analysis.
 - e) Location of monitoring.
 - f) Timing and duration of monitoring.
 - g) Responsible persons and lines of communication.
 - h) Review, and where appropriate, publication of results and outcomes.

A report describing the results of monitoring shall be submitted to the local planning authority at intervals identified in the strategy. The report shall also set out (where the results from monitoring show that conservation aims and objectives are not being met) how contingencies and/or remedial action will be identified, agreed with the local planning authority, and then implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme.

The monitoring strategy will be implemented in accordance with the approved details.

32. No development apart from the extraction of the economic mineral resource shall take place until the trees to be retained as identified in the submitted surveys have been protected by suitable fencing in accordance with BS5837 2012 (Trees in Relation to Construction). The details of the protective fencing and its location shall be first submitted to and agreed in writing by the Planning Authority. No materials, supplies, plant, machinery, soil heaps, changes in ground levels or construction activities shall be permitted within the protected areas without the written consent of the

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Planning Authority and no fire shall be lit in the position where the flames could extend to within 5 metres of foliage, branches or trunks.

33. No development shall commence apart from the extraction of the economic mineral resource until a detailed specification and planting scheme for the structural landscaping works between Phase 1 and 2 and Phase 1 and 3 along with implementation timescales has been submitted to and approved in writing by the Planning Authority. Thereafter the approved structural landscaping works between Phase 1 and 2 and Phase 1 and 3 shall be installed to accord with the agreed timescales and thereafter maintained to the satisfaction of the Planning Authority.
34. No works in connection with the development hereby approved apart from the extraction of the economic mineral resource shall take place until such time as a mechanism has been agreed and concluded to the satisfaction of the Planning Authority to ensure that the structural landscaping works between Phase 1 and 2 and Phase 1 and 3 have been completed in full.
35. No development apart from the extraction of the economic mineral resource shall take place within the development site as outlined in red on the approved plan until the developer has secured the implementation of a programme of archaeological works in accordance with a Written Scheme of Investigation which has been submitted by the applicant, and approved by the Planning Authority in consultation with Perth and Kinross Heritage Trust. Thereafter the developer shall ensure that the programme of archaeological works is fully implemented and that all recording and recovery of archaeological resources within the development site is undertaken to the satisfaction of the Planning Authority in consultation with Perth and Kinross Heritage Trust.
36. No development associated with the extraction of the economic mineral resource shall take place until the developer has secured the implementation of a programme of archaeological works for the economic mineral resource extraction area in accordance with a Written Scheme of Investigation which has been submitted by the applicant, and approved by the Planning Authority in consultation with Perth and Kinross Heritage Trust. Thereafter the developer shall ensure that the programme of archaeological works is fully implemented and that all recording and recovery of archaeological resources within the development site is undertaken to the satisfaction of the Planning Authority in consultation with Perth and Kinross Heritage Trust.

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37. Prior to the commencement of the development apart from the extraction of the economic mineral resource, a site specific plan, detailing bin storage areas, kerbside collection locations and recycling facilities shall be submitted to and approved in writing by the Planning Authority and thereafter undertaken in accordance with the approved details. All domestic properties require an appropriate storage area for a minimum of 3 x 240 litre bins (1 for general waste, 1 for garden & food waste and 1 for dry mixed recyclates/paper) and suitable access/surface to wheel the bins from the storage area to the kerbside where they must be presented for collection.

Bin Dimensions

Capacity (litres)	Width (mm)	Height (mm)	Depth (mm)
240	580	1100	740

38. Prior to the commencement of development apart from the extraction of the economic mineral resource, a strategy to ensure noise levels are reasonable internally utilizing dwelling layouts and appropriate double glazing with trickle vents shall be submitted to the satisfaction of the planning authority and thereafter implemented. The strategy shall focus on the relationship of dwellings on either side of the Cross Tay Link Road (CTLR) within the site and to the sites southern boundary beside the Inveralmond Industrial Estate.
39. For any commercial kitchen, an effective ventilation system commensurate with the nature and scale of cooking to be undertaken shall be installed, operated and maintained, within the commercial areas, such that cooking odours are not exhausted into or escape into any neighbouring dwellings.
40. All plant or equipment including any ventilation system associated with operation of the commercial areas shall be so enclosed, attenuated and/or maintained such that any noise therefrom shall not exceed Noise Rating 35 between 0700 and 2300 hours daily, or Noise Rating 20 between 2300 and 0700 hours daily, within any neighbouring residential premises, with all windows slightly open, when measured and/ or calculated and plotted on a rating curve chart.
41. Commercial and Industrial deliveries shall be limited to Monday to Sunday 07.00 to 19.00.
42. Noise from any air source heat pump or other external residential plant equipment shall be so enclosed, attenuated and/or maintained such that any noise therefrom shall not exceed Noise Rating 35 between 0700 and 2300 hours daily, or Noise Rating 20 between 2300 and 0700 hours daily, within any neighbouring residential

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- premises, with all windows slightly open, when measured and/ or calculated and plotted on a rating curve chart.
43. For commercial and industrial areas all external lighting to be installed shall be sufficiently screened and aligned so as to ensure that there is no direct illumination of neighbouring land and that light spillage beyond the boundaries of the site is minimised.
44. Prior to the commencement of development apart from the extraction of the economic mineral resource, an evaluation for the potential of the site to be affected by contamination by a previous use should be undertaken and as a minimum, a Preliminary Risk Assessment (Phase 1 Desk Study) will be submitted for consideration by the Council as Planning Authority. If after the preliminary risk assessment identifies the need for further assessment, an intrusive investigation should be undertaken to identify;
- a) The nature, extent and type(s) of contamination on the site.
 - b) Measures to treat/remove contamination to ensure the site is fit for the use proposed.
 - c) Measures to deal with contamination during construction works.
 - d) Condition of the site on completion of decontamination measures.
45. Prior to the completion or bringing into use any part of the development the agreed measures to decontaminate the site shall be fully implemented as approved by the Council as Planning Authority. Validation that the scheme has been fully implemented must also be submitted to the Council as Planning Authority before the development is brought into use or occupied.
46. Prior to the commencement of development apart from the extraction of the economic mineral resource a Feasibility Study shall be submitted in writing for the approval of the Planning Authority to assess the technical feasibility and financial viability of heat network/district heating for this site, identifying any available sources of heat (either within the site or offsite) and other factors such as where land will be safeguarded for future district heating infrastructure. The accompanying Design and Access Statement or other document as agreed by the Council should show/demonstrate how the findings of the feasibility study has been incorporated into the finalised design and layout of the proposal.

Justification

The proposal is considered to comply with the Development Plan and there are no other material considerations that would justify a departure therefrom.

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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 41 of the Development Management Procedure (Scotland) Regulations 2013. 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 41 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.
5. The applicant is 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. Advice on the disposal of surface water must be sought at the initial stages of design from Scottish Water and the Scottish Environment Protection Agency.
6. The applicant is advised that in terms of Section 21 of the Roads (Scotland) Act 1984 they 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 Environment Protection Agency.
7. The applicants are advised that they must apply to the Roads Authority for construction consent to form a new street. Please contact The Construction and Maintenance

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Manager, The Environment Service, Perth and Kinross Council, Pullar House, Kinnoull Street, Perth.

8. 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.
9. The applicant is advised that the works may need a license under the Water (Controlled Activities) Regulations 2005 (CAR). The applicant should contact SEPA's Perth Environmental Protection and Improvement Team (Tel: 01738 627989) in regard to this. The applicant should ensure that all works on site comply with the best practice guidelines laid out in SEPA's published Pollution Prevention Guidance, found at www.sepa.org.uk.
10. The applicant is reminded that, under the Wildlife and Countryside Act 1981, as amended, it is an offence to remove, damage or destroy the nest of any wild birds while that nest is in use or being built. Planning consent for a development does not provide a defence against prosecution under this act.

COUNCILLOR T GRAY, HAVING DECLARED A NON-FINANCIAL INTEREST IN THE FOLLOWING ITEM, LEFT THE MEETING AT THIS POINT AND TOOK NO PART IN THE DISCUSSION OR DELIBERATION THEREFROM.

(2) Local Applications

- (i) **16/01975/FLL – BRACO – Erection of a dwellinghouse at land 90 metres South East of The Garden Cottage, Braco, FK15 9LG – Report 17/269 – Mr and Mrs McNicoll**

Mr R Taylor, objector to the application, followed by Mr J Denholm, agent for the applicant, addressed the Committee and, following their respective representations, withdrew to the public benches.

Resolved:

Grant, subject to the following terms, conditions and informatives:

Conditions

1. The development hereby approved must be carried out in accordance with the approved drawings and documents, unless otherwise provided for by conditions imposed by this decision notice.

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2. Prior to the commencement of the development hereby approved, details of the specification and colour of the proposed external finishing materials to be used shall be submitted to and agreed in writing by the Council as Planning Authority. The scheme as agreed shall be implemented prior to the occupation or bringing into use of the development, whichever is the earlier.
3. Prior to the commencement of the development hereby approved, details of the proposed boundary treatments for the site shall be submitted for the further written agreement of the Council as Planning Authority. The scheme as subsequently agreed shall be implemented prior to the completion or bringing into use of the development, whichever is the earlier.
4. Prior to the commencement of any works on site, precise details of the new section of access shall be submitted for the approval in writing by the Council as Planning Authority. The details must demonstrate fully that the new surface will not have an adverse impact on the roots of adjacent trees. The approved details shall thereafter be implemented in full.
5. Prior to the commencement of works on site details of a) any new waste and recycling facility enclosures / storage areas and b) proposed locations for bin presentation shall be submitted for the further written agreement of the Council as Planning Authority. The residential unit hereby approved shall not be occupied until the agreed details have been provided in full.
6. Prior to the commencement of any works on site, all trees on site (other than those marked for felling on the approved plans) and those which have Root Protection Areas which fall within the site shall be retained and protected. Protection methods shall be strictly in accordance with BS 5837 2012: Trees in Relation to Design, Demolition and Construction. Protection measures, once in place, shall remain in place for the duration of construction.
7. All trees on site, other than those marked for felling on the approved plans, shall be retained.
8. Prior to the commencement of the development hereby approved, a detailed landscaping and planting scheme for the site shall be submitted for the further written agreement of the Council as Planning Authority. The scheme shall include details of the height and slopes of any mounding or recontouring of the site, full details of all hard landscaping proposals including materials and installation methods and, species, height, size and density of trees and shrubs to be planted. The scheme as subsequently approved shall be carried out and completed within the first available planting season (October to March) after the completion or bringing

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into use of the development, whichever is the earlier, and the date of Practical Completion of the landscaping scheme shall be supplied in writing to the Council as Planning Authority within 7 days of that date. The scheme as agreed and implemented shall thereafter be maintained to the satisfaction of the Council as Planning Authority.

Justification

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

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. No work shall be commenced until an application for building warrant has been submitted and approved.
5. The applicant should ensure that any existing wayleaves for maintenance or repair to existing private water supply or septic drainage infrastructure in the development area are honoured throughout and after completion of the development.
6. The applicant shall ensure the private water supply for the house/ development complies with the Water Scotland Act 1980 (Section 63) and the Private Water Supplies (Scotland) Regulations 2006. Detailed information regarding the private water supply, including the nature, location and adequacy of the source, any storage tanks/ pipework and the filtration and disinfection treatment proposed to ensure provision of an adequate and consistently wholesome water supply shall be submitted to Perth and Kinross Council Environmental Health in line with the above act and regulations.

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7. Trees and scrub are likely to contain nesting birds between 1st March and 31st August inclusive. Trees and scrub are present on the application site and are to be assumed to contain nesting birds between the above dates. The applicant is reminded that, under the Wildlife and Countryside Act 1981, as amended (section 1), it is an offence to remove, damage or destroy the nest of any wild bird while that nest is in use or being built. Planning permission for a development does not provide a defence against prosecution under this Act.

- (ii) **17/00409/FLL – PERTH – Siting of 12 caravans/chalets, 3 show caravans/chalets and associated works at land at Lochmanor Lodge Estate, Dunning, Perth, PH2 0QN – Report 17/270 – Mr W Stewart**

This item had been withdrawn from the agenda.

VALEDICTORY

The Convener referred to the imminent departure of Ms Heledd Rheinallt, Committee Officer, Corporate and Democratic Services from Perth and Kinross Council and thanked her for the assistance she had provided to the Development Management Committee and the Local Review Body. The Convener wished Ms Heledd Rheinallt every success in the future.

Perth and Kinross Council
Development Management Committee – 20 September 2017

Report of Handling by Interim Head of Planning

Erection of 8 dwellinghouses (approval of matters specified in conditions 16/00478/IPM - Phase 2) at land 25 Metres South West of 8 The Beeches, Aberfeldy, Perthshire.

Ref. No: 17/01201/AMM
Ward No: N4 Highland

Summary

This report recommends approval of the second phase of a residential development of 8 dwellinghouses at land 25 Metres South West of 8 The Beeches, Aberfeldy, Perthshire. The proposal is considered to comply with the relevant provisions of the Development Plan and there are no material considerations apparent which would outweigh it.

BACKGROUND

- 1 The site is an area of agricultural land located at the western edge of Aberfeldy and forms the south eastern corner of part of a larger 8.7 hectare site allocated in the Perth and Kinross Local Development Plan 2014 (LDP) for residential use (H37) and benefits from an in principle planning permission for residential development (16/00478/IPM).
- 2 The entire LDP site lies on the southern slope of the Strath Tay Glen with the northern boundary of the site adjacent to the A827 (Kenmore Road) that connects Aberfeldy with Kenmore and beyond to Killin. The application site forms the south eastern corner of the LDP site and is adjacent to the existing Hillcrest Housing Association on Duntaylor Avenue and the Phase 1 (16/01761/AMM) development of 24 affordable dwellings currently under construction which was granted planning consent at Development Management Committee on 15 March 2017.
- 3 The western, southern and eastern boundaries of the application site are contained by agricultural land. Immediately north of the site is the affordable housing residential development and an area of open field that has planning permission for residential use (Phase 3 on the overall consent 16/00478/IPM).
- 4 A farm access road dissects the LDP site from the north-east corner traversing the site south-west to access Duntuin Farm. An additional supplementary farm access road and junction has been constructed to the west of the LDP site.

PROPOSAL

- 5 This proposal is the second phase and involves the development of 8 dwellings of single storey appearance with upper floor rooms under the eaves. 6 dwellings will contain bedrooms under the eaves whilst 2 provide for the

possibility of an upstairs area. Two of the dwellings will contain dormer extensions on the front elevation and four will have detached single garages set back from the frontage of the associated dwelling. The following mix is proposed:

- 2 x 2 bedroom dwellings (single storey appearance with capacity for upper floor use)
 - 4 x 3 bedroom dwellings (single storey appearance with upper floor rooms)
 - 2 x 4 bedroom dwellings (single storey appearance with upper floor rooms and dormer extensions)
- 6 The units are designed with horizontal weatherboard cladding and white render. A variety of pastel colours are proposed for the cladding. The roofs are proposed to be plain grey concrete tiles which is similar to the existing dwellings on Duntaylor Avenue and the currently under construction Phase 1 affordable dwellings.
- 7 Condition 23 of the 16/00478/IPM stipulated that access for construction is not permitted to use Duntaylor Avenue. Duntaylor Avenue currently terminates at its western edge with a hammerhead junction and a fence – the applicant holds rights of reserved access at this point. A separate application (16/01592/FLL) was approved for an access track for construction purposes, to access both Phase 1 and 2 as well as future phases. The intention of the condition is to prevent HGV vehicles from using the residential roads and presenting a hazard to the residents of Duntaylor Avenue. The long term intention is for this site to connect with Duntaylor Avenue, and there will be a time when access is required, in particular notably for connection of the services and the road.
- 8 At completion of Phase 1, residential access to Phase 2 shall be available via Duntaylor Avenue. The recently approved access track will be developed into an adoptable road for the future phases of the development site.

ENVIRONMENTAL IMPACT ASSESSMENT

- 9 A screening request (15/01735/SCRN) was submitted in October 2015 and found that an EIA was not required for the site.

PRE-APPLICATION PROCESS

- 10 The proposed development is classed as a Major development under class 9 of the Town and Country Planning (Hierarchy of Developments) (Scotland) Regulations 2009. As part of the 'In Principle' application consultation was undertaken with the local community and formed part of the application submission for the In Principle application. A further public consultation is not required for this phase.

NATIONAL POLICY AND GUIDANCE

- 11 The Scottish Government expresses its planning policies through the National

Planning Framework (NPF) 3, the National Roads Development Guide 2014, Scottish Planning Policy (SPP) 2014 and Planning Advice Notes (PAN).

National Planning Framework

- 12 The NPF3 is a long-term strategy for Scotland and is a spatial expression of the Government's Economic Strategy and plans for development and investment in infrastructure. Under the Planning etc. (Scotland) Act 2006 this is now a statutory document and material consideration in any planning application. The document provides a national context for development plans and planning decisions as well as informing the on-going programmes of the Scottish Government, public agencies and local authorities.

The Scottish Planning Policy 2014

- 13 The SPP is a statement of Scottish Government policy on land use planning. The following sections of the SPP will be of particular importance in the assessment of this proposal:-
- Sustainability : paragraphs 24 - 35
 - Placemaking : paragraphs 36 – 57
 - Valuing the Natural Environment : paragraphs 193 – 218
 - Maximising the Benefits of Green Infrastructure: paragraphs 219 – 233
 - Managing Flood Risk and Drainage: paragraphs 254 – 268
 - Promoting Sustainable Transport and Active Travel : paragraphs 269 - 291
- 14 The following Scottish Government Planning Advice Notes (PAN) are of relevance to the proposal:
- PAN 51 Planning, Environmental Protection and Regulation
 - PAN 61 Planning and Sustainable Urban Drainage Systems
 - PAN 75 Planning for Transport

Designing Places 2001

- 15 The first policy statement which marks the Scottish Government's determination to raise standards of urban and rural development.

Designing Streets 2010

- 16 Designing Streets is the first policy statement in Scotland for street design and marks a change in the emphasis of guidance on street design towards place-making and away from a system focused upon the dominance of motor vehicles. It has been created to support the Scottish Government's place-making agenda and is intended to sit alongside the 2001 planning policy document Designing Places, which sets out Government aspirations for design and the role of the planning system in delivering these.

National Roads Development Guide 2014

- 17 This document supports Designing Streets and expands on its principles and is considered to be the technical advice that should be followed in designing and approving of all streets including parking provision.

DEVELOPMENT PLAN

TAYPlan Strategic Development Plan 2012-2032

- 18 TAYPlan sets out a vision for how the region will be in 2032 and what must occur to bring about change to achieve this vision. The vision for the area as set out in the plans states that:

“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, study and visit, and where businesses choose to invest and create jobs”

- 19 The following sections of the TAYplan 2012 are of particular importance in the assessment of this application.

Policy 2: Shaping Better Quality Places

- 20 Seeks to ensure that climate change resilience is built into the natural and built environment, integrate new development with existing community infrastructure, ensure the integration of transport and land uses, ensure that waste management solutions are incorporated into development and ensure that high resource efficiency and low/zero carbon energy generation technologies are incorporated with development to reduce carbon emissions and energy consumption.

Policy 5: Housing

- 21 Seeks to ensure there is a minimum of 5 years effective housing land supply at all times. Land should be allocated within each Housing market Area to provide a generous supply of land to assist in the delivery of 26,000 units up to year 2024.

Perth and Kinross Local Development Plan 2014

- 22 The Local Development Plan (LDP) 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.
- 23 The LDP sets out a vision statement for the area and states that:
“Our vision is of a Perth and Kinross which is dynamic, attractive and effective which protects its assets whilst welcoming population and economic growth.”

- 24 The application site is located within the settlement boundary of Aberfeldy and is allocated (H37) for mixed use development. The principal relevant policies are in summary:

PM1A: Placemaking

- 25 Development must contribute positively to the quality of the surrounding built and natural environment, respecting the character and amenity of the place.

Policy PM1B – Placemaking

- 26 All proposals should meet all eight of the placemaking criteria.

Policy PM3 - Infrastructure Contributions

- 27 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

- 28 In identified areas, residential amenity will be protected and, where possible, improved. 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

- 29 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 HE2 - Listed Buildings

- 30 There is a presumption in favour of the retention and sympathetic restoration, correct maintenance and sensitive management of listed buildings to enable them to remain in active use. The layout, design, materials, scale, siting and use of any development which will affect a listed building or its setting should be appropriate to the building's character, appearance and setting.

Policy CF1B - Open Space Retention and Provision

- 31 Appropriate areas of informal and formal open space should be provided as an integral part of any new development where existing provision is not adequate. Where there is an adequate supply of open space a financial contribution towards improved open space may be acceptable. Opportunities should be to create, improve and avoid the fragmentation of green networks.

Policy CF2 - Public Access

- 32 Developments will not be allowed if they have an adverse impact on any core path, disused railway line, asserted right of way or other well used route, unless impacts are addressed and suitable alternative provision is made.

Policy NE3 - Biodiversity

- 33 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 effect on protected species.

Policy NE4 - Green Infrastructure

- 34 Development should contribute to the creation, protection, enhancement and management of green infrastructure, in accordance with the criteria set out.

Policy EP1 - Climate Change, Carbon Reduction and Sustainable Construction

- 35 Sustainable design and construction will be integral to new development within Perth and Kinross. Proposals for new buildings must be capable of meeting one of the standards set out in the table.

Policy EP2 - New Development and Flooding

- 36 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 EP3A - Water, Environment and Drainage

- 37 Proposals which do not accord with the Scotland River Basin Management Plan and any relevant associated Area Management Plans will be refused unless they are considered to be of significant specified benefit to society and / or the wider environment.

Policy EP3B - Water, Environment and Drainage

- 38 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

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

Policy EP3D - Water, Environment and Drainage

- 40 Development over an existing culvert or the culverting of watercourses as part of a new development will not be supported unless there is no practical alternative. Existing culverts should be opened and redundant water engineering features removed whenever possible.

