

Perth and Kinross Council
Planning & Development Management Committee – 31 July 2019
Report of Handling by Head of Planning & Development (Report No. 19/207)

PROPOSAL: Erection of 60 dwellinghouses, landscaping and associated works (approval of matters specified by conditions 16/01809/IPM) (Phase 2)

LOCATION: Land At Castlemains Farm, Auchterarder

Ref. No: 18/01892/AMM
Ward No: P7 - Strathallan

Summary

This report recommends approval of the application for the erection of 60 dwellinghouses, as the development is part of an allocated housing site, which benefits from an extant permission in principle. The proposals are considered to comply with the relevant provision of the Development Plan and there are no