Policy EP8 - Noise Pollution

- 41 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.

TA1B- Transport Standards

- 42 Development proposals that involve significant travel generation should be well served by all modes of transport (in particular walking, cycling and public transport), provide safe access and appropriate car parking. Supplementary Guidance will set out when a travel plan and transport assessment is required.

OTHER POLICIES

- 43 The following supplementary guidance and documents are of particular importance in the assessment of this application;
- Developer Contributions Supplementary Guidance including Affordable Housing April 2016
 - Flood Risk and Flood Risk Assessments – Developer Guidance June 2014
 - Sustainable Design and Zero Carbon Development Supplementary Guidance May 2014
 - Green Infrastructure Supplementary Guidance (Draft) July 2014
- 44 **Open Space Standards (2001)** - Sets out the Councils adopted open space adoption standards for new residential developments, which gives developers three viable options to pursue/proposed as part of their development.

Perth & Kinross Corporate Plan 2013-2018

- 45 Corporate Plan Vision includes – Promoting a prosperous, inclusive and sustainable economy. Creating safe and sustainable places for future generations.

PLANNING SITE HISTORY

46 The following history is of particular importance:

- 14/01554/FLL Formation of an access road. Approved under delegated powers October 2014
- 15/01735/SCRN Screening Request for EIA. No EIA required - Decision issued December 2015
- 15/00022/PAN Proposal of Application Notice (PAN) for development of 100 dwellings. Content of PAN agreed December 2015.
- 16/00478/IPM Residential development (in principle) approved by Development Management Committee 13th July 2016
- 16/01592/FLL Formation of vehicle access road. Approved under delegated powers February 2017.
- 16/01761/AMM Erection of 24 affordable dwellings (Phase 1). Approved by Development Management Committee March 2017 and is currently under construction.

CONSULTATIONS

EXTERNAL

Scottish Water

47 No objection to the proposal.

Aberfeldy Community Council

48 Supports the proposal.

INTERNAL

Environmental Health

49 No objection to the proposal.

Transport Planning

50 No objection to the proposal.

Developer Contributions/Affordable Housing

51 A contribution towards primary education will be required because this phase is for is now for open market houses only.

Waste Services

52 No objection to the proposal.

REPRESENTATIONS

- 53 The application attracted one letter of representation objecting to the proposal. The issues they have raised are as follows:

- Adverse impact on privacy and value of nearby C listed Dun Aluinn House
- Request a mature planting scheme along boundary of Dun Aluinn House and the LDP site.

54 ADDITIONAL STATEMENTS

Environment Statement	IPM Screened – Not Required
Screening Opinion	Submitted at IPM stage
Environmental Impact Assessment	Not Required
Appropriate Assessment	Not Required
Design Statement/Design and Access Statement	Submitted
Report on Impact or Potential Impact	Construction and Environmental Management Plan

APPRAISAL

Policy

- 55 Sections 25 and 37(2) of the Town and Country Planning (Scotland) Act 1997 (as amended) requires that planning decisions be made in accordance with the Development Plan unless material considerations indicate otherwise. The determining issues here are whether the proposals in principle comply with current Development Plan policy, or if there are other material considerations, which justify departure from policy.
- 56 The most relevant policies of the Development Plan are TAYplan Strategic Development plan 2012 and Perth and Kinross Local Development Plan 2014 (LDP) including Supplementary Guidance.

Principle

- 57 The principle of residential development for 100 dwellings has been established through its allocation in the LDP (H37) and the In Principle permission 16/00478/IPM granted for residential use in July 2016. Phase 1 of 24 affordable dwellings is currently under construction immediately north of the application site. Therefore the principle of residential development has been established.

Scale, Density and Design

- 58 This portion of the site is to be developed for open market dwellings and the proposed single storey appearance with steep roof pitches and upper floor

areas has been designed to appeal to a broad sector of the market. Two have been designed to allow conversion of the loft area at a later date should the need arise.

The proposed phase has utilised the existing landscape to shape the layout and tie it to the surrounding area and the 3D plans show an attractive and sensitively designed layout.

- 59 The proposed house designs in terms of exterior finishes reflect the surrounding area. The design is considered quite simple but reasonably contemporary in appearance and avoids a pastiche approach. Designs have been site specific, of high quality that have considered the localised identity, outlook, landscape and solar orientation. Overall it is considered to be a well-designed and high standard proposal that will contribute to good placemaking in the area.

Transport and Access

- 60 The applicant is the same applicant as for Phase 1 and is fully aware that construction traffic will not be using Duntaylor Avenue but via the new vehicular access road which enters the wider site from the A827 Kenmore Road to the north. This access was granted planning consent under a separate application (16/01592/FLL). This access road will ultimately form the permanent main road within the site and connect with Duntaylor Avenue.
- 61 On completion of Phase 1, Phase 2 will be accessible to residents via Duntaylor Avenue. This is consistent with the LDP and in principle permission requirement that access is primarily taken from Kenmore Road with a secondary access from Duntaylor Avenue.
- 62 The long term intention is for the IPM approved site to connect with Duntaylor Avenue, and there will be a time when access is required, in particular for connection of the services and the road.
- 63 However, given that the access for construction traffic is subject of a separate planning permission there is still a need to retain the condition from the 'In Principle' permission to prevent access for construction traffic (in particular HGV's) from Duntaylor Avenue.
- 64 The site offers an acceptable level of permeability and connectivity to the existing road network which is in line with the requirements of Designing Streets and the National Roads Development Guide.

Affordable Housing Provision

- 65 Phase 1 of the overall development amounting to 24 affordable units provides the affordable housing requirement for the entire site and this is currently under construction and will be managed by Hillcrest Housing Association. There is therefore no requirement for this application as Phase 2 to provide any additional affordable housing.

Flood Risk and Drainage

- 66 LDP Policy EP2 confirms there will be 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. In addition, built development should avoid areas at significant risk from landslip, erosion and storm surges.
- 67 Both a Flood Risk Assessment (FRA) and a Drainage Impact Assessment (DIA) were submitted in support of the application for Phase 1 and this has taken account of Phase 2 also. This phase will simply connect into the approved drainage and SUDs basin. The drainage and SUDs have previously been assessed by SEPA and the Councils Flood Risk Officer and they had no objection.

Biodiversity

- 68 A detailed Ecological Appraisal was submitted in support of the 'In Principle' proposal. The Council's Biodiversity Officer had commented that the proposed development is on existing fields currently used for grazing, as such there is likely to be low impact on biodiversity.
- 69 The development has potential to provide opportunities to enhance the site for biodiversity by including bat roost and bird nest sites in the proposed buildings and the approved SUDS pond is designed to provide suitable habitats for amphibians and a wet meadow mix.
- 70 The letter of objection submitted requests that mature boundary planting between the LDP site and the adjacent property known as Dun Aluinn is provided. However, the red line site boundary of the current proposal is not adjacent to this boundary. Consequently, the request by the objector cannot be included with the current proposal. However, the issue of boundary planting along this boundary can be considered when applications for future phases are submitted.

Construction Environmental Management Plan (CEMP)

- 71 A Construction Environmental Management Plan (CEMP) has been submitted for Phase 1 and has been updated for Phase 2 and includes details of the construction. It provides details of how the site will be developed and what mitigation measures will be required by the developer to help reduce any nuisance for neighbouring uses from noise, dust etc. and methods to reduce the risk of pollution events.
- 72 The CEMP is a live flexible document that may require to be updated further before and possibly during the construction process. This can be enforced by way of conditional control.

Developer Contributions

- 73 The requirement for primary school financial contribution now applies as Phase 2 is for open market dwellings. The required financial contribution of £51,680 (8 x £6,460) can either be paid up front or via a Section 75 legal agreement.

Cultural Heritage

- 74 The site is in close proximity to Dun Aluinn which is a Category C listed building.
- 75 Previously Historic Environment Scotland (HES) and Perth and Kinross Heritage Trust (PKHT) have both assessed the site's proximity to listed buildings and archaeology and there were no objections and no mitigation is requested. However, as identified in para 70, planting along the boundary of Dun Aluinn will be considered in future phases.

Overlooking/Overshadowing

- 76 The proposed scale, layout and orientation of the proposed dwellings are such that there would not be any significant overlooking or overshadowing of neighbouring properties or of each other.

Air Quality and Noise

Air Quality

- 77 The application contains provision for wood burning stoves and associated flues. Perth and Kinross Council have a duty to assess biomass boilers of capacity of greater than 50kW based on their effect on air quality in the area, however this will not be necessary with a domestic sized stove.
- 78 Another matter pertaining to the stove which could cause issue is the potential for smoke or odour nuisance. This can be minimised by the applicant using fuel recommended by the manufacturer, therefore Environmental Health recommend a condition to deal with this issue.

Noise

- 79 As a result of the proposed end use being residential, it is not likely to generate excessive noise. However the construction of this phase of the entire site is expected to last a number of years. This can lead to considerable disruption at adjacent residential receptors if not properly managed.
- 80 This application is supported by an updated Construction Environmental Management Plan (CEMP), which addresses issues of noise in a general way. The CEMP specifies that times of construction work will be Monday to Friday 07.00 to 17.00 and Saturday 08.00 to 13.00. This is within the Councils recommended construction times of Monday to Friday 07.00 to 19.00 and Saturday 08.00 to 13.00.

Socio-Economic Impact

- 81 The proposal will have a positive impact in terms of job creation in the area both during the construction period itself and once the proposed site is completed. The proposal will create a number of jobs during the construction period and the population growth will in turn increase consumer spending in the area. Although only 8 dwellings, the level of available expenditure that will be created by the development will have a positive impact on Aberfeldy and in particular businesses and shops in the town centre.
- 82 The proposed development will also have a positive effect in assisting Perth and Kinross Council to achieve housing land requirements in Highland Perthshire.

Non Material Matters

- 83 The letter of objection submitted argued that the proposed development of the LDP site will devalue the adjacent property known as Dun Aluinn, a C Listed dwelling. It is important to point out that the issue of devaluation of properties is not a material consideration in the assessment of a planning application.

LEGAL AGREEMENTS

- 84 Should the applicant not wish to pay the primary education financial contribution required for this phase of the development up front, a Section 75 legal agreement will be required before the decision notice can be released.

DIRECTION BY SCOTTISH MINISTERS

- 85 Under the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013, regulations 30 – 33 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

- 86 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.
- 87 The proposed development on land that is allocated in the LDP for residential use complies with the Development Plan. The proposed scale, density and design are considered to be of a high standard and appropriate to the surrounding area. On this basis the application is recommended for approval subject to conditions.

RECOMMENDATION

A Approve the application subject to the following conditions:

- 1 The proposed development must be carried out in accordance with the approved drawings and documents, unless otherwise provided for by conditions imposed on the planning consent.

Reason: To ensure that the development is carried out in accordance with the plans approved.

- 2 Prior to the occupation of any residential plot, details of the specification including materials of all footpaths and cycleways shall be submitted to the Planning Authority for further approval. The agreed detail shall thereafter be implemented prior to the completion of the development.

Reason: In the interest of pedestrian and cycle safety.

- 3 Duntaylor Avenue shall not be used at any time by construction traffic associated with the development.

Reason: In the interests of pedestrian and traffic safety, residential amenity.

- 4 All matters regarding access, pedestrian and cycling facilities, public transport infrastructure, 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, residential amenity.

- 5 No part of the development shall be occupied until a Green Travel Plan (GTP), aimed to encourage more sustainable means of travel, has been submitted and approved in writing by the Council. The GTP will have particular regard to provision for walking, cycling and public transport access to and within the site and will identify the measures to be provided, the system of management, monitoring, review, reporting and the duration of the plan.

Reason: In the interests of pedestrian and traffic safety, residential amenity.

- 6 Prior to the commencement of works on any part of the development, the applicant shall submit for the written approval of the Planning Authority an updated Construction Traffic Management Scheme (TMS) which shall include the following:

- a) restriction of construction traffic to approved routes and the measures to be put in place to avoid other routes being used;
- b) timing of construction traffic to minimise impact on local communities particularly at school start and finishing times, on days when refuse collection is undertaken, on Sundays and during local events;

- c) arrangements for the cleaning of wheels and chassis of vehicles to prevent material from construction sites associated with the development being deposited on the road;
- d) arrangements for cleaning of roads affected by material deposited from construction sites associated with the development;
- e) arrangements for signage at site accesses and crossovers and on roads to be used by construction traffic in order to provide safe access for pedestrians, cyclists and equestrians;
- f) details of information signs to inform other road users of construction traffic;
- g) arrangements to ensure that access for emergency service vehicles are not impeded;
- h) co-ordination with other major commercial users known to use roads affected by construction traffic;
- i) traffic arrangements in the immediate vicinity of temporary construction compounds;
- j) monitoring, reporting and implementation arrangements; and
- k) arrangements for dealing with non-compliance.

The TMS as approved shall be strictly adhered to during the entire site construction programme all to the satisfaction of the Council as Planning Authority.

Reason: In the interests of pedestrian and traffic safety, residential amenity.

- 7 Measures to protect animals from being trapped in open excavations and/or pipe and culverts shall be implemented for the duration of the construction works of the development hereby approved. The measures may include creation of sloping escape ramps for animals, which may be achieved by edge profiling of trenches/excavations or by using planks placed into them at the end of each working day and open pipework greater than 150 mm outside diameter being blanked off at the end of each working day.

Reason: In order to prevent animals from being trapped within any open excavations.

- 8 All road gullies within 500m of the SUDS pond shall have a Wildlife Kerb installed adjacent to it to allow amphibians to pass safely.

Reason: In the interests of employing best practice ecology and to ensure there is no adverse impact on any protected species as identified under the Wildlife and Countryside Act (1981).

- 9 Prior to occupation of the development a minimum of 1 Swift brick and 1 bat brick shall be incorporated into each building at eaves height.

Reason: In the interests of enhancing biodiversity.

- 10 Where it is intended to create semi-natural habitats, e.g. meadow or woodland, all species used in the planting proposals shall be locally native species of local provenance unless otherwise agreed in writing with the local planning authority.

Reason: In the interests of enhancing biodiversity.

- 11 Prior to the commencement of development, a site specific plan, detailing bin storage areas, kerbside collection locations shall be submitted to and approved in writing by the Planning Authority and thereafter undertaken in accordance with the approved details.

Reason: To ensure there is adequate provision for waste disposal and recycling.

- 12 The stoves shall only operate on fuel prescribed and stored in accordance with the manufacturer's instructions. The stoves and flues and any constituent parts shall be maintained and serviced in accordance with the manufacturer's instructions. No changes to the biomass specifications shall take place without the prior written agreement of the Council as Planning Authority.

Reason: In the interests of residential amenity.

B JUSTIFICATION

The proposal is considered to comply with the Development Plan and there are no other material considerations that would justify a departure therefrom.

C PROCEDURAL NOTE

- 1 Primary school financial contribution of £51,680 (8 x £6,460) is required and can either be paid up front or via a Section 75 legal agreement. Should the applicant not wish to pay the primary education contribution up front, a Section 75 legal agreement will be required before the decision notice can be released.
- 2 Any legal agreement should be concluded and completed within 4 months of the date of any Committee approval. Failure to conclude a legal agreement within 4 months will result in the planning application being re-assessed through failing to comply with the associated developer contributions policy and may be recommended for refusal under delegated powers.

INFORMATIVES

- 1 The development hereby permitted shall be commenced no later than the expiration of two years from the date of this consent or from the date of subsequent approval of matters specified in conditions, or three years from the date of planning permission in principle, whichever is the later.
- 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.
- 5 The applicant is 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. Advice on the disposal of surface water must be sought at the initial stages of design from Scottish Water and the Scottish Environment Protection Agency.
- 6 The applicant is advised that in terms of Section 21 of the Roads (Scotland) Act 1984 they 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 Environment Protection Agency.
- 7 The applicants are advised that they must apply to the Roads Authority for construction consent to form a new street. Please contact The Construction and Maintenance Manager, The Environment Service, Perth and Kinross Council, Pullar House, 35 Kinnoull Street, Perth, PH3 1JR.
- 8 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.
- 9 The applicant is advised that the works may need a license under the Water (Controlled Activities) Regulations 2005 (CAR). The applicant should contact SEPA's Perth Environmental Protection and Improvement Team (Tel: 01738 627989) in regard to this. The applicant should ensure that all works on site comply with the best practice guidelines laid out in SEPA's published Pollution Prevention Guidance, found at www.sepa.org.uk.
- 10 The Council's Community Waste Adviser in the Environment Service should be contacted to clarify the bin storage and recycling requirements for the development.

- 11 The applicant is reminded that, under the Wildlife and Countryside Act 1981, as amended, it is an offence to remove, damage or destroy the nest of any wild birds while that nest is in use or being built. Planning consent for a development does not provide a defence against prosecution under this act.
- 12 Because of a disused tip approximately south of the site, the applicant should satisfy themselves that there is no risk to the proposed development. A watching brief during redevelopment is therefore recommended.
- 13 No work shall be commenced until an application for building warrant has been submitted and approved.
- 14 Please consult the Street Naming and Numbering Officer, The Environment Service, Perth and Kinross Council, Pullar House, 35 Kinnoull Street, Perth PH1 5GD.

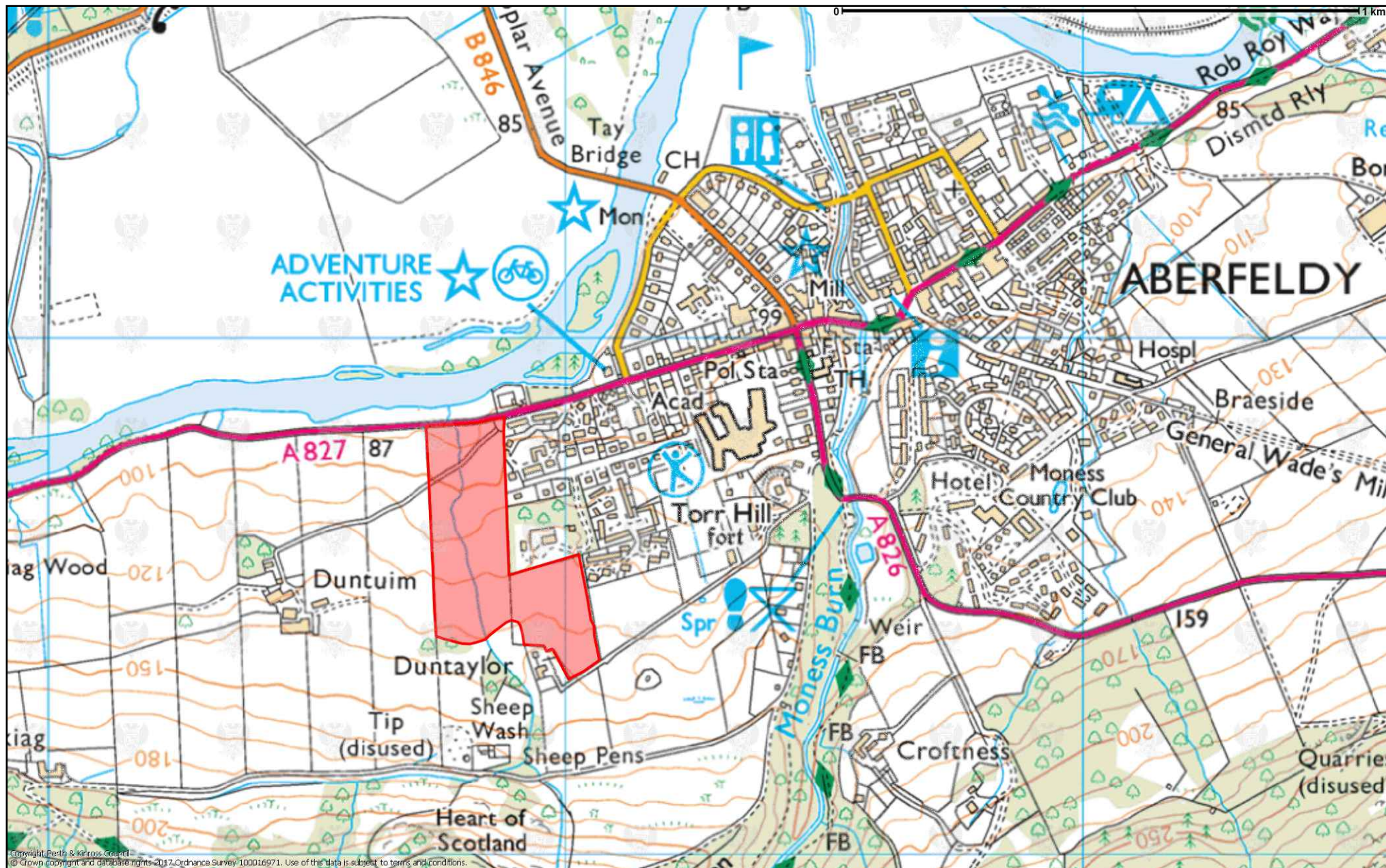
Background Papers: 1 letter of objection
Contact Officer: Steve Callan – Ext 75337
Date: 4 September 2017

Nick Brian
Interim Head of Planning

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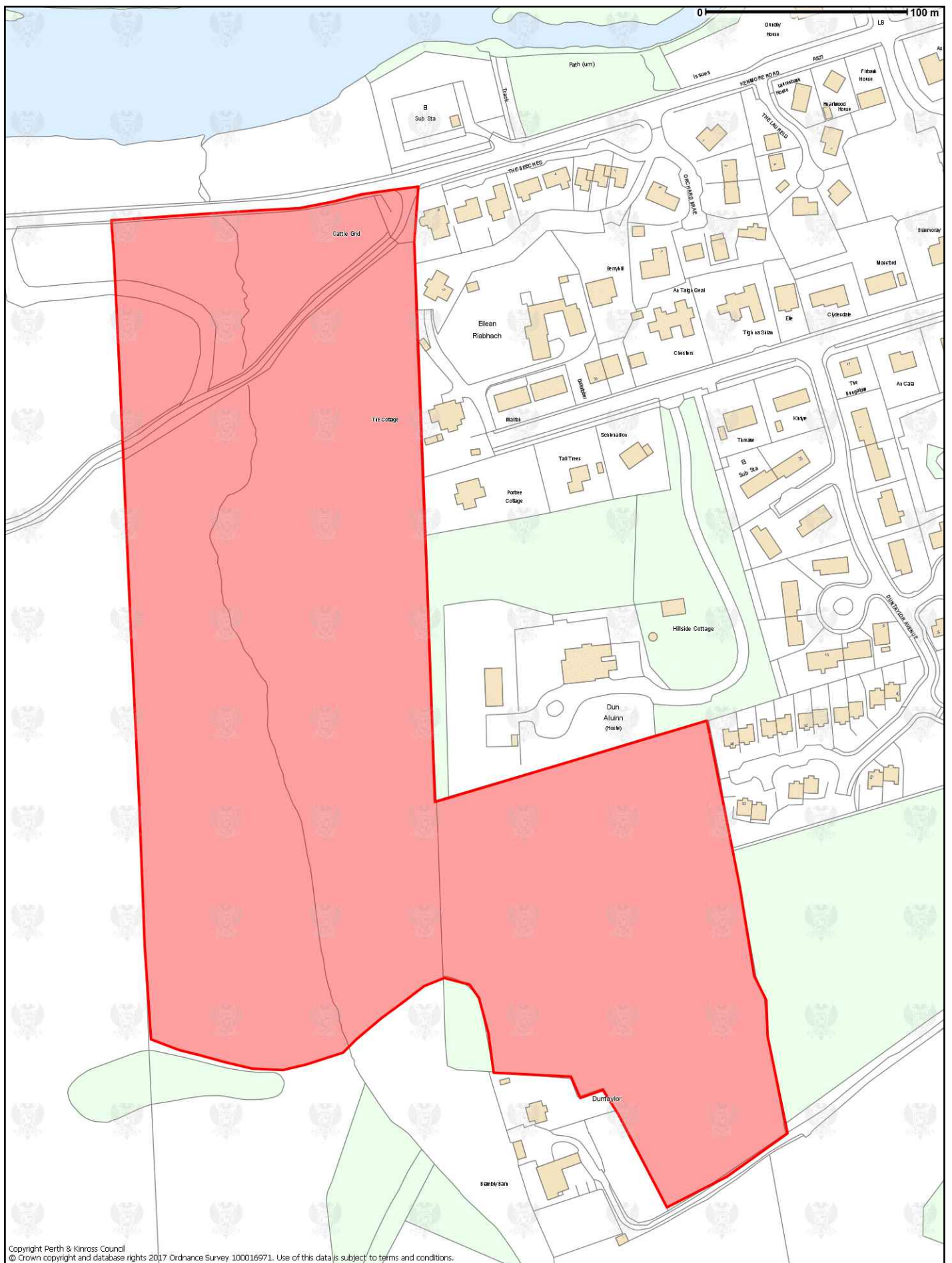
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17/01201/AMM

Erection of 8 dwellinghouses land SW of 8 The Beeches,
Aberfeldy





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Scale 1:2500

17/01201/AMM

Erection of 8 dwellinghouses land SW of 8
 The Beeches, Aberfeldy



Perth and Kinross Council
Development Control Committee – 20 September 2017
Report of Handling by Interim Head of Planning

Application under Section 42 of the Town and Country Planning (Scotland) Act 1997 to develop land to modify Conditions 8 (children's play area) and 9 (access) of planning permission at land north west of Lathro Farm, Kinross

Ref. No: 17/00886/FLM
Ward No: N8 Kinross-shire

Summary

This report recommends approval of an application under Section 42 of the Town and Country Planning (Scotland) Act 1997 to modify Conditions 8 (children's play area) and 9 (access) of planning permission 15/01512/FLM at land north west of Lathro Farm, Kinross. The development is considered to comply with the current Development Plan and is therefore recommended for approval, subject to certain conditions.

BACKGROUND AND PROPOSAL

- 1 The application site is situated on land in between the northern end of Kinross and the southern end of Milnathort and covers an area of over 33 hectares. The land is predominantly agricultural of undulating topography with a watercourse known as the North Queich bisecting the site from west to east.
- 2 The south of the site is bounded by established residential development and access off Gallowhill Road is available at the south west corner. The western boundary of the site is defined by the M90 motorway, whilst to the north are a mix of uses including, commercial, light industry and residential within the settlement of Milnathort. The eastern boundary of the site is defined by the A922 which is the main road linking Kinross and Milnathort. Also located at the eastern side of the site is Lathro Farm and its associated agricultural buildings.
- 3 The site is allocated (H47) in the Perth and Kinross Local Development Plan (LDP) 2014 for residential development and detailed planning permission was approved for the erection of 300 dwellings, formation of open space, landscaping and associated infrastructure by the Development Management Committee on 14 September 2016. Following completion of a Section 75 legal agreement, the decision notice was issued on 31 March 2017 and development of this consent is currently ongoing.
- 4 This planning application seeks to vary Conditions 8 and 9 which was attached to the consent through a planning application made under Section 42 of the Planning Act.
- 5 Condition 8 refers to the provision of a children play area within 6 months of the developer occupying the site. The developer is seeking to modify this condition to provide the play area within 6 months of occupation of the first residential unit within Phase 2.

- 6 Due to the scale of the development the developers purchase arrangement of the land has been based on two phases to coincide with the two phases referred to in the Planning Permission and associated Section 75 legal agreement.
- 7 During the application process and following discussions with the Planning Authority for the 300 dwellings, the location of the equipped play facility was agreed to be in a location now designated as being in Phase two and currently outwith the control of the developer to provide within the timescale specified.
- 8 Condition 9 refers to the provision of site access points on both the A922 and Gallowhill Road prior to the occupation of any residential plot.
- 9 Similar to Condition 8, due to the scale of the development the developers purchase arrangement of the land has been based on two phases to coincide with the two phases referred to in the Planning Permission and associated Section 75 legal agreement. The provision of the site access on Gallowhill Road will be within Phase 2 and currently not within the control of the developer to provide at this stage.
- 10 The applicant had initially included on the application form to seek modification of Condition 11 also but they have confirmed this was done in error and are not seeking any modification of this condition.

ENVIRONMENTAL IMPACT ASSESSMENT (EIA)

- 11 An Environmental Impact Assessment was submitted with the 15/01512/FLM application. The site has not materially changed in terms of its sites characteristics and nor has the surrounding environs become any more (or less) sensitive to the development which is proposed. To this end it is the view of the Council (as the component Authority) that an Environmental Report is not required in this instance.

PRE-APPLICATION PROCESS

- 12 The Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013, does not require Pre-application Consultation for Section 42 applications which relates to a 'major planning applications' made on or after the 3 February 2013.

NATIONAL POLICY AND GUIDANCE

- 13 The Scottish Government expresses its planning policies through the National Planning Framework (NPF) 3, the Scottish Planning Policy (SPP) 2014 and Planning Advice Notes (PAN), Designing Places, Designing Streets and the National Roads Development Guide.

The Scottish Planning Policy 2014

- 14 The SPP is a statement of Scottish Government policy on land use planning. The following sections of the SPP will be of particular importance in the assessment of this proposal:-
- Sustainability : paragraphs 24 - 35
 - Placemaking : paragraphs 36 – 57
 - Promoting Sustainable Transport and Active Travel : paragraphs 269 - 291
- 15 The following Scottish Government Planning Advice Notes (PAN) are of relevance to the proposal:-
- PAN 65 Planning and Open Space
 - PAN 75 Planning for Transport

DEVELOPMENT PLAN

- 16 The Development Plan for the area consists of the Approved TAYplan Strategic Development Plan June 2012 and the Perth and Kinross Local Development Plan February 2014.

TAYplan Strategic Development Plan (June 2012)

- 17 TAYPlan sets out a vision for how the region will be in 2032 and what must occur to bring about change to achieve this vision. The vision for the area as set out in the plans states that:

“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, study and visit, and where businesses choose to invest and create jobs”

- 18 The following section of the TAYplan 2012 are of particular importance in the assessment of this application.

Policy 2 – Shaping better quality places

- 19 Seeks to ensure that climate change resilience is built into the natural and built environment, integrate new development with existing community infrastructure, ensure the integration of transport and land uses, ensure that waste management solutions are incorporated into development and ensure that high resource efficiency and low/zero carbon energy generation technologies are incorporated with development to reduce carbon emissions and energy consumption.

Perth and Kinross Local Development Plan 2014

- 20 The Local Development Plan (LDP) 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.

- 21 The LDP sets out a vision statement for the area and states that:

“Our vision is of a Perth and Kinross which is dynamic, attractive and effective which protects its assets whilst welcoming population and economic growth.”

- 22 Under the LDP, the following policies are of particular importance in the assessment of this application.

Policy PM1A - Placemaking

- 23 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 adaption.

Policy PM1B - Placemaking

- 24 All proposals should meet all eight of the placemaking criteria.

Policy RD1 - Residential Areas

- 25 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 TA1A - Transport Standards and Accessibility Requirements

- 26 Encouragement will be given to the retention and improvement of transport infrastructure identified in the Plan.

Policy TA1B - Transport Standards and Accessibility Requirements

- 27 Development proposals that involve significant travel generation should be well served by all modes of transport (in particular walking, cycling and public transport), provide safe access and appropriate car parking. Supplementary Guidance will set out when a travel plan and transport assessment is required.

Policy CF1B - Open Space Retention and Provision

- 28 Appropriate areas of informal and formal open space should be provided as an integral part of any new development where existing provision is not adequate. Where there is an adequate supply of open space a financial contribution towards improved open space may be acceptable. Opportunities should be to create, improve and avoid the fragmentation of green networks.

OTHER POLICIES

- 29 None

Planning Site History

- 30 The following history is of relevance;
- **14/00493/SCRN** – EIA Screening request submitted March 2014. Confirmation that EIA is required April 2014.
 - **14/00004/PAN** – Proposal of Application Notice (PAN) submitted April 2014. Content of PAN approved May 2014.
 - **14/01345/SCOP** - EIA Scoping requested July 2014. Content of EIA agreed September 2014.
 - **15/01512/FLM** – Erection of 300 dwellings, formation of open space, landscaping and associated infrastructure. Approved by Development Management Committee September 2016. Decision Notice issued 31 March 2017 following conclusion of the Section 75 Legal Agreement.
 - **17/00759/FLL** Erection of 13 dwellinghouses and associated works on land NW of Lathro Farm Kinross (pending consideration)
 - **17/00760/FLL** – Erection of 47 dwellings and associated works on land NW of Lathro Farm Kinross (currently for consideration on this Agenda)
 - **17/00893/FLL** Erection of 6 dwellinghouses, formation of open space, landscaping and associated infrastructure works for plots 1-6, relocation of SUDs basin, pump station and erection of substation revised layout and design) (currently for consideration on this Agenda)

CONSULTATIONS

External

Transport Scotland

- 31 No objection following confirmation that developer is not seeking to modify Condition 11.

Kinross Community Council

- 32 Object on the grounds that there is a risk that the play area may never be built and it should be redesigned to be included in Phase 1 instead.

Internal

Community Greenspace

- 33 No objection to the proposal but do consider that it would be beneficial for the play area to be incorporated into phase one (187 Houses) to meet the reason for the condition particularly as the land for phase two has not yet been secured.

Transport Planning

- 34 No objection to the proposal provided the junction on Gallowhill Road is formed and in use before the occupation of Phase 2.

REPRESENTATIONS

- 35 The application has attracted 6 letters of objection including Kinross-shire Civic Trust. The following issues were raised by the objectors:

- Play area may never get built
- Overlooking/privacy issues
- Adverse noise impact.
- Gallowhill Road not suitable for traffic associated with proposal

36 ADDITIONAL STATEMENTS

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

APPRAISAL

- 37 Section 42 of the Town and Country Planning (Scotland) Act 1997 enables the determination of applications to develop land without compliance with conditions previously attached. The legislation specifies that on such an application the Planning Authority shall consider only the question of the conditions subject to which planning permission should be granted, and if they decide that planning permission should be granted subject to conditions differing from those subject to which the previous permission was granted, or that it should be granted unconditionally, they shall grant planning permission accordingly. If they decide that planning permission should be granted subject to the same conditions as those subject to which the previous permission was granted, they shall refuse the application.

Policy

- 38 Sections 25 and 37(2) of the Town and Country Planning (Scotland) Act 1997 (as amended) requires that planning decisions be made in accordance with the Development Plan unless material considerations indicate otherwise. The determining issues here are whether the proposals in principle comply with current Development Plan policy, or if there are other material considerations, which justify departure from policy.
- 39 The most relevant policies of the Development Plan are TAYplan Strategic Development plan 2012 and Perth and Kinross Local Development Plan 2014 including Supplementary Guidance.

Condition 8 – Play Area Provision

- 40 Condition 8 of the original consent requires the provision of a children play area within 6 months of the developer occupying the site. The developer is seeking to modify this condition for the play area to be provided within 6 months of occupation of the first residential unit within Phase 2.
- 41 Following the planning decision to approve the proposal in September 2016, the Planning Authority were informed that due to the scale of the development the developers purchase arrangements of the land is based on two phases to coincide with the two phases referred to in the Planning Permission and the associated Section 75 legal agreement.
- 42 The phased land purchase has therefore resulted in certain difficulties for both the developer and Planning Authority in terms of being able to discharge Conditions 8 and 9. During pre-application and application discussions, the location of the equipped play facility was agreed to be in a location now designated as being in Phase two and currently outwith the control of the developer to provide within the timescale specified.
- 43 Furthermore, the applicant argues that to have a condition requiring the play area be installed and fully operational within 6 months of their occupation of the site is both unreasonable and impracticable. Apart from the issue that the land constituting Phase 2 is not within their ownership, the play area will not be served by any roads or footpaths until such time as phase 2 is brought into use.
- 44 The applicant agrees that an early design approval of the play area is necessary and this element of the condition has been satisfied. Their request is that consideration is given to delaying the implementation of the installation until such time as the Phase 2 housing units are being brought into use.
- 45 The letters of objection submitted expressed concern that the play area may never be built if Phase 2 never happens and that 187 dwellings in Phase 1 will not have a play area. To help alleviate this concern, the applicant has now

offered to supply the agreed play area within Phase 1 for a temporary basis until such a point where it can relocate back to the originally agreed and approved location within Phase 2.

- 46 It is considered that this would be an acceptable solution to ensure Phase 1 does have a play area in place until a point in time where it can then be relocated to the Phase 2 area. Should Phase 2 not occur then Phase 1 will continue to have an accessible play area. Details of the exact location and timescales can be enforced by way of a planning condition and will *ensure the satisfactory provision and implementation of a children's play area* but at the same time provides for a logical approach to the development.

Condition 9

- 47 Condition 9 of the original consent refers to the provision of site access points on both the A922 and Gallowhill Road prior to the occupation of any residential plot.
- 48 Similar to Condition 8, the phased land purchase has resulted in certain difficulties for both the Developer and Planning Authority in discharging and enforcing Condition 9. The developers purchase of the land has been based on two phases to coincide with the two phases referred to in the Planning Permission and associated Section 75 legal agreement. The provision of the site access on Gallowhill Road will be within Phase 2 and currently not within the control of the developer to provide at this stage.
- 49 The condition requires that the design element of the condition is required at an early stage and this has been complied with by the applicant. However they request that consideration is given to delaying the implementation of Gallowhill junction until such time as the phase two housing units are being brought into use.
- 50 Transport Planning's views are that it would cause some difficulty but based on the practicalities of the land purchase arrangement it would be impossible to force the developer to provide the new junction on Gallowhill Road until such a time that they have purchased Phase 2 of the consented development.
- 51 It is considered that the proposed wording protects the requirement to ensure that the associated roads infrastructure is suitably upgraded in order to adequately accommodate the impact of the development proposed but at the same time provides for a logical approach to the development of the project.

Economic Impact

- 52 The 15/01512/FLM application outlined the considerable benefits the proposal will have for the area. The proposed changes to Conditions 8 and 9 will not change that and will not have an adverse impact on the local economy.

Non Material Considerations

- 53 Section 42 of the Town and Country Planning (Scotland) Act 1997 specifies that on such an application the Planning Authority shall consider only the question of the conditions subject to which planning permission should be granted.
- 54 Some representations submitted referred to issues such as noise and privacy. These issues are not relevant to the determination of this application and have been formally assessed as part of the 15/01512/FLM.

LEGAL AGREEMENTS

- 55 The current Section 75 Legal Agreement accounts for future planning applications including any Section 42 application. On this basis, it does not require to be updated in respect of the proposal.

DIRECTION BY SCOTTISH MINISTERS

- 56 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

- 57 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.
- 58 It is considered that the proposed modifications would not be contrary to the vision or wider spatial strategy of the Development Plan and would still deliver key Local Development Plan objectives.

RECOMMENDATION

A Approve the application subject to the following conditions:

- 1 The proposed development must be carried out in accordance with the approved drawings and documents, unless otherwise provided for by conditions imposed on the planning consent.

Reason: To ensure that the development is carried out in accordance with the plans approved.

- 2 Prior to the occupation of any residential plot, 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 unless otherwise agreed in writing.

Reason: In the interest of vehicle and pedestrian safety and in accordance with the policies of the adopted Perth and Kinross Local Development Plan 2014.

- 3 Prior to the occupation of any residential plot, details of the specification including materials of all footpaths and cycleways shall be submitted to the Planning Authority for further approval. The agreed detail shall thereafter be implemented prior to the completion of the development.

Reason: In the interest of pedestrian and cycle safety.

- 4 Permitted development rights associated with Classes 1A, 1B, 3A and 3B of The Town and Country Planning (General Permitted Development) (Scotland) Order 1992 (as amended), or any subsequent comparable classes in future legislation relating to development within the curtilage of a dwellinghouse are hereby revoked in full for all terraced dwellings, namely plot nos.29-32, 37-40, 55-58, 93-96, 104-107, 119-122, 138-141, 152-159, 181-184, 297-300 of the approved Site Layout Plan.

Reason: In the interests of visual and residential amenity; to ensure a satisfactory standard of local environmental quality and to avoid over-intensive development of individual plots.

- 5 The detailed landscaping and planting scheme as approved shall be commenced at the same time as commencement of the residential development and thereafter maintained to the satisfaction of the Council as Planning Authority.

Reason: In the interests of visual amenity; to ensure a satisfactory standard of local environmental quality and in pursuance of suitably satisfying placemaking policy criteria of the adopted Perth and Kinross Local Development Plan 2014.

- 6 Any planting failing to become established within five years shall be replaced in the following planting season with others of similar sizes and species to the satisfaction of the Council as Planning Authority.

Reason: In the interests of visual amenity; to ensure a satisfactory standard of local environmental quality and in pursuance of suitably satisfying placemaking policy criteria of the adopted Perth and Kinross Local Development Plan 2014.

- 7 The areas of public open space and parkland indicated on the approved landscape and planting drawings shall be planted in accordance with the open space standards of the Planning Authority and completed to phase with the adjacent dwellinghouses in accordance with a programme to be submitted to and agreed in writing with the Planning Authority prior to the commencement of the development. The scheme shall thereafter be maintained to the satisfaction of the Council as Planning Authority.

Reason: In the interests of visual amenity; to ensure a satisfactory standard of local environmental quality and to reserve the rights of the Planning Authority.

- 8 Within one month of this decision, full details of the location and timescales of the temporary children's play area to be located within Phase 1 shall be submitted and approved by the Planning Authority. The agreed detail shall thereafter be implemented prior to the occupation of the first dwelling in Phase 1. For the avoidance of doubt should Phase 2 not occur the children's play area within Phase 1 will become a permanent fixture.

Reason: In the interests of residential amenity; to ensure a satisfactory standard of local environmental quality.

- 9 Prior to the implementation of this consent, a detailed layout of the proposed children's play area indicated in the site layout plan shall be submitted for the further approval of the Planning Authority. The play area(s) shall be designed, laid out and equipped in accordance with the Planning Authority's current criteria for play area provision within six months of the occupation on the first residential unit in Phase Two. The play area and its facilities/equipment shall thereafter be maintained to the satisfaction of the Council as Planning Authority.

Reason: In the interests of residential amenity and to ensure the satisfactory provision and implementation of a children's play area.

- 10 Prior to the implementation of this consent, full details of proposed site boundary openings forming new accesses onto the A922 and Gallowhill Road shall be submitted to the Planning Authority for further written approval. The A922 opening details as approved shall thereafter be implemented prior to the occupation of any residential unit within Phase 1 of the development. The Gallowhill Road opening details as approved shall thereafter be implemented prior to the occupation of any residential unit within Phase 2 of the development.

Reason: In order to ensure that the associated roads infrastructure is suitably upgraded in order to adequately accommodate the impact of the development proposed.

- 11 Prior to the implementation of this consent, details of the frontage landscaping treatment along the M90 trunk road boundary shall be submitted to, and approved by, the Planning Authority, after consultation with Transport Scotland. Reason: To ensure that there will be no distraction to drivers on the trunk road, and that the safety of the traffic on the trunk road will not be diminished.

- 12 Prior to the occupation of the development, a barrier/boundary feature of a type approved by the Planning Authority in consultation with Transport Scotland shall be provided and maintained along the proposed boundary of the site with the M90 trunk road.

Reason: To minimise the risk of pedestrians and animals gaining uncontrolled access to the trunk road with the consequential risk of accidents.

- 13 Prior to the implementation of this consent, a detailed delivery plan confirming the phased delivery of the site and construction works has been submitted and approved in writing by the Planning Authority. Once approved, the development shall be implemented in accordance with the delivery plan otherwise agreed in writing by the Planning Authority

Reason: In order to ensure the implementation and completion of the development components of the proposal to coincide with infrastructure delivery and to release the elements of the proposed development which the planning authority considers will bring economic and social benefits to the area.

- 14 The developer shall ensure that during the construction of the development that all surface water is controlled, treated and discharged under the principles of SUDS all to the satisfaction of the Council as Flood Authority.

Reason: In the interests of best practice surface water management; to avoid undue risks to public safety and flood risk.

- 15 The discharge of any surface water drainage shall be limited to the Greenfield runoff rate as calculated in Section 4.3 of the Flood Risk Assessment within the Environmental Impact Assessment Environmental Statement Vol.3 Technical Appendix A. All discharge rates shall be agreed in writing by the Planning Authority in consultation with the Flooding Team prior to the commencement of any works on site.

Reason: To reduce flood risk

- 16 Full drainage calculations and the final layout and depth of the proposed SUDS pond and associated infrastructure to be agreed in writing with the Council as Planning Authority, in consultation with Perth and Kinross Council Flooding Team. The agreed detail shall thereafter be implemented prior to the completion of development.

Reason: In the interests of best practice surface water management; to avoid undue risks to public safety and flood risk.

- 17 Unless otherwise agreed in writing by the Planning Authority the Finished Floor Level of all properties shall be a minimum of 600mm above the 200 year flood level.

Reason: To reduce the risk of flooding.

- 18 Unless otherwise agreed in writing by the Planning Authority, the garden level of all properties shall be a minimum of 300mm above the 200 year flood level.

Reason: To reduce the risk of flooding.

- 19 Prior to the implementation of this consent, the soffit level of all bridges/culverts shall be agreed in writing by Perth and Kinross Councils Flooding Team.

Reason: To reduce the risk of flooding.

- 20 All existing trees and hedgerows shall be retained and protected by suitable fencing in accordance with BS5837 2012 (Trees in Relation to Construction),

unless otherwise agreed in writing by the Planning Authority. The details of the protective fencing and its location shall be first submitted to and agreed in writing by the Planning Authority. No materials, supplies, plant, machinery, soil heaps, changes in ground levels or construction activities shall be permitted within the protected areas without the written consent of the Planning Authority and no fire shall be lit in the position where the flames could extend to within 5 metres of foliage, branches or trunks.

Reason: to ensure adequate protection for the trees on the site during the construction, in the interests of the visual amenity of the area.

- 21 Prior to the implementation of this consent, a Construction Environment Management Plan (CEMP), incorporating a Construction Method Statement (CMS), a Construction Traffic Management Plan (CTMP), a Site Waste Management Plan (SWMP), a Site Access Management Plan, a Drainage Management Plan (DMP) and Environmental Management Plan (EMP) detailing pollution prevention and control measures for all phases of the, construction and operation programmes will be submitted to and be approved in writing by the Planning Authority, in consultation with Scottish Environment Protection Agency and Scottish Natural Heritage. The CEMP shall be updated and submitted not less than two months prior to the commencement of the second phase and shall incorporate detailed pollution avoidance and mitigation measures for all construction elements. Thereafter the development shall be fully undertaken in accordance with the CEMP unless otherwise agreed in writing by the Planning Authority.

Reason: In the interest of protecting environmental quality and of bio-diversity.

- 22 Prior to the implementation of this consent, the developer shall secure the implementation of a programme of archaeological works in accordance with a Written Scheme of Investigation which has been submitted by the applicant, agreed by Perth and Kinross Heritage Trust, and approved by the Planning Authority. Thereafter the developer shall ensure that the programme of archaeological works is fully implemented and that all recording and recovery of archaeological resources within the development site is undertaken to the satisfaction of the Planning Authority in agreement with Perth and Kinross Heritage Trust.

Reason: In the interest of protecting archaeological interest within the site

- 23 Prior to the implementation of this consent, an evaluation for the potential of the site to be affected by contamination by a previous use should be undertaken.
- I. the nature, extent and type(s) of contamination on the site
 - II. measures to treat/remove contamination to ensure the site is fit for the use proposed
 - III. measures to deal with contamination during construction works
 - IV. condition of the site on completion of decontamination measures.

Prior to the completion or bringing into use of any part of the development the agreed measures to decontaminate the site shall be fully implemented as approved by the Council as Planning Authority. Validation that the scheme has been fully implemented must also be submitted to the Council as Planning Authority.

Reason: To prevent harm to human health and pollution of the environment in accordance with the aims and objectives of the Development Plan.

- 24 The hours of operation at the construction stage shall be Monday to Friday 07:00 to 19:00 hours, Saturday 08:00 to 13:00 hours and no workings on a Sunday, unless otherwise agreed in writing with the Planning Authority.

Reason: In the interests of public health and to prevent noise pollution.

- 25 Prior to the implementation of this consent, detailed design of the earth bunding and acoustic barriers along the M90 boundary shall be submitted in writing to the Planning Authority for approval before the development commences so that together with existing landscape features noise levels within habitable rooms of proposed dwellings on the western part of the development are reduced.

Reason: In the interests of public health and to prevent noise pollution.

- 26 As recommended in Section 7 of the Environmental Statement, trickle ventilators shall be installed with passive extract ventilation systems to all habitable rooms within line of sight to the M90 trunk road and South Street, Milnathort to provide acoustic attenuation of up to 42 dBDn, in its open position.

Reason: In the interests of public health and to prevent noise pollution.

- 27 Prior to the implementation of this consent, a site specific plan, detailing bin storage areas, kerbside collection locations and recycling facilities shall be submitted to and approved in writing by the Planning Authority and thereafter undertaken in accordance with the approved details.

Reason: in the interests of the sustainable disposal of waste.

- 28 Prior to the implementation of this consent, details of all front driveway screening shall be submitted to the Planning Authority for further approval. The agreed detail shall be thereafter implemented prior to the occupation of each dwelling.

Reason: In the interest of visual amenity and in compliance with the National Roads Development Guide.

- 29 No removal of hedgerows, trees or shrubs that may be used by breeding birds shall take place between 1st March and 31st August inclusive, unless a competent ecologist has undertaken a careful, detailed check of vegetation for active birds' nests immediately before the vegetation is cleared and provided

written confirmation that no birds will be harmed and/or that there are appropriate measures in place to protect nesting bird interest on site. Any such written confirmation should be submitted to the local planning authority.

Reason: To protect any nesting birds.

- 30 No works which include the creation of trenches or culverts or the presence of pipes shall commence until measures to protect animals from being trapped in open excavations and/or pipe and culverts are submitted to and approved in writing by the local planning authority. The measures may include creation of sloping escape ramps which may be achieved by edge profiling of trenches/excavations or by using planks placed into them at the end of each working day and open pipework greater than 150 mm outside diameter being blanked off at the end of each working day.

Reason: To protect species being trapped.

- 31 Lighting will be designed, and positioned in such a way as to prevent light spillage into adjacent watercourses and woodland.

Reason: To protect the habitat for species.

- 32 No development, including earth moving, shall take place or material or machinery brought on site until protective fencing and warning signs have been erected on site in accordance with an approved Construction Method Statement. All protective fencing and warning signs will be maintained during the construction period in accordance with the approved details.

Reason: In the interest of natural heritage.

- 33 Pre-construction surveys shall be undertaken to ascertain the presence or absence of protected species and breeding birds and written confirmation that no protected species or birds will be harmed and/or that there are appropriate measures in place to protect said protected species and nesting bird interest on site. Any such written confirmation should be submitted to and agreed by the Planning Authority.

Where ecological surveys have identified the potential presence of roosting bats, no activities that could result in disturbance (such as tree felling, or associated operations) shall be carried out between the dates of 1st April and 1st October in any year. Any works undertaken during the specified periods should only be carried out under the direction of a licensed bat ecologist to ensure that an offence is not committed.

Reason: In the interest of natural heritage and protected species.

- 34 Where it is intended to create semi-natural habitats, all species used in the planting proposals as detailed in the landscape plans shall be locally native species of local provenance unless otherwise agreed in writing with the local Planning Authority.

Reason: In the interest of natural heritage.

- 35 All landscape maintenance measures shall be carried out in accordance with the details contained in the landscape plans as already submitted with the planning application and agreed with the Planning Authority.

Reason: In the interest of natural heritage.

- 36 All trees to be retained shall be protected in accordance with BS 5837 2012 Trees in Relation to Design, Demolition and Construction prior to any works commencing on site, and shall remain in place until all construction is completed.

Reason: To prevent harm to trees within or adjacent to the site.

B JUSTIFICATION

The proposal is considered to comply with the Development Plan and there are no other material considerations that would justify a departure therefrom.

C PROCEDURAL NOTE

None required.

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.

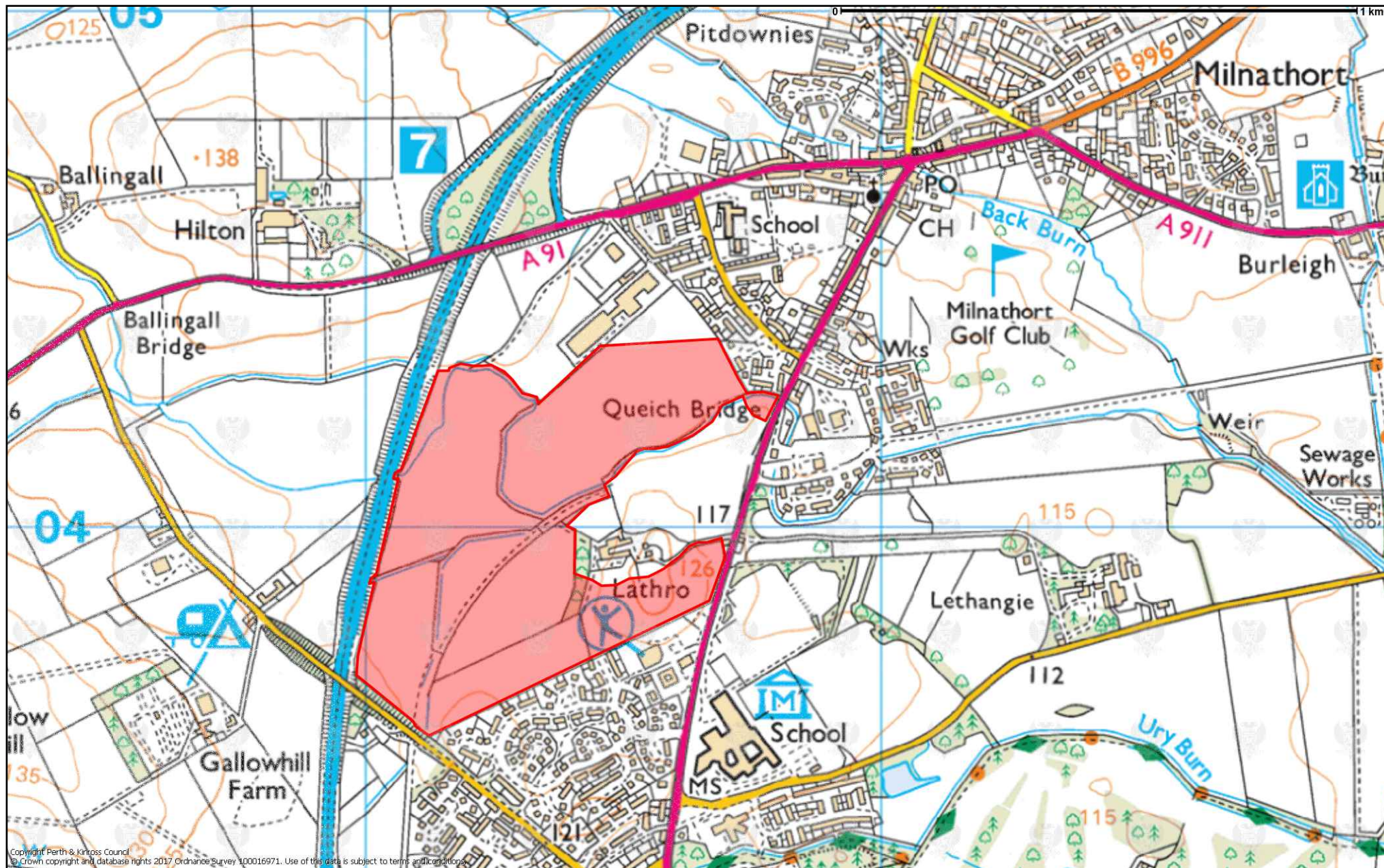
Background Papers: 6 letters of representation; Planning Decision Notice of 15/01512/FLM
 Contact Officer: Steve Callan Ext 75337
 Date: 4 September 2017

Nick Brian
Interim Head of Planning

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17/00886/FLM

Application under Section 42 of the Town and Country Planning (Scotland) Act 1997 to develop land to modify conditions 8 (children's play area), 9 (access) and 11 (boundary treatment) of planning permission 15/0152FLM (Erection of 300 dwellings, formation of open space, landscaping and associated infrastructure works) to reflect change in implementation timescale land NW of Lathro Farm, Kinross



Perth and Kinross Council
Development Management Committee – 20 September 2017
Report of Handling by Interim Development Quality Manager

Erection of 47 dwellinghouses and associated works on land NW of Lathro Farm, Kinross.

Ref. No: 17/00760/FLL
Ward No: N8 Kinross-shire

Summary

This report recommends approval of the detailed application for the erection of 47 dwellinghouses and associated works on land NW of Lathro Farm, Kinross. The development is considered to comply with the current Development Plan. The application is recommended for approval, subject to conditions.

BACKGROUND AND PROPOSAL

- 1 The application site is situated on land in between the northern end of Kinross and the southern end of Milnathort and is part of a larger housing site that received planning permission in March 2017 for 300 dwellinghouses (15/01512/FLM approved by Development Management Committee on 14th September 2016).
- 2 The site is part of allocated site (H47) in the Perth and Kinross Local Development Plan (LDP) 2014 for residential development.
- 3 The proposals relate to a part of the site to the south of the farm road that serves Lathro Farm, accessed from the A922 Kinross to Milnathort road. Springfield Properties is acquiring the land from the original developer, Persimmon, and is to construct houses on this section of the larger site. This application is for a revised layout and design of this part of the site. The approved layout for this part of the site included 45 dwellinghouses. This application is for 47 units thus an increase of two units.

NATIONAL POLICY AND GUIDANCE

- 4 The Scottish Government expresses its planning policies through the National Planning Framework 3, the Scottish Planning Policy (SPP) 2014 and Planning Advice Notes (PAN), Designing Places, Designing Streets and the National Roads Development Guide.

The Scottish Planning Policy 2014

- 5 The Scottish Planning Policy (SPP) was published on 23 June 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.
 - The determination of planning applications and appeals.
- 6 Of relevance to this application are;
- Paragraphs 24 – 35: Sustainability
 - Paragraphs 36 – 57: Placemaking
- 7 A successful Sustainable Place;
- Paragraphs 126 – 131 Affordable Housing
 - Paragraphs 135 – 151 Valuing the Historic Environment
- 8 A Natural, Resilient Place;
- Paragraphs 219 – 233 Maximising the Benefits of Green Infrastructure
 - Paragraphs 254 – 268 Managing Flood Risk & Drainage
- 9 A Connected Place;
- Paragraphs 286 – 291 Promoting Sustainable Transport and Active Travel
- 10 The following Scottish Government Planning Advice Notes (PAN) are also of interest:
- PAN 2/2010 Affordable Housing and Housing Land Audits
 - PAN 1/2011 Planning and Noise
 - PAN 40 Development Management
 - PAN 51 Planning, Environmental Protection and Regulation
 - PAN 58 Environmental Impact Assessment
 - PAN 60 Planning for Natural Heritage
 - PAN 61 Planning and Sustainable Urban Drainage Systems
 - PAN 63 Waste Management Planning
 - PAN 65 Planning and Open Space
 - PAN 67 Housing Quality
 - PAN 68 Design Statements
 - PAN 69 Planning & Building Standards Advice on Flooding
 - PAN 75 Planning for Transport
 - PAN 79 Water and Drainage
 - PAN 83 Masterplanning

Designing Places 2001

- 11 The first policy statement which marks the Scottish Government's determination to raise standards of urban and rural development.

Designing Streets 2010

- 12 Designing Streets is the first policy statement in Scotland for street design and marks a change in the emphasis of guidance on street design towards place-making and away from a system focused upon the dominance of motor vehicles. It has been created to support the Scottish Government's place-making agenda and is intended to sit alongside the 2001 planning policy document Designing Places, which sets out Government aspirations for design and the role of the planning system in delivering these.

National Roads Development Guide 2014

- 13 This document supports Designing Streets and expands on its principles and is considered to be the technical advice that should be followed in designing and approving of all streets including parking provision.

DEVELOPMENT PLAN

- 14 The Development Plan for the area consists of the Approved TAYplan Strategic Development Plan June 2012 and the Perth and Kinross Local Development Plan February 2014.

TAYplan Strategic Development Plan (June 2012)

- 15 TAYPlan sets out a vision for how the region will be in 2032 and what must occur to bring about change to achieve this vision. The vision for the area as set out in the plans states that:

"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, study and visit, and where businesses choose to invest and create jobs"

- 16 The following sections of the TAYplan 2012 are of particular importance in the assessment of this application.

Policy 1 – Location Priorities

- 17 Seeks to focus the majority of development in the region's principal settlements. Kinross and Milnathort are identified as a Tier 2 Settlements with the potential to make a major contribution to the regional economy and accommodate a smaller share of additional development over the plan period.

Policy 2 – Shaping better quality places

- 18 Seeks to ensure that climate change resilience is built into the natural and built environment, integrate new development with existing community infrastructure, ensure the integration of transport and land uses, ensure that waste management solutions are incorporated into development and ensure that high resource efficiency and low/zero carbon energy generation

technologies are incorporated with development to reduce carbon emissions and energy consumption.

Policy 3: Managing TAYplan's Assets

- 19 Seeks to respect the regional distinctiveness and scenic value of the TAYplan area and presumes against development which would adversely affect environmental assets.

Policy 6: Energy and Waste/Resource Management Infrastructure

- 20 Relates to delivering a low/zero carbon future for the city region to contribute to meeting Scottish Government energy targets and indicates that, in determining proposals for energy development, consideration should be given to the effect on off-site properties, the sensitivity of landscapes and cumulative impacts.

Policy 8 – Delivering the Strategic Development Plan

- 21 States, *“To ensure that quality is designed-in to development and places, developer contributions shall be sought for new development to mitigate any adverse impact on infrastructure, services and amenities brought about by development including contributions towards schools, affordable housing, transport infrastructure and facilities (including road, rail, walking, cycling and public transport) and other community facilities in accordance with the Scottish Government Circular 1/2010”.*

Perth and Kinross Local Development Plan 2014

- 22 The Local Development Plan (LDP) 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.
- 23 The LDP sets out a vision statement for the area and states that:
- “Our vision is of a Perth and Kinross which is dynamic, attractive and effective which protects its assets whilst welcoming population and economic growth.”*
- 24 Under the LDP, the following policies are of particular importance in the assessment of this application.

Policy PM1A - Placemaking

- 25 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 adaption.

Policy PM1B - Placemaking

- 26 All proposals should meet all eight of the placemaking criteria.

Policy PM1C - Placemaking

- 27 Proposals of more than 200 houses or 10 ha should create a sustainable neighbourhood and seek to meet the key needs of residents or businesses either within or adjacent to the development. A Masterplan will be required in most cases.

Policy PM2 - Design Statements

- 28 Design Statements should normally accompany a planning application if the development comprises 5 or more dwellings, is a non-residential use which exceeds 0.5 ha or if the development affects the character or appearance of a Conservation Area, Historic Garden, Designed Landscape or the setting of a Listed Building or Scheduled Monument.

Policy PM3 - Infrastructure Contributions

- 29 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

- 30 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

- 31 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 TA1A - Transport Standards and Accessibility Requirements

- 32 Encouragement will be given to the retention and improvement of transport infrastructure identified in the Plan.

Policy TA1B - Transport Standards and Accessibility Requirements

- 33 Development proposals that involve significant travel generation should be well served by all modes of transport (in particular walking, cycling and public transport), provide safe access and appropriate car parking. Supplementary Guidance will set out when a travel plan and transport assessment is required.

Policy CF1B - Open Space Retention and Provision

- 34 Appropriate areas of informal and formal open space should be provided as an integral part of any new development where existing provision is not adequate. Where there is an adequate supply of open space a financial contribution towards improved open space may be acceptable. Opportunities should be to create, improve and avoid the fragmentation of green networks.

Policy CF2 - Public Access

- 35 Developments will not be allowed if they have an adverse impact on any core path, disused railway line, asserted right of way or other well used route, unless impacts are addressed and suitable alternative provision is made.

Policy CF3 - Social and Community Facilities

- 36 The loss or change of use of land or buildings used for community purpose will only be permitted where the availability of community facilities in the locality is not seriously affected, no suitable alternative community use can be found or alternative facilities of equivalent benefit and provided.

Policy HE1A - Scheduled Monuments and Non Designated Archaeology

- 37 There is a presumption against development which would have an adverse effect on the integrity of a Scheduled Monument and its setting, unless there are exceptional circumstances.

Policy HE1B - Scheduled Monuments and Non Designated Archaeology

- 38 Areas or sites of known archaeological interest and their settings will be protected and there will be a strong presumption in favour of preservation in situ. If not possible provision will be required for survey, excavation, recording and analysis.

Policy HE2 - Listed Buildings

- 39 There is a presumption in favour of the retention and sympathetic restoration, correct maintenance and sensitive management of listed buildings to enable them to remain in active use. The layout, design, materials, scale, siting and use of any development which will affect a listed building or its setting should be appropriate to the building's character, appearance and setting.

Policy NE2A - Forestry, Woodland and Trees

- 40 Support will be given to proposals which meet the six criteria in particular where forests, woodland and trees are protected, where woodland areas are expanded and where new areas of woodland are delivered, securing establishment in advance of major development where practicable.

Policy NE2B - Forestry, Woodland and Trees

- 41 Where there are existing trees on a development site, any application should be accompanied by a tree survey. There is a presumption in favour of protecting woodland resources. In exceptional circumstances where the loss of individual trees or woodland cover is unavoidable, mitigation measures will be required.

Policy NE3 - Biodiversity

- 42 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 effect on protected species.

Policy NE4 - Green Infrastructure

- 43 Development should contribute to the creation, protection, enhancement and management of green infrastructure, in accordance with the criteria set out.

Policy ER6 - Managing Future Landscape Change to Conserve and Enhance the Diversity and Quality of the Areas Landscapes

- 44 Development proposals will be supported where they do not conflict with the aim of maintaining and enhancing the landscape qualities of Perth and Kinross and they meet the tests set out in the 7 criteria.

Policy EP1 - Climate Change, Carbon Reduction and Sustainable Construction

- 45 Sustainable design and construction will be integral to new development within Perth and Kinross. Proposals for new buildings must be capable of meeting one of the standards set out in the table.

Policy EP2 - New Development and Flooding

- 46 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 EP3A - Water, Environment and Drainage

- 47 Proposals which do not accord with the Scotland River Basin Management Plan and any relevant associated Area Management Plans will be refused unless they are considered to be of significant specified benefit to society and / or the wider environment.

Policy EP3B - Water, Environment and Drainage

- 48 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

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

Policy EP3D - Water, Environment and Drainage

- 50 Development over an existing culvert or the culverting of watercourses as part of a new development will not be supported unless there is no practical alternative. Existing culverts should be opened and redundant water engineering features removed whenever possible.

Policy EP8 - Noise Pollution

- 51 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 EP11 - Air Quality Management Areas

- 52 Development proposals within or adjacent to designated Air Quality Management Areas which would adversely affect air quality may not be permitted.

Policy EP12 - Contaminated Land

- 53 The creation of new contamination will be prevented. Consideration will be given to proposals for the development of contaminated land where it can be demonstrated that remediation measures will ensure the site / land is suitable for the proposed use.

EP7: Drainage within the Loch Leven Catchment Area

- 54 EP7A: Total phosphorus from development must not exceed the current level permitted by the discharge consents for Kinross and Milnathort waste water treatment works together with the current contribution from built development within the rural area of the catchment.
- 55 EP7B: Developments within the Loch Leven catchment area will be required to connect to a publicly maintained drainage system incorporating phosphorus

reduction measures. Exceptions will only be permitted where they are in accordance with criteria set out.

OTHER POLICIES

- 56 The following supplementary guidance and documents are of particular importance in the assessment of this application.
- Developer Contributions and Affordable Housing Supplementary Guidance April 2016.
 - Flood Risk and Flood Risk Assessments – Developer Guidance June 2014.
 - Sustainable Design and Zero Carbon Development Supplementary Guidance May 2014.

Perth & Kinross Community Plan (2006 – 2020)

- 57 Key aim - Create a vibrant and successful area through:
- A thriving economy including successful tourism and cultural sectors.
 - A positive image locally, nationally and internationally.
 - Improved infrastructure and transport links.
 - A sustainable natural and built environment.

Perth & Kinross Corporate Plan 2013-2018

- 58 Corporate Plan Vision includes – Promoting a prosperous, inclusive and sustainable economy. Creating safe and sustainable places for future generations.

Planning Site History

- 59 **14/00493/SCRN** – EIA Screening request submitted March 2014. Confirmation that EIA is required April 2014.
- 60 **14/00004/PAN** – Proposal of Application Notice (PAN) submitted April 2014. Content of PAN approved May 2014.
- 61 **14/01345/SCOP** - EIA Scoping requested July 2014. Content of EIA agreed September 2014.
- 62 **15/01512/FLM** Erection of 300 dwellinghouses, formation of open space, landscaping and associated infrastructure works. Approved by Committee on 14 September 2016. Decision issued March 2017.
- 63 **17/00759/FLL** Erection of 13 dwellinghouses and associated works on land NW of Lathro Farm Kinross (pending consideration)

- 64 **17/00886/FLM** Application under Section 42 of the Town and Country Planning (Scotland) Act 1997 to develop land to modify conditions 8 (children's play area), 9 (access) and 11 (boundary treatment) of planning permission 15/01512/FLM (Erection of 300 dwellinghouses, formation of open space, landscaping and associated infrastructure works) to reflect change in implementation timescale land NW of Lathro Farm Kinross (currently on this Agenda)
- 65 **17/00893/FLL** Erection of 6no. dwellinghouses, formation of open space, landscaping and associated infrastructure works for plots 1-6, relocation of SUDS basin, pump station and erection of substation (revised layout and design) (in part retrospect) land NW of Lathro Farm Kinross (currently on this Agenda)

CONSULTATIONS

External

Scottish Water

- 66 No response to this application but noted to have capacity to service the overall development.

Kinross Community Council

- 67 A number of concerns in relation to the application were raised:-
- Housing numbers exceed LDP allocation
 - Loss of trees
 - Inadequate pre-construction ecology check
 - No bat survey
 - Impact on road network
 - Two Springfield applications should have been a major – 60 houses, more consultation etc required.
 - Incorrect reference to Scottish Borders Council in the covering letter from the applicant

R S P B

- 68 Comments with regard trees and bird surveys. Would like clarification as to what will happen to the mature oak trees on the site. Would like to see the trees maintained and that a full breeding bird survey is carried out to assess what would best provide for the species present on the site.

Internal

Transport Planning

- 69 No objections.

Contributions Officer

- 70 This proposal is a modification to the existing consent under 15/01512/FLM. The existing consent has an associated S.75 Legal Agreement securing the necessary Contributions. These requirements will also be required from this proposal. A new section 75 agreement will be required.

Environmental Health

- 71 No objection subject to condition with regard to noise.

Flooding Team

- 72 No comments received however previous issues with regard to flood risk have been addressed.

Biodiversity Officer

- 73 Comments made with regard to information submitted. Recommends various conditions to safeguard biodiversity.

Community Greenspace

- 74 Comments made on open space and landscaping of the overall scheme.

REPRESENTATIONS

- 75 The application has attracted 7 letters of objection including Kinross Civic Trust and the Woodland Trust. The following issues were raised by the objectors:

- Housing numbers exceed Development Plan allocation
- Impact on road network
- Impact on local services
- Loss of trees including possible loss of Ancient Woodland
- Impact on biodiversity including lack of surveys for protected species, i.e. bats breaches EC Directive 92/43/EEC "The Habitats Directive"
- Two Springfield applications should be a major application

Response to issues

- 76 The material planning concerns are addressed in the Appraisal section of this report.

77 ADDITIONAL STATEMENTS

Environment Statement	Submitted as part of overall application 15/01512/FLM
Screening Opinion	Scoping undertaken as part of overall proposal
Environmental Impact Assessment	Submitted as part of overall application
Appropriate Assessment	Not required
Design Statement / Design and Access Statement	Submitted with overall application
Reports on Impact or Potential Impact	Submitted as part of the Environmental Statement accompanying application 15/01512/FLM; including Flood Risk Assessment, Transport Assessment and Landscape and Visual Impact Assessment

APPRAISAL

Policy

- 78 Sections 25 and 37(2) of the Town and Country Planning (Scotland) Act 1997 as amended by the 2006 Act require that planning decisions be made in accordance with the Development Plan unless material considerations indicate otherwise. The Development Plan for the area comprises the approved TAYplan 2012 and the adopted Perth and Kinross Local Development Plan 2014.
- 79 The determining issues in this case are whether; the proposal complies with Development Plan policy; or if there are any other material considerations which justify a departure from policy.

Principle

- 80 TAYplan Policy 1 (Location Priorities) focuses the majority of development to Tier 2 settlements as they have the potential to accommodate a smaller share of the region's additional development in the next 20 years. The proposed site is located within the Tier 2 settlement of Kinross and therefore the principle of development complies with the objective of this policy.
- 81 The design and layout of the site was previously agreed through application 15/01512/FLM when approval was granted for the erection of 300 dwellinghouses on the wider site. This proposal represents a change to the site layout and proposes two additional residential units than was originally proposed.

- 82 There have been objections with regard to the numbers of houses proposed and that this exceeds the allocation in the Development Plan. This application proposes two additional units on this part of the site than was previously approved. It is noted that the wider issue of unit numbers potentially exceeding the Development Plan was addressed as part of application 15/01512/FLM. In particular the Development Plan figure of 260 units was an indicative figure and did not preclude developments of higher or indeed lower densities on such sites. Permission is in place for 300 units. This proposal is for 2 additional units and it is suggested that such an increase is not significant for a site of this size.

Design and Layout

- 83 The application site is for a section of the main site to the south of the proposed SUDS basin and existing farm buildings complex. The house plots primarily front the main through access road with a spur off that leads to the SUDS basin and proposed country park area. A short section of road has been removed where it formed a short loop between roads. This does not impact on the overall layout although has allowed for two additional dwellinghouses to be included in the layout. Some small areas of landscaping have also been removed and largely incorporated in gardens.
- 84 There is a mix of house types proposed including ten pairs of semi-detached dwellings, five terraces comprising of three dwellinghouses and twelve detached properties. There are five, two bed properties; thirty two, three bed and ten with four bedrooms. The four bed detached properties all have integral garages. All are two storey. Finishing materials are dry dash render with slate grey concrete tile roof and grey uPVC window frames. Feature timber wall detailing is included in many of the house types.
- 85 Parking is shown mainly to the front of properties. Some provision has been made to mitigate the overall impact of this with hedge planting to the front and side of some plots.
- 86 The approved layout included twenty, four bedded properties; twenty one, three bed and four, two bed. This comprised of four pairs of semi-detached, two terraces of four dwellinghouses and twenty nine were detached properties.
- 87 The site area for this application measures 1.298 hectares. This makes the density for this part of the site 36.1 dwellings per hectare. This is a slight increase on the approved layout for this section which is around 34.6 dwellings per hectare.

Landscape and biodiversity

- 88 Landscaping plans were approved as part of application number 15/01512/FLM. This application includes a landscaping plan specifically for this revised layout and design.

- 89 There was concern from objectors with regard to the felling of trees on the site. These trees have now been felled as part of the works approved under application 15/01512/FLM.
- 90 The Council's Biodiversity Officer has commented on the proposals and noted that additional information was required such as an up to date tree condition survey and ecological survey. However this aspect has been dealt with as part of the works that have already commenced on site.
- 91 Community Greenspace has been consulted and make general comment on the overall scheme. These will largely be addressed as part of the Further Matters of detail required for landscape maintenance. This will need to be agreed between the developer and Community Greenspace so that it is clear which areas will be maintained by the Council and which areas will be maintained by the Developer.

Residential Amenity

- 92 The change to the layout and house types are acceptable in terms of residential amenity considerations such as overlooking, overshadowing and provision of private amenity space. Where a proposed dwelling faces directly onto another dwelling there will be a minimum of 18 metres between the external walls and the distance to rear boundaries is 9 metres or more. Environmental Health has been consulted and notes that the applicant is proposing an amendment to plot layout and the substitution of house types with Hybrid heating systems to be installed. Technical specification documents for proposed air source heat pumps (ASHP) have been submitted that are to be installed as part of the gas boiler/ASHP hybrid heating systems. As such plant may generate noise it is recommended that a condition is attached with regard to this.

Roads and Access

- 93 The road layout of the development was fully assessed as part of the earlier application. This application makes a minor amendment to the road layout and is acceptable to Transport Planning.
- 94 There have been representations with regard to traffic generated by the development however this has been assessed as part of the original application and the addition of two units proposed by this application would not affect this.

Drainage and Flooding

- 95 A Flood Risk Assessment (FRA) has been undertaken as part of the earlier application. The Council's Flood Risk Officer raised no objections to the proposal as none of the residential properties are within the flood plain or recorded areas of flood risk. Conditions attached to the earlier permission with regard to flood risk will be imposed on this consent. It is also noted that a Construction Method Statement has been submitted for the wider site where

the development may affect a watercourse. A condition will be attached to require the developer to update the approved CEMP.

Cultural Heritage and Archaeology

- 96 The Environmental Statement submitted with the earlier overall permission has identified some archaeological interest within the application site boundary and Lethangie estate is situated immediately to the east of the site. The category B listed West Lodge and gate piers are located on the A922, immediately opposite the access to the Lathro Farm, which forms part of the northern boundary to the site.
- 97 The revised proposals do not have any impact on the listed buildings and their setting.
- 98 A programme of archaeological evaluation was undertaken as part of the pre-commencement works on the wider site. No further archaeological work is required on this section of the site.

Waste and recycling

- 99 The Council's Waste Services team provided guidance as part of their consultation response on the wider site. It is recommended that the condition and Informative note previously included shall be attached to this consent to ensure the collection of waste will not be compromised.

Developer Contributions

Affordable Housing

- 100 The Council's Affordable Housing Policy requires that 25% of the total number of houses, above a threshold of 5 units, for which planning consent is being sought is to be in the form of affordable housing. The affordable housing requirement for the overall site approved under application 15/01512/FLM is 75 units (300 x 25%). The phasing of this has been agreed through the section 75 agreement associated with the overall site. In terms of this planning application for a part of the site the requirement is 11.75 (47 x 25%). How this is delivered will need to be agreed through the section 75 agreement.

Primary Education

- 101 The Council's 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.
- 102 This proposal is within the catchments of Kinross and Milnathort Primary Schools. Contributions to primary education are not required from affordable units. The original contribution requirement was based on 225 units (300 – 75)

as agreed in the section 75 associated with 15/01512/FLM. For this application the requirement will be based on 35.25 (47 – 11.75) units requiring a contribution of Education: £227,715 (35.25 x £6,460).

- 103 The requirement for affordable housing and education provision required as part of this new application will need to be agreed through a new section 75 agreement and will have to take account of the slight change in numbers (two additional units) resulting from this application. The existing section S75 will be taken into account as part of this however a new agreement will be required due to a change in applicant for this part of the site who is not a signatory to the existing legal agreement.

Air Quality

- 104 Perth and Kinross Council have a statutory duty under the Environment Act 1995 to review and assess air quality within its area. The application site is not within the boundary of an Air Quality Management Area (AQMA).
- 105 Environmental Health have not raised any air quality issues associated with the proposal and therefore it is considered to comply with LDP Policy EP11 Air Quality Management Area.

Contaminated Land

- 106 The Council's Land Quality Officer previously advised that there may be some contamination in the area of the old railway line. This site is not part of this area so there are no concerns with contaminated land with regard to this application.

Economic Impact

- 107 It is expected that there will be a positive economic impact from the current proposal and that the overall development of 300 dwellings will provide a significant increase in the economy of Kinross and Milnathort.

LEGAL AGREEMENTS

- 108 A new section 75 legal agreement is required to secure necessary developer contributions and infrastructure.

DIRECTION BY SCOTTISH MINISTERS

- 109 Under the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013, regulations 30 – 33 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

- 110 In conclusion, the application must be determined in accordance with the adopted Development Plan unless material considerations indicate otherwise. In this respect, it is considered the proposal does comply with the relevant provisions of the adopted plan. There are no material considerations that would justify departing from the LDP. On that basis the application is recommend for approval subject to conditions.

RECOMMENDATION

A Approve the application subject to the following conditions:

- 1 The proposed development must be carried out in accordance with the approved drawings and documents, unless otherwise provided for by conditions imposed on the planning consent.

Reason: To ensure that the development is carried out in accordance with the plans approved.

- 2 Prior to the occupation of any residential plot, 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 unless otherwise agreed in writing.

Reason: In the interest of vehicle and pedestrian safety and in accordance with the policies of the adopted Perth and Kinross Local Development Plan 2014.

- 3 Prior to the occupation of any residential plot, details of the specification including materials of all footpaths and cycleways shall be submitted to the Planning Authority for further approval. The agreed detail shall thereafter be implemented prior to the completion of the development.

Reason: In the interest of pedestrian and cycle safety.

- 4 The detailed landscaping and planting scheme which is hereby approved shall be implemented as part of the site development programme and thereafter maintained.

Reason: In the interests of visual amenity; to ensure a satisfactory standard of local environmental quality and in pursuance of suitably satisfying placemaking policy criteria of the adopted Perth and Kinross Local Development Plan 2014.

- 5 Any planting failing to become established within five years shall be replaced in the following planting season with others of similar sizes and species to the satisfaction of the Council as Planning Authority.

Reason: In the interests of visual amenity; to ensure a satisfactory standard of local environmental quality and in pursuance of suitably satisfying placemaking policy criteria of the adopted Perth and Kinross Local Development Plan 2014.

- 6 The areas of public open space and parkland indicated on the approved landscape and planting drawings shall be planted in accordance with the open space standards of the Planning Authority and completed to phase with the adjacent dwellinghouses in accordance with a programme to be submitted to and agreed in writing with the Planning Authority prior to the commencement of the development. The scheme shall thereafter be maintained to the satisfaction of the Council as Planning Authority.

Reason: In the interests of visual amenity; to ensure a satisfactory standard of local environmental quality and to reserve the rights of the Planning Authority.

- 7 The developer shall ensure that during the construction of the development that all surface water is controlled, treated and discharged under the principles of SUDS all to the satisfaction of the Council as Flood Authority.

Reason: In the interests of best practice surface water management; to avoid undue risks to public safety and flood risk.

- 8 The discharge of any surface water drainage shall be limited to the Greenfield runoff rate as calculated in Section 4.3 of the Flood Risk Assessment within the Environmental Impact Assessment Environmental Statement Vol.3 Technical Appendix A. All discharge rates shall be agreed in writing by the Planning Authority in consultation with the Flooding Team prior to the commencement of any works on site.

Reason: To reduce flood risk

- 9 Unless otherwise agreed in writing by the Planning Authority the Finished Floor Level of all properties shall be a minimum of 600mm above the 200 year flood level.

Reason: To reduce the risk of flooding.

- 10 Unless otherwise agreed in writing by the Planning Authority, the garden level of all properties shall be a minimum of 300mm above the 200 year flood level.

Reason: To reduce the risk of flooding.

- 11 Prior to the commencement of development details of all front driveway screening shall be submitted to the Planning Authority for further approval. The agreed detail shall be thereafter implemented prior to the occupation of each dwelling and permanently maintained thereafter.

Reason: In the interest of visual amenity and in compliance with the National Roads Development Guide.

- 12 Prior to commencement of development the CEMP approved under application 15/01512/FLM shall be updated to reflect the changes proposed in this application. The CEMP detailing environmental mitigation measures and construction method statements, including specific measures for environmental monitoring during construction, shall be submitted for the further written agreement of the Council as Planning Authority in consultation with SNH and/or

SEPA. Such details shall be submitted not less than two months prior to the agreed scheduled commencement date and shall incorporate detailed pollution avoidance and mitigation measures for all construction elements. Thereafter the development shall be fully undertaken in accordance with the agreed CEMP.

Reason: In the interest of protecting environmental quality and of bio-diversity.

- 13 The hours of operation at the construction stage shall be Monday to Friday 07:00 to 19:00 hours, Saturday 08:00 to 13:00 hours and no workings on a Sunday, unless otherwise agreed in writing with the Planning Authority.

Reason: In the interests of public health and to prevent noise pollution.

- 14 No works which include the creation of trenches or culverts or the presence of pipes shall commence until measures to protect animals from being trapped in open excavations and/or pipe and culverts are submitted to and approved in writing by the local planning authority. The measures may include creation of sloping escape ramps which may be achieved by edge profiling of trenches/excavations or by using planks placed into them at the end of each working day and open pipework greater than 150 mm outside diameter being blanked off at the end of each working day.

Reason - In order to prevent animals from being trapped within any open excavations.

- 15 Lighting will be designed, and positioned in such a way as to prevent light spillage into adjacent watercourses and woodland.

Reason - In the interests of protecting environmental quality and of biodiversity.

- 16 No development, including earth moving, shall take place or material or machinery brought on site until protective fencing and warning signs have been erected on site in accordance with an approved Construction Method Statement. All protective fencing and warning signs will be maintained during the construction period in accordance with the approved details.

Reason: In the interest of natural heritage.

- 17 Should the development not commence within 12 months of any approval then further preconstruction surveys shall be undertaken to ascertain the presence or absence of protected species and breeding birds and written confirmation that no protected species or birds will be harmed and/or that there are appropriate measures in place to protect said protected species and nesting bird interest on site. Any such written confirmation should be submitted to the local planning authority.

Reason - In the interests of employing best practice ecology and to ensure there is no adverse impact on any protected species as identified under the Wildlife and Countryside Act (1981).

- 18 All trees to be retained shall be protected in accordance with BS 5837 2012 Trees in Relation to Design, Demolition and Construction prior to any works commencing on site, and shall remain in place until all construction is completed.

Reason - In the interests of employing best practice ecology and to ensure there is no adverse impact on any protected species as identified under the Wildlife and Countryside Act (1981).

- 20 All plant or equipment shall be so enclosed, attenuated and/or maintained such that any noise therefrom shall not exceed Noise Rating 35 between 0700 and 2300 hours daily, or Noise Rating 25 between 2300 and 0700 hours daily, within any neighbouring residential property, with all windows slightly open, when measured and/ or calculated and plotted on a rating curve chart.

Reason - In order to safeguard the neighbouring residential amenity in the area from noise associated with the air source heat pumps and other plant or equipment associated with the proposed dwellinghouses.

B JUSTIFICATION

The proposal is considered to comply with the Development Plan and there are no other material considerations that would justify a departure therefrom.

C PROCEDURAL NOTE

- 1 Consent shall not to be issued until a Section 75 Agreement relating to developer contributions has been completed and signed. Affordable housing contributions will require 35.25 (47 – 11.75) affordable units to be provided as part of this application with contributions for primary education provision of £227,715 (35.25 x £6,460).
- 2 The legal agreement should be concluded and completed within 4 months of the date of any Committee approval. Failure to conclude a legal agreement within 4 months will result in the planning application being re-assessed through failing to comply with the associated developer contributions policy and may be recommended for refusal under delegated powers.

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 The applicants are advised that they must apply to the Roads Authority, for construction consent to form a new street. Please contact The Construction and Maintenance Manager, The Environment Service, Perth and Kinross Council, The Atrium, Glover Street, Perth.
- 5 Please consult the Street Naming and Numbering Officer, The Environment Service, Perth and Kinross Council, Pullar House, 35 Kinnoull Street, Perth PH1 5GD
- 6 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.
- 7 No work shall be commenced until an application for building warrant has been submitted and approved.
- 8 The development shall be in accordance with the Council's Developer Contributions and Affordable Housing Policy approved in April 2016 which requires a 25% allocation of affordable units within the development all to the satisfaction of the Council as Planning Authority.
- 9 All domestic properties require an appropriate storage area for a minimum of 3 x 240 litre bins (1 for general waste, 1 for garden & food waste and 1 for dry mixed recyclates/paper) and suitable access/surface to wheel the bins from the storage area to the kerbside where they must be presented for collection.

Bin Dimensions

Capacity (litres)	Width (mm)	Height (mm)	Depth (mm)
240	580	1100	740

- 10 The applicant is reminded that, should any protected species be present a licence may be required from Scottish Natural Heritage to disturb a protected species. Failure to obtain a licence may constitute a criminal act under the Habitats Regulations and penalties are severe for non-compliance.
- 11 The applicant is reminded that, under the Wildlife and Countryside Act 1981, as amended, it is an offence to remove, damage or destroy the nest of any wild

birds while that nest is in use or being built. Planning consent for a development does not provide a defence against prosecution under this act.

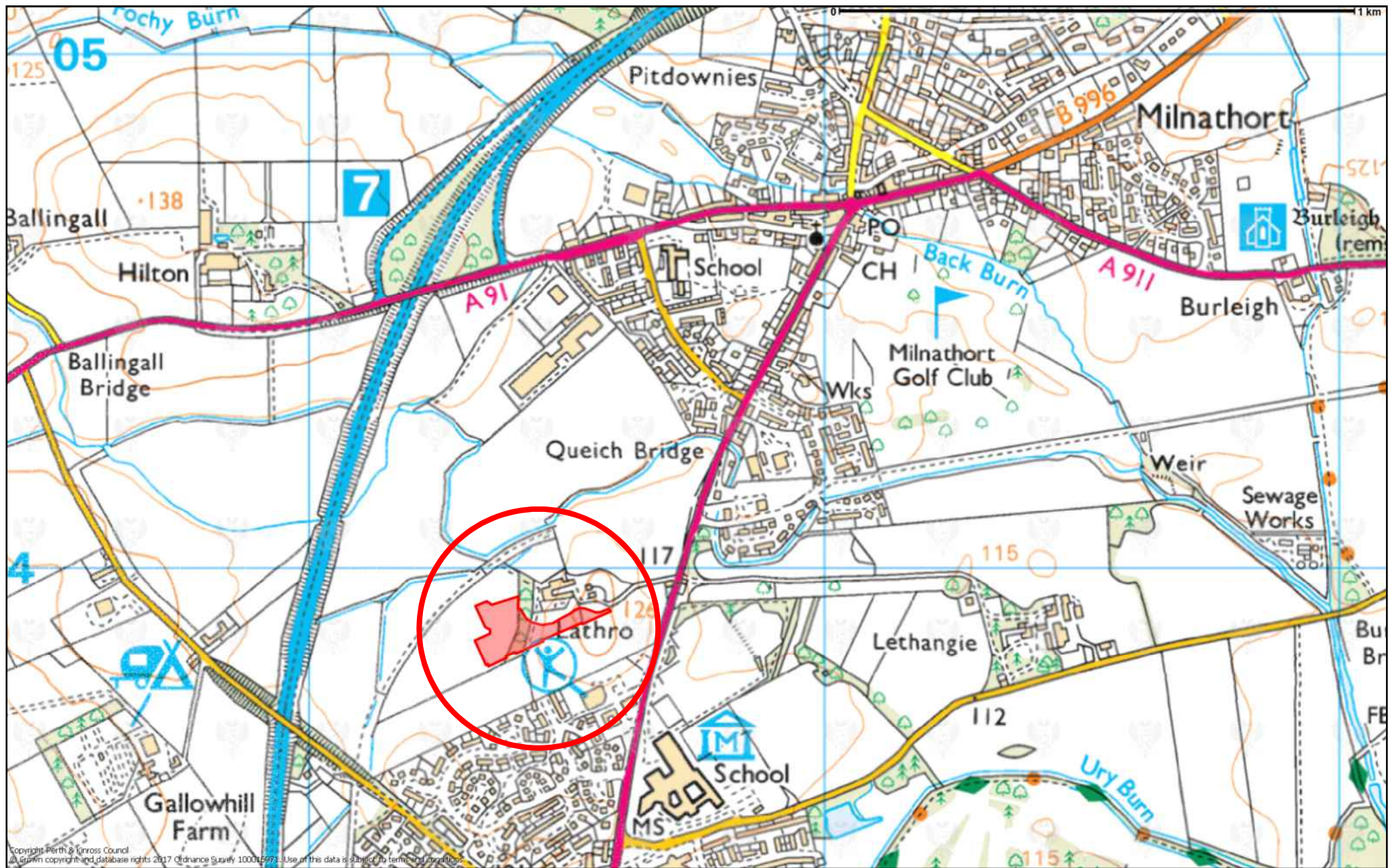
Background Papers: 7 letters of representation
Contact Officer: Persephone Beer Ext 75354
Date: 23 August 2017

Nick Brian
Development Quality Manager

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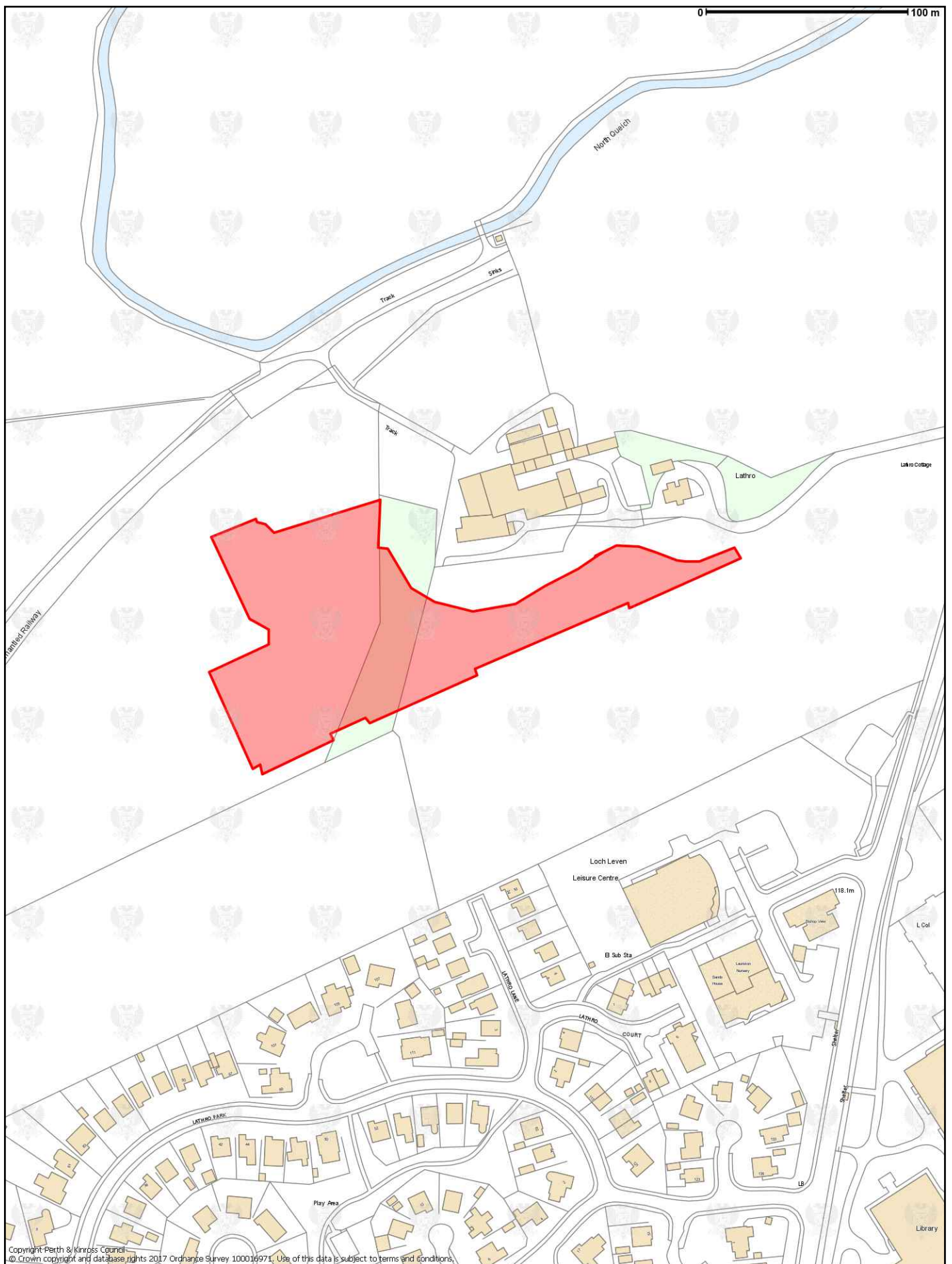
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17/00760/FLL

Erection of 47 dwellinghouses and associated works, land NW of Lathro Farm, Kinross





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17/00760/FLL

Erection of 47 dwellinghouses and associated works, land NW of Lathro Farm, Kinross



Perth and Kinross Council
Development Management Committee – 20 September 2017
Report of Handling by Interim Development Quality Manager

Erection of 6 dwellinghouses, formation of open space, landscaping and associated infrastructure works for plots 1-6, relocation of SUDS basin, pump station and erection of substation (revised layout and design) (in part retrospect) Land NW of Lathro Farm, Kinross.

Ref. No: 17/00893/FLL
 Ward No: N8 Kinross-shire

Summary

This report recommends approval of the detailed application for erection of 6 dwellinghouses, formation of open space, landscaping and associated infrastructure works for plots 1-6, relocation of SUDS basin, pump station and erection of substation (revised layout and design) (in part retrospect) on land, north west of Lathro Farm, Kinross. The development is considered to comply with the current Development Plan. The application is recommended for approval, subject to conditions.

BACKGROUND AND PROPOSAL

- 1 The application site is situated on land in between the northern end of Kinross and the southern end of Milnathort and is part of a larger housing site that received planning permission in March 2017 for 300 dwellinghouses (15/01512/FLM, approved by Development Management Committee on 14th September 2016).
- 2 The site is part of allocated site (H47) in the Perth and Kinross Local Development Plan (LDP) 2014 for residential development.
- 3 Work is ongoing at the site. This proposal is for the relocation of the SUDS basin, pump station and erection of a substation as well as a revision to the layout at the entrance to the site. This proposal does not alter the number of dwellinghouses already approved on this part of the site.

NATIONAL POLICY AND GUIDANCE

- 4 The Scottish Government expresses its planning policies through the National Planning Framework 3, the Scottish Planning Policy (SPP) 2014 and Planning Advice Notes (PAN), Designing Places, Designing Streets and the National Roads Development Guide.

The Scottish Planning Policy 2014

- 5 The Scottish Planning Policy (SPP) was published on 23 June 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.
- The determination of planning applications and appeals.

6 Of relevance to this application are;

- Paragraphs 24 – 35: Sustainability
- Paragraphs 36 – 57: Placemaking

7 A successful Sustainable Place;

- Paragraphs 126 – 131 Affordable Housing
- Paragraphs 135 – 151 Valuing the Historic Environment

8 A Natural, Resilient Place;

- Paragraphs 219 – 233 Maximising the Benefits of Green Infrastructure
- Paragraphs 254 – 268 Managing Flood Risk & Drainage

9 A Connected Place;

- Paragraphs 286 – 291 Promoting Sustainable Transport and Active Travel

10 The following Scottish Government Planning Advice Notes (PAN) are also of interest:

- PAN 2/2010 Affordable Housing and Housing Land Audits
- PAN 1/2011 Planning and Noise
- PAN 40 Development Management
- PAN 51 Planning, Environmental Protection and Regulation
- PAN 58 Environmental Impact Assessment
- PAN 60 Planning for Natural Heritage
- PAN 61 Planning and Sustainable Urban Drainage Systems
- PAN 63 Waste Management Planning
- PAN 65 Planning and Open Space
- PAN 67 Housing Quality
- PAN 68 Design Statements
- PAN 69 Planning & Building Standards Advice on Flooding
- PAN 75 Planning for Transport
- PAN 79 Water and Drainage
- PAN 83 Masterplanning

Designing Places 2001

- 11 The first policy statement which marks the Scottish Government's determination to raise standards of urban and rural development.

Designing Streets 2010

- 12 Designing Streets is the first policy statement in Scotland for street design and marks a change in the emphasis of guidance on street design towards place-making and away from a system focused upon the dominance of motor vehicles. It has been created to support the Scottish Government's place-making agenda and is intended to sit alongside the 2001 planning policy document Designing Places, which sets out Government aspirations for design and the role of the planning system in delivering these.

National Roads Development Guide 2014

- 13 This document supports Designing Streets and expands on its principles and is considered to be the technical advice that should be followed in designing and approving of all streets including parking provision.

DEVELOPMENT PLAN

- 14 The Development Plan for the area consists of the Approved TAYplan Strategic Development Plan June 2012 and the Perth and Kinross Local Development Plan February 2014.

TAYplan Strategic Development Plan (June 2012)

- 15 TAYPlan sets out a vision for how the region will be in 2032 and what must occur to bring about change to achieve this vision. The vision for the area as set out in the plans states that:

"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, study and visit, and where businesses choose to invest and create jobs"

- 16 The following sections of the TAYplan 2012 are of particular importance in the assessment of this application.

Policy 1 – Location Priorities

- 17 Seeks to focus the majority of development in the region's principal settlements. Kinross and Milnathort are identified as a Tier 2 Settlements with the potential to make a major contribution to the regional economy and accommodate a smaller share of additional development over the plan period.

Policy 2 – Shaping better quality places

- 18 Seeks to ensure that climate change resilience is built into the natural and built environment, integrate new development with existing community infrastructure, ensure the integration of transport and land uses, ensure that waste management solutions are incorporated into development and ensure that high resource efficiency and low/zero carbon energy generation technologies are incorporated with development to reduce carbon emissions and energy consumption.

Policy 3: Managing TAYplan's Assets

- 19 Seeks to respect the regional distinctiveness and scenic value of the TAYplan area and presumes against development which would adversely affect environmental assets.

Policy 6: Energy and Waste/Resource Management Infrastructure

- 20 Relates to delivering a low/zero carbon future for the city region to contribute to meeting Scottish Government energy targets and indicates that, in determining proposals for energy development, consideration should be given to the effect on off-site properties, the sensitivity of landscapes and cumulative impacts.

Policy 8 – Delivering the Strategic Development Plan

- 21 States, *“To ensure that quality is designed-in to development and places, developer contributions shall be sought for new development to mitigate any adverse impact on infrastructure, services and amenities brought about by development including contributions towards schools, affordable housing, transport infrastructure and facilities (including road, rail, walking, cycling and public transport) and other community facilities in accordance with the Scottish Government Circular 1/2010”.*

Perth and Kinross Local Development Plan 2014

- 22 The Local Development Plan (LDP) 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.
- 23 The LDP sets out a vision statement for the area and states that:
- “Our vision is of a Perth and Kinross which is dynamic, attractive and effective which protects its assets whilst welcoming population and economic growth.”*
- 24 Under the LDP, the following policies are of particular importance in the assessment of this application.

Policy PM1A - Placemaking

- 25 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 adaption.

Policy PM1B - Placemaking

- 26 All proposals should meet all eight of the placemaking criteria.

Policy PM2 - Design Statements

- 27 Design Statements should normally accompany a planning application if the development comprises 5 or more dwellings, is a non-residential use which exceeds 0.5 ha or if the development affects the character or appearance of a Conservation Area, Historic Garden, Designed Landscape or the setting of a Listed Building or Scheduled Monument.

Policy PM3 - Infrastructure Contributions

- 28 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

- 29 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

- 30 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 TA1A - Transport Standards and Accessibility Requirements

- 31 Encouragement will be given to the retention and improvement of transport infrastructure identified in the Plan.

Policy TA1B - Transport Standards and Accessibility Requirements

- 32 Development proposals that involve significant travel generation should be well served by all modes of transport (in particular walking, cycling and public transport), provide safe access and appropriate car parking. Supplementary Guidance will set out when a travel plan and transport assessment is required.

Policy CF1B - Open Space Retention and Provision

- 33 Appropriate areas of informal and formal open space should be provided as an integral part of any new development where existing provision is not adequate. Where there is an adequate supply of open space a financial contribution towards improved open space may be acceptable. Opportunities should be to create, improve and avoid the fragmentation of green networks.

Policy CF2 - Public Access

- 34 Developments will not be allowed if they have an adverse impact on any core path, disused railway line, asserted right of way or other well used route, unless impacts are addressed and suitable alternative provision is made.

Policy CF3 - Social and Community Facilities

- 35 The loss or change of use of land or buildings used for community purpose will only be permitted where the availability of community facilities in the locality is not seriously affected, no suitable alternative community use can be found or alternative facilities of equivalent benefit and provided.

Policy HE1A - Scheduled Monuments and Non Designated Archaeology

- 36 There is a presumption against development which would have an adverse effect on the integrity of a Scheduled Monument and its setting, unless there are exceptional circumstances.

Policy HE1B - Scheduled Monuments and Non Designated Archaeology

- 37 Areas or sites of known archaeological interest and their settings will be protected and there will be a strong presumption in favour of preservation in situ. If not possible provision will be required for survey, excavation, recording and analysis.

Policy HE2 - Listed Buildings

- 38 There is a presumption in favour of the retention and sympathetic restoration, correct maintenance and sensitive management of listed buildings to enable them to remain in active use. The layout, design, materials, scale, siting and use of any development which will affect a listed building or its setting should be appropriate to the building's character, appearance and setting.

Policy NE1A - International Nature Conservation Sites

- 39 Development which could have a significant effect on a site designated or proposed as a Special Area of Conservation, Special Protection Area or Ramsar site will only be permitted where an Appropriate Assessment shows that the integrity of the site will not be adversely affected, there are no alternative solutions and there are imperative reasons of overriding public interest.

Policy NE2A - Forestry, Woodland and Trees

- 40 Support will be given to proposals which meet the six criteria in particular where forests, woodland and trees are protected, where woodland areas are expanded and where new areas of woodland are delivered, securing establishment in advance of major development where practicable.

Policy NE2B - Forestry, Woodland and Trees

- 41 Where there are existing trees on a development site, any application should be accompanied by a tree survey. There is a presumption in favour of protecting woodland resources. In exceptional circumstances where the loss of individual trees or woodland cover is unavoidable, mitigation measures will be required.

Policy NE3 - Biodiversity

- 42 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 effect on protected species.

Policy NE4 - Green Infrastructure

- 43 Development should contribute to the creation, protection, enhancement and management of green infrastructure, in accordance with the criteria set out.

Policy ER6 - Managing Future Landscape Change to Conserve and Enhance the Diversity and Quality of the Areas Landscapes

- 44 Development proposals will be supported where they do not conflict with the aim of maintaining and enhancing the landscape qualities of Perth and Kinross and they meet the tests set out in the 7 criteria.

Policy EP1 - Climate Change, Carbon Reduction and Sustainable Construction

- 45 Sustainable design and construction will be integral to new development within Perth and Kinross. Proposals for new buildings must be capable of meeting one of the standards set out in the table.

Policy EP2 - New Development and Flooding

- 46 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 EP3A - Water, Environment and Drainage

- 47 Proposals which do not accord with the Scotland River Basin Management Plan and any relevant associated Area Management Plans will be refused unless they are considered to be of significant specified benefit to society and / or the wider environment.

Policy EP3B - Water, Environment and Drainage

- 48 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

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

Policy EP3D - Water, Environment and Drainage

- 50 Development over an existing culvert or the culverting of watercourses as part of a new development will not be supported unless there is no practical alternative. Existing culverts should be opened and redundant water engineering features removed whenever possible.

Policy EP8 - Noise Pollution

- 51 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 EP11 - Air Quality Management Areas

- 52 Development proposals within or adjacent to designated Air Quality Management Areas which would adversely affect air quality may not be permitted.

Policy EP12 - Contaminated Land

- 53 The creation of new contamination will be prevented. Consideration will be given to proposals for the development of contaminated land where it can be demonstrated that remediation measures will ensure the site / land is suitable for the proposed use.

EP7: Drainage within the Loch Leven Catchment Area

- 54 EP7A: Total phosphorus from development must not exceed the current level permitted by the discharge consents for Kinross and Milnathort waste water treatment works together with the current contribution from built development within the rural area of the catchment.
- 55 EP7B: Developments within the Loch Leven catchment area will be required to connect to a publicly maintained drainage system incorporating phosphorus reduction measures. Exceptions will only be permitted where they are in accordance with criteria set out.

OTHER POLICIES

- 56 The following supplementary guidance and documents are of particular importance in the assessment of this application.
- Developer Contributions and Affordable Housing Supplementary Guidance April 2016.
 - Flood Risk and Flood Risk Assessments – Developer Guidance June 2014.
 - Sustainable Design and Zero Carbon Development Supplementary Guidance May 2014.

Perth & Kinross Community Plan (2006 – 2020)

- 57 Key aim - Create a vibrant and successful area through:
- A thriving economy including successful tourism and cultural sectors.
 - A positive image locally, nationally and internationally.
 - Improved infrastructure and transport links.
 - A sustainable natural and built environment.

Perth & Kinross Corporate Plan 2013-2018

- 58 Corporate Plan Vision includes – Promoting a prosperous, inclusive and sustainable economy. Creating safe and sustainable places for future generations.

Planning Site History

- 59 **14/00493/SCRN** – EIA Screening request submitted March 2014. Confirmation that EIA is required April 2014.
- 60 **14/00004/PAN** – Proposal of Application Notice (PAN) submitted April 2014. Content of PAN approved May 2014.
- 61 **14/01345/SCOP** - EIA Scoping requested July 2014. Content of EIA agreed September 2014.
- 62 **15/01512/FLM** Erection of 300 dwellinghouses, formation of open space, landscaping and associated infrastructure works. Approved by Committee on 14 September 2016. Decision issued March 2017.
- 63 **17/00759/FLL** Erection of 13 dwellinghouses and associated works on NW of Lathro Farm Kinross (pending consideration)
- 64 **17/00760/FLL** Erection of 47 dwellinghouses and associated works on land N W of Lathro Farm Kinross (currently on this Agenda)
- 65 **17/00886/FLM** Application under Section 42 of the Town and Country Planning (Scotland) Act 1997 to develop land to modify conditions 8 (children's play area), 9 (access) and 11 (boundary treatment) of planning permission 15/01512/FLM (Erection of 300 dwellinghouses, formation of open space, landscaping and associated infrastructure works) to reflect change in implementation timescale on land NW of Lathro Farm Kinross (currently on this Agenda)

CONSULTATIONS

External

Scottish Water

- 66 No objection to the proposal as currently have capacity to service the proposed development.

Kinross Community Council

- 67 A number of concerns in relation to the application were raised:-
- Concern at number of smaller applications following on from the original major application for 300 houses. This causes confusion, which application has precedence and which conditions apply.
 - Number of allocated houses has already been exceeded.
 - Application requires felling of large group of mature oak trees but does not mention it in the application. No bat or bird surveys had been provided for this application. Contrary to Policy NE2 B – presumption in

favour of protecting woodland resources. Important for biodiversity and visual point of view and should be kept.

- Moving SUDS basin to area where it is at risk of flooding. Is it wise to locate the substation close to the SUDS?
- Unclear as to what the effect this application has, if any, on the proportion of social housing previously agreed for application 15/01512/FLM.

Milnathort Community Council

68 No response received.

Internal

Environmental Health

69 No objections subject to conditions with regard to potential noise.

Biodiversity Officer

70 No objections subject to conditions.

Local Flood Prevention Authority

71 No objection. Informative note re PKC Flooding and Flood Risk Guidance Document (June 2014).

REPRESENTATIONS

72 The application has attracted 7 letters of objection including Kinross Civic Trust. The following issues were raised by the objectors:

- Flood risk
- Housing density
- Loss of trees
- Contrary to policy – NE2B (trees), no tree survey, NE3 (biodiversity), no protected species survey, and NE4 (green infrastructure) – no tree survey or protected species survey,
- Housing numbers exceed Development Plan allocation
- Overlooking
- Road safety and traffic congestion
- Impact on local services
- Excessive scale and density

Response to issues

73 The material planning concerns are addressed in the Appraisal section of this report.

74 ADDITIONAL STATEMENTS

Environment Statement	Submitted as part of overall application 15/01512/FLM
Screening Opinion	Scoping undertaken as part of overall proposal
Environmental Impact Assessment	Submitted as part of overall application
Appropriate Assessment	Not required
Design Statement / Design and Access Statement	Submitted with overall application
Reports on Impact or Potential Impact	Submitted as part of the Environmental Statement accompanying application 15/01512/FLM; including Flood Risk Assessment, Transport Assessment and Landscape and Visual Impact Assessment

APPRAISAL

Policy

- 75 Sections 25 and 37(2) of the Town and Country Planning (Scotland) Act 1997 as amended by the 2006 Act require that planning decisions be made in accordance with the Development Plan unless material considerations indicate otherwise. The Development Plan for the area comprises the approved TAYplan 2012 and the adopted Perth and Kinross Local Development Plan 2014.
- 76 The determining issues in this case are whether; the proposal complies with development plan policy; or if there are any other material considerations which justify a departure from policy.

Principle

- 77 TAYplan Policy 1 (Location Priorities) focuses the majority of development to Tier 2 settlements as they have the potential to accommodate a smaller share of the region's additional development in the next 20 years. The proposed site is located within the Tier 2 settlement of Kinross and therefore the principle of development complies with the objective of this policy.
- 78 The design and layout of the site was previously agreed through application 15/01512/FLM. This proposal represents a relatively minor change to the layout, SUDS pond and associated infrastructure for part of Phase 1 of the development.
- 79 There have been objections with regard to the numbers of houses proposed and that this exceeds the allocation in the Development Plan. However, this

was fully addressed as part of application 15/01512/FLM and it is noted that the original figure of 260 units was an indicative figure and did not preclude developments of higher or indeed lower densities on such sites. This proposal is for six units in place of six existing units. There are no additional units proposed as part of this application and no change proposed, as part of this application, to the overall number already approved.

Design and Layout

- 80 The application site comprises two distinct parts that are linked by the new estate road running through the site. The proposals include a slight re-configuration of the six houses close to the entrance to the development at its eastern end and a proposal to alter the SUDS basin at the north western side.
- 81 The proposal at the site entrance involves a slight re-alignment of plots 4 to 6 and the substitution of a Kearn house type for a Fortrose house type. Plots 1 to 2 remain as approved. The six houses are all two storey detached, (4 x 4 bed and 2 x 3 bed), finished in a mix of brick and render with a concrete tile roof. The change is not significant and makes for a more regular looking layout. A gas governor unit has been added to the communal parking area close to Plot 1.
- 82 The changes to the SUDS basin include re-shaping it. Representations submitted express concern that the SUDS basin is in an area at risk of flooding however the location has not significantly changed and there are no adverse comments in this regard from the Council's Flood Officer. An electricity sub-station has been included to the south of the SUDS basin. This was previously sited in another phase of the site development but was required to be in Phase 1 so has been re-located to this area. A condition is proposed to ensure noise from such plant does not affect residential amenity (Condition 21)

Landscape and biodiversity

- 83 Landscaping plans were approved as part of application number 15/01512/FLM. These will need to be revised to accommodate the changes proposed in this application and details will be required to be submitted by condition. Information regarding how the SUDS basin will be incorporated into the layout of the wider parkland area is also recommended.
- 84 There was concern from objectors with regard to the felling of trees on the site. The trees referred to have now been felled as part of the works approved under application 15/01512/FLM.
- 85 The Biodiversity Officer notes that the proposals are minor changes to the site layout and that these changes do not affect biodiversity on the site.

Residential Amenity

- 86 The change to the layout and house types are acceptable in terms of residential amenity considerations such as overlooking, overshadowing and provision of private amenity space. Four of the units (plots 1 to 4) are in the same or similar position as previously approved and there will be no change in distance to boundaries, window to window distances or amount of private amenity space. The change to the two end units (plots 5 and 6) effectively creates a more linear pattern with rear gardens of similar size to the other four plots and a similar distance to boundaries and between windows on external elevations
- 87 Environmental Health has been consulted and notes that there are several noise sources which can be associated with a typical pumping station. These include pumps, engines, generators, exhaust pipes, ventilation fans and gearing mechanisms. The mechanical equipment at a typical pumping station can generate tones or low frequency tones that can significantly increase the annoyance potential of the station's operation. There is also the potential for residential amenity to be affected from noise from the proposed substation. A condition is recommended to safeguard residential amenity (Condition 21).

Roads and Access

- 88 The road layout of the development was fully assessed as part of the earlier application. The changes proposed as part of this application are acceptable to Transport Planning.
- 89 There have been representations with regard to traffic generated by the development however this has been assessed as part of the original application. There are no additional units proposed as part of this application and therefore no additional traffic generation.

Drainage and Flooding

- 90 A Flood Risk Assessment (FRA) has been undertaken as part of the earlier application. The Council's Flood Officer raised no objections to the proposal as none of the residential properties are within the flood plain or recorded areas of flood risk. Conditions attached to the earlier permission with regard to flood risk will be imposed on this consent. It is also noted that a Construction Method Statement has been submitted for the wider site where the development may affect a watercourse. A condition will be attached to require the developer to update the approved CEMP.

Cultural Heritage and Archaeology

- 91 The Environmental Statement submitted with the earlier overall application identified some archaeological interest within the application site boundary and Lethangie estate is situated immediately to the east of the site. The category B listed West Lodge and gate piers are located on the A922, immediately opposite the access to the Lathro Farm, which forms part of the northern boundary to the site.

- 92 The revised proposals do not have any impact on the listed buildings and their setting.
- 93 A programme of archaeological evaluation was undertaken as part of the pre-commencement works on the wider site. No further archaeological work is required on this section of the site.

Waste and recycling

- 94 The Council's Waste Services team provided guidance as part of their consultation response on the wider site. It is recommended that the condition and Informative note previously included shall be attached to this consent to ensure the collection of waste will not be compromised.

Developer Contributions

Affordable Housing

- 95 The Council's Affordable Housing Policy requires that 25% of the total number of houses, above a threshold of 5 units, for which planning consent is being sought is to be in the form of affordable housing. The affordable housing requirement for the overall site approved under application 15/01512/FLM is 75 units (300 x 25%). The affordable housing should be provided onsite and has been agreed through the section 75 agreement associated with the overall site.

Primary Education

- 96 The Council's 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.
- 97 This proposal is within the catchments of Kinross and Milnathort Primary Schools. Contributions to primary education are not required from affordable units. The contribution requirement is based on 225 units (300 – 75). £1,438,875 (225 x £6,395) is required from the overall site approved under application 15/01512/FLM.
- 98 Both the requirement for affordable housing and education provision are set out in the section 75 agreement associated with 15/01512/FLM. This agreement is applicable to this application. This application does not affect the amount of affordable housing on the site nor the requirement for developer contributions with regard to primary education provision.

Air Quality

- 99 Perth and Kinross Council have a statutory duty under the Environment Act 1995 to review and assess air quality within its area. The application site is not within the boundary of an Air Quality Management Area (AQMA).
- 100 Environmental Health have not raised any air quality issues associated with the proposal and therefore it is considered to comply with LDP Policy EP11 Air Quality Management Area.

Contaminated Land

- 101 The Council's Land Quality Officer previously advised that there may be some contamination in the area of the old railway line. This site is not part of this area so there are no concerns with contamination of land with regard to this application.

Economic Impact

- 102 It is expected that there will be a positive economic impact from the proposal and that the overall development of 300 dwellings will provide a significant increase in the economy of Kinross and Milnathort.

LEGAL AGREEMENTS

- 103 The section 75 agreement attached to 15/01512/FLM is applicable to this application. This takes account of future planning applications on the site. There is no change in overall numbers proposed as part of this application and the applicant is the same as the signatory to the section 75. The agreement therefore does not require to be amended.

DIRECTION BY SCOTTISH MINISTERS

- 104 Under the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013, regulations 30 – 33 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

- 105 In conclusion, the application must be determined in accordance with the adopted Development Plan unless material considerations indicate otherwise. In this respect, it is considered the proposal does comply with the relevant provisions of the adopted plan. There are no material considerations that would justify departing from the LDP. On that basis the application is recommend for approval subject to conditions.

RECOMMENDATION

A Approve the application subject to the following conditions:

- 1 The proposed development must be carried out in accordance with the approved drawings and documents, unless otherwise provided for by conditions imposed on the planning consent.

Reason: To ensure that the development is carried out in accordance with the plans approved.

- 2 Prior to the occupation of any residential plot, 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 unless otherwise agreed in writing.

Reason: In the interest of vehicle and pedestrian safety and in accordance with the policies of the adopted Perth and Kinross Local Development Plan 2014.

- 3 Prior to the occupation of any residential plot, details of the specification including materials of all footpaths and cycleways shall be submitted to the Planning Authority for further approval. The agreed detail shall thereafter be implemented prior to the completion of the development.

Reason: In the interest of pedestrian and cycle safety.

- 4 Within two months of the date of this decision notice the detailed landscaping and planting scheme as approved under 15/01512/FLM shall be updated to reflect the revisions set out in this application. Details of the landscaping and path network in relation to the SUDS shall be included within the scheme and the SUDS should be designed to contribute both to biodiversity and public amenity. The scheme shall be submitted for approval in writing by the Planning Authority and the scheme as approved shall be implemented and thereafter maintained.

Reason: In the interests of visual amenity; to ensure a satisfactory standard of local environmental quality and in pursuance of suitably satisfying placemaking policy criteria of the adopted Perth and Kinross Local Development Plan 2014.

- 5 Any planting failing to become established within five years shall be replaced in the following planting season with others of similar sizes and species to the satisfaction of the Council as Planning Authority.

Reason: In the interests of visual amenity; to ensure a satisfactory standard of local environmental quality and in pursuance of suitably satisfying placemaking policy criteria of the adopted Perth and Kinross Local Development Plan 2014.

- 6 The areas of public open space and parkland indicated on the approved landscape and planting drawings shall be planted in accordance with the open space standards of the Planning Authority and completed to phase with the

adjacent dwellinghouses in accordance with a programme to be submitted to and agreed in writing with the Planning Authority prior to the commencement of the development. The scheme shall thereafter be maintained to the satisfaction of the Council as Planning Authority.

Reason: In the interests of visual amenity; to ensure a satisfactory standard of local environmental quality and to reserve the rights of the Planning Authority.

- 7 The developer shall ensure that during the construction of the development that all surface water is controlled, treated and discharged under the principles of SUDS all to the satisfaction of the Council as Flood Authority.

Reason: In the interests of best practice surface water management; to avoid undue risks to public safety and flood risk.

- 8 The discharge of any surface water drainage shall be limited to the Greenfield runoff rate as calculated in Section 4.3 of the Flood Risk Assessment within the Environmental Impact Assessment Environmental Statement Vol.3 Technical Appendix A. All discharge rates shall be agreed in writing by the Planning Authority in consultation with the Flooding Team prior to the commencement of any works on site.

Reason: To reduce flood risk

- 9 Full drainage calculations and the final layout and depth of the proposed SUDS pond and associated infrastructure to be agreed in writing with the Council as Planning Authority, in consultation with Perth and Kinross Council Flooding Team. The agreed detail shall thereafter be implemented prior to the completion of development.

Reason: In the interests of best practice surface water management; to avoid undue risks to public safety and flood risk.

- 10 Unless otherwise agreed in writing by the Planning Authority the Finished Floor Level of all properties shall be a minimum of 600mm above the 200 year flood level.

Reason: To reduce the risk of flooding.

- 11 Unless otherwise agreed in writing by the Planning Authority, the garden level of all properties shall be a minimum of 300mm above the 200 year flood level.

Reason: To reduce the risk of flooding.

- 12 Development shall be undertaken in accordance with the CEMP approved under 15/01512/FLM. The CEMP shall be updated and submitted not less than two months prior to the commencement of the second phase and shall incorporate detailed pollution avoidance and mitigation measures for all construction elements. Thereafter the development shall be fully undertaken in accordance with the CEMP unless otherwise agreed in writing by the Planning Authority.

Reason: In the interest of protecting environmental quality and of bio-diversity.

- 13 The hours of operation at the construction stage shall be Monday to Friday 07:00 to 19:00 hours, Saturday 08:00 to 13:00 hours and no workings on a Sunday, unless otherwise agreed in writing with the Planning Authority.

Reason: In the interests of public health and to prevent noise pollution.

- 14 Prior to the commencement of development details of all front driveway screening shall be submitted to the Planning Authority for further approval. The agreed detail shall be thereafter implemented prior to the occupation of each dwelling and permanently maintained thereafter.

Reason: In the interest of visual amenity and in compliance with the National Roads Development Guide.

- 15 No works which include the creation of trenches or culverts or the presence of pipes shall commence until measures to protect animals from being trapped in open excavations and/or pipe and culverts are submitted to and approved in writing by the local planning authority. The measures may include creation of sloping escape ramps which may be achieved by edge profiling of trenches/excavations or by using planks placed into them at the end of each working day and open pipework greater than 150 mm outside diameter being blanked off at the end of each working day.

Reason - In order to prevent animals from being trapped within any open excavations.

- 16 Lighting will be designed, and positioned in such a way as to prevent light spillage into adjacent watercourses and woodland.

Reason: To protect the habitat for species.

- 17 No development, including earth moving, shall take place or material or machinery brought on site until protective fencing and warning signs have been erected on site in accordance with an approved Construction Method Statement. All protective fencing and warning signs will be maintained during the construction period in accordance with the approved details.

Reason: In the interest of natural heritage.

- 18 Where it is intended to create semi-natural habitats, all species used in the planting proposals as detailed in the landscape plans shall be locally native species of local provenance unless otherwise agreed in writing with the local Planning Authority.

Reason: In the interest of natural heritage.

- 19 All landscape maintenance measures shall be carried out in accordance with the details contained in the landscape plans as already submitted with the planning application and agreed with the Planning Authority.

Reason: In the interest of natural heritage.

- 20 All trees to be retained shall be protected in accordance with BS 5837 2012 Trees in Relation to Design, Demolition and Construction prior to any works commencing on site, and shall remain in place until all construction is completed.

Reason: To prevent harm to trees within or adjacent to the site.

- 21 All plant or equipment shall be so enclosed, attenuated and/or maintained such that any noise therefrom shall not exceed Noise Rating 35 between 0700 and 2300 hours daily, or Noise Rating 25 between 2300 and 0700 hours daily, within any neighbouring residential property, with all windows slightly open, when measured and/ or calculated and plotted on a rating curve chart.

Reason - In order to safeguard the neighbouring residential amenity in the area from plant and equipment associated with the pumping station, gas governor and electricity substation.

B JUSTIFICATION

The proposal is considered to comply with the Development Plan and there are no other material considerations that would justify a departure therefrom.

C PROCEDURAL NOTE

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 The applicants are advised that they must apply to the Roads Authority, for construction consent to form a new street. Please contact The Construction and Maintenance Manager, The Environment Service, Perth and Kinross Council, The Atrium, Glover Street, Perth.
- 5 Please consult the Street Naming and Numbering Officer, The Environment Service, Perth and Kinross Council, Pullar House, 35 Kinnoull Street, Perth PH1 5GD.
- 6 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.
- 7 No work shall be commenced until an application for building warrant has been submitted and approved.
- 8 The development shall be in accordance with the Council's Developer Contributions and Affordable Housing Policy approved in April 2016 which requires a 25% allocation of affordable units within the development all to the satisfaction of the Council as Planning Authority.
- 9 All domestic properties require an appropriate storage area for a minimum of 3 x 240 litre bins (1 for general waste, 1 for garden & food waste and 1 for dry mixed recyclates/paper) and suitable access/surface to wheel the bins from the storage area to the kerbside where they must be presented for collection.

Bin Dimensions

Capacity (litres)	Width (mm)	Height (mm)	Depth (mm)
240	580	1100	740

- 10 The applicant is reminded that, should any protected species be present a licence may be required from Scottish Natural Heritage to disturb a protected species. Failure to obtain a licence may constitute a criminal act under the Habitats Regulations and penalties are severe for non-compliance.
- 11 The applicant is reminded that, under the Wildlife and Countryside Act 1981, as amended, it is an offence to remove, damage or destroy the nest of any wild birds while that nest is in use or being built. Planning consent for a development does not provide a defence against prosecution under this act.

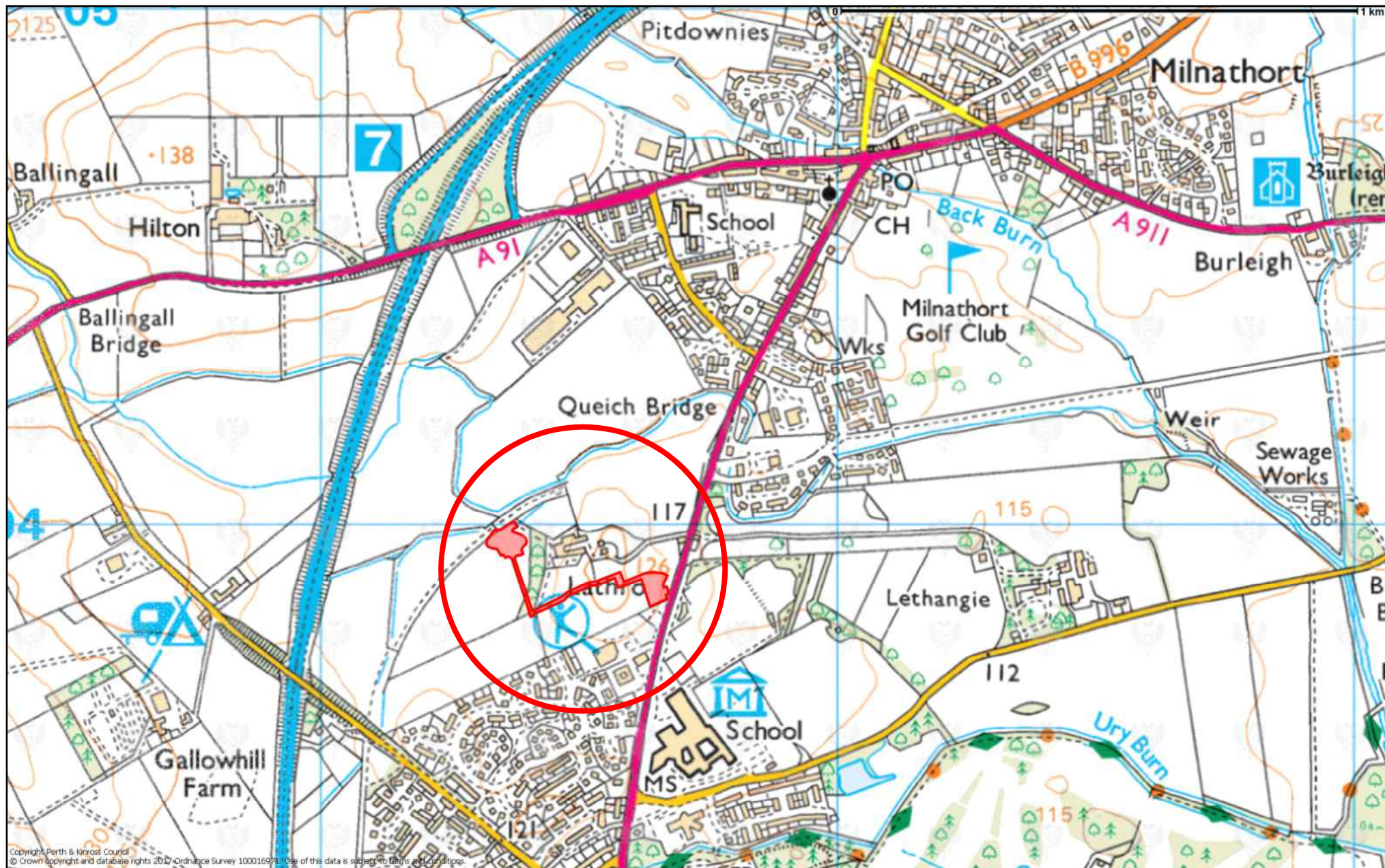
Background Papers: 7 letters of representation
 Contact Officer: Persephone Beer Ext 75354
 Date: 23 August 2017

Nick Brian
Development Quality Manager

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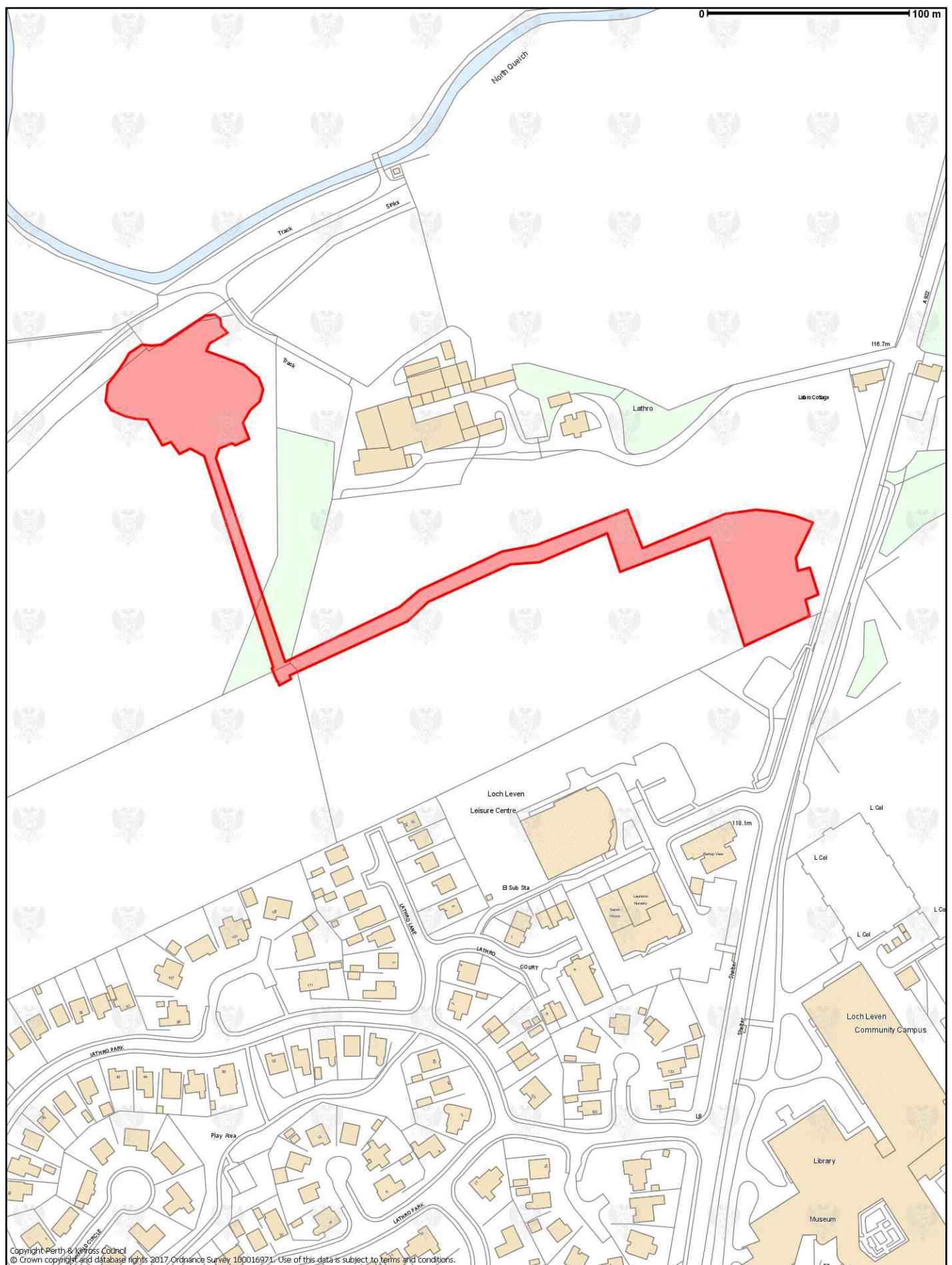
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17/00893/FLL

Erection of 6 dwellings, formation of open space, landscaping and associated infrastructure works for plots 1-6, relocation of SUDS basin, pump station and erection of substation (revised layout and design) (in part retrospect) land NW of Lathro Farm, Kinross (+ 6 Objections)





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17/00893/FLL



Perth and Kinross Council
Development Management Committee – 20 September 2017
Pre-Application Report by Interim Head of Planning

Change of use of agricultural land to game bird farm and associated moveable shelters and infrastructure at land 400 metres north east of West Myreriggs Farm, Myreriggs Road, Bendochy near Blairgowrie

Ref. No: 17/00007/PAN
Ward No: P3 Blairgowrie and Glens

Summary

This report is to inform the Committee of a likely forthcoming planning application in respect of a major development seeking to regulate an unauthorised development through the proposed change of use of agricultural land to game bird farm with associated moveable sheltering and infrastructure.

The report also aims to highlight the key planning policies, the likely stakeholders who would be involved in the decision making process and to offer a brief overview of the key planning issues which are likely to be relevant to the proposal.

BACKGROUND AND DESCRIPTION

- 1 In accordance with the provisions of the Town & Country Planning (Scotland) Act 1997 as amended, the applicants submitted a Proposal of Application Notice on 07 June 2017, which was validated on 13 July 2017. The purpose of this report is to inform the Development Management Committee of a likely forthcoming planning application in respect of a proposed change of use of agricultural land to game bird rearing with associated moveable shelters and infrastructure. Pre-application reports give the Committee an opportunity to raise issues which it would like to see addressed through the submission of a planning application.
- 2 The application site is approximately 15 Ha, reasonably flat in nature with mature trees forming a backdrop beyond the north eastern boundaries, situated midway between the settlements of Coupar Angus and Blairgowrie, immediately east of a grouping of dwellings referred to as Bendochy. The site is the subject of enforcement action with a range of moveable structures on site for the intended purpose of accommodating game birds and associated temporary accommodation, which has led to the applicant following formal planning procedures to seek to regulate the development with this associated planning application notice forming the initial regulatory requirements.
- 3 The site is not allocated for any particular use within the adopted Perth and Kinross Local Development Plan (LDP) 2014 and is outwith any settlement boundary. Vehicular access to the site is achieved via Myreriggs Road, through field gate access means.
- 4 This proposal of application notice (PAN) seeks to formally establish and regulate the change of use of the agricultural land to that of a game bird rearing

enterprise with the associated sheltering and infrastructure. The applicant has not provided final details of the number of shelters and scale of associated infrastructure at this stage, simply drawing a red line around the final site area. The final number of shelters, infrastructure and bird numbers should be clearly identified through the submission of a detailed planning application, but is not required for this pre-application exercise. As identified, it is proposed that the shelters will be moveable within the site, rotated on a seasonal basis as required. Therefore final siting plans would not necessarily be beneficial.

ENVIRONMENTAL IMPACT ASSESSMENT

- 5 Due to the scale of the proposal it will require to be screened as to whether the proposal is an Environmental Impact Assessment (EIA) development under the EIA 2017 regulations. A screening request has not been submitted at this stage.

PRE-APPLICATION PROCESS

- 6 The Proposal of Application Notice (reference 17/00007/PAN) outlined a public exhibition was held at the red house hotel, Coupar Angus on 3 August 2017. The Ward Councillors and Coupar Angus and Bendochy Community Council were also notified. The applicant also offered to present and discuss the proposal with Coupar Angus and Bendochy Community Council, which the case officer recommended to pursue in this instance as a useful exercise as part of the community consultation. The results of the community consultation should be submitted with the detailed application as part of the required Pre-Application Consultation (PAC) Report.

NATIONAL POLICY AND GUIDANCE

- 7 The Scottish Government expresses its planning policies through the National Planning Framework (NPF) 3, the National Roads Development Guide 2014, Scottish Planning Policy (SPP) 2014 and Planning Advice Notes (PAN).

National Planning Framework

- 8 The NPF3 is a long-term strategy for Scotland and is a spatial expression of the Government's Economic Strategy and plans for development and investment in infrastructure. Under the Planning etc (Scotland) Act 2006 this is now a statutory document and material consideration in any planning application. The document provides a national context for development plans and planning decisions as well as informing the on-going programmes of the Scottish Government, public agencies and local authorities.

The Scottish Planning Policy 2014

- 9 The SPP is a statement of Scottish Government policy on land use planning. The following sections of the SPP will be of particular importance in the assessment of this proposal:

- Sustainability : paragraphs 24 - 35
 - Placemaking : paragraphs 36 – 57
 - Promoting Rural Development: paragraphs 74 – 91
 - Supporting Business and Employment: paragraphs 92 – 108
 - Valuing the Natural Environment : paragraphs 193 – 218
 - Maximising the Benefits of Green Infrastructure: paragraphs 219 – 233
 - Managing Flood Risk and Drainage: paragraphs 254 – 268
- 10 The following Scottish Government Planning Advice Notes (PAN) and Guidance are likely to be of relevance to the proposal:
- PAN 3/2010 Community Engagement
 - PAN 40 Development Management
 - PAN 51 Planning, Environmental Protection and Regulation
 - PAN 61 Planning and Sustainable Urban Drainage Systems
 - PAN 73 Rural Diversification
 - PAN 75 Planning for Transport

LOCAL POLICY AND GUIDANCE

TAYPlan Strategic Development Plan 2012-2032

- 11 TAYPlan sets out a vision for how the region will be in 2032 and what must occur to bring about change to achieve this vision. The vision for the area as set out in the plans states that:
- “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, study and visit, and where businesses choose to invest and create jobs”*
- 12 The following sections of the TAYplan 2012 are of particular importance in the assessment of this application:
- Policy 2 – Shaping better quality places

Perth and Kinross Local Development Plan 2014

- 13 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.
- 14 The LDP sets out a vision statement for the area and states that:
- “Our vision is of a Perth and Kinross which is dynamic, attractive and effective which protects its assets whilst welcoming population and economic growth.”*
- 15 Under the LDP, the following policies are of particular importance in the assessment of this application:

- PM1 – Placemaking
- PM2 – Design Statements
- PM3 – Infrastructure Contributions
- ED3 – Rural Business and Diversification
- TA1 – Transport Standards and Accessibility Requirements
- NE3 – Biodiversity
- NE4 – Green Infrastructure
- ER5 – Prime Agricultural Land
- ER6 – Managing Future Landscape Change
- EP1 – Climate Change, Carbon Reduction and Sustainable Construction
- EP2 – New Development and Flooding
- EP3 – Water Environment and Drainage
- EP5 – Nuisance from Artificial Light and Light Pollution
- EP8 – Noise Pollution

OTHER GUIDANCE

- 16 The following supplementary guidance and documents are of particular importance in the assessment of this application:
- Flood Risk and Flood Risk Assessments – Developer Guidance June 2014
 - Perth and Kinross Council Corporate Plan 2013-2018
 - Perth and Kinross Community Plan 2013/2023

PLANNING SITE HISTORY

- 17 The site has been the subject of enforcement investigation for a breach of planning control for the uses currently proposed, but otherwise there is no known planning history for the proposed site.

CONSULTATIONS

- 18 As part of the planning application process the following would be consulted:

External

- Scottish Environmental Protection Agency (SEPA)
- Scottish Natural Heritage (SNH)
- Coupar Angus and Bendochy Community Council
- RSPB
- Game Farmers Association

Internal

- Environmental Health (noise and contamination)
- Biodiversity Officer
- Strategic Planning and Policy
- Transport Planning

- Structures and Flooding
- Waste Services

KEY ISSUES AGAINST WHICH A FUTURE APPLICATION WILL BE ASSESSED

- 19 The key considerations against which the eventual application will be assessed Includes:
- a. Visual and Noise Impacts
 - b. Scale and Density
 - c. Relationship to nearby land uses
 - d. Natural Heritage and Ecology
 - e. Water Resources and Soils
 - f. Transport Implications
 - g. Flood Risk
 - h. Drainage
 - i. Impact on Agriculture

ADDITIONAL STATEMENTS WHICH WILL BE REQUIRED

- 20 In order to support the planning application, the following supporting documents and addressed topic headings should be submitted for consideration:
- Planning Statement
 - Design and Access Statement
 - Pre-Application Consultation (PAC) Report
 - Transport Statement
 - Drainage Assessment
 - Landscape and Visual Impact Assessment
 - Habitat Survey
 - Sustainability Statement, including an operational Environmental Management Plan.

CONCLUSION AND RECOMMENDATION

- 21 This report raises key issues, which should be considered as part of the appraisal of any subsequent planning application which is likely to be lodged in respect of this unregulated development and members are recommended to note these key issues and advise officers of any other issues, which they consider should be included as part of the application and assessment.

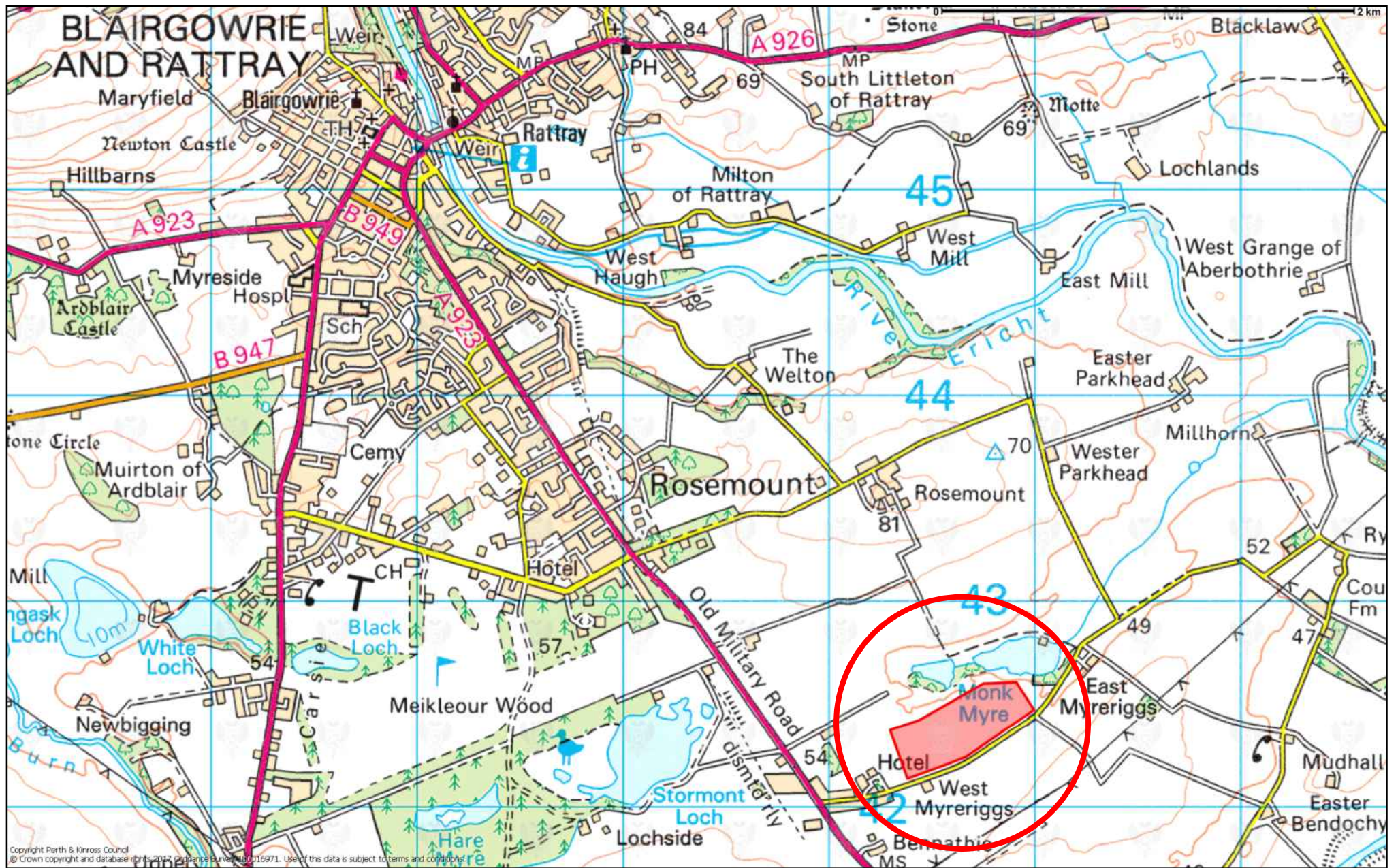
Background Papers: None
 Contact Officer: Callum Petrie – Ext 75353
 Date: 24 August 2017

Nick Brian
Interim Head of Planning

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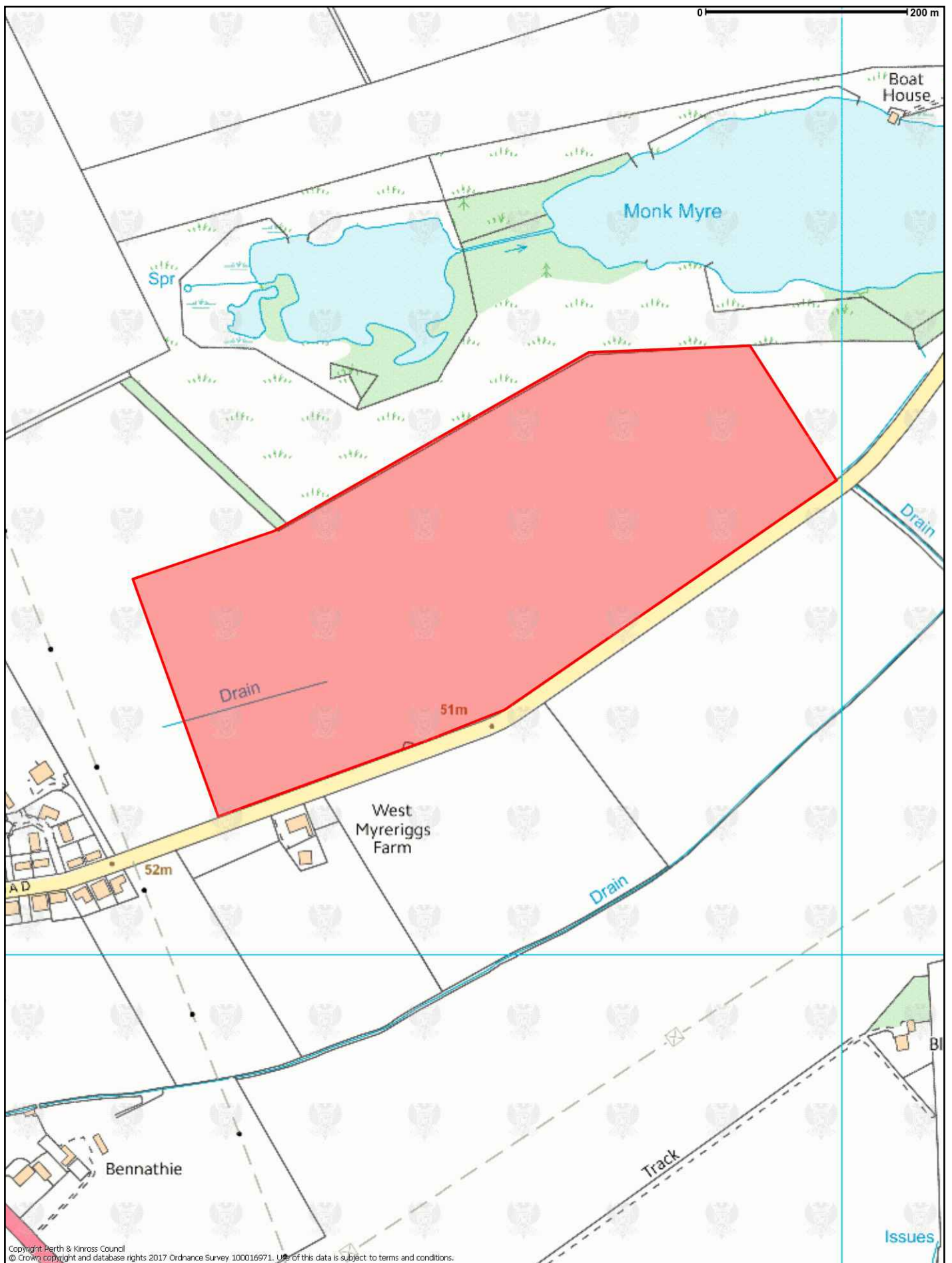
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17/00007/PAN

Change of use of agricultural land to game bird farm and associated moveable shelters and infrastructure and NE of West Myrersigg Farm, Myrersigg Road, Bendochy





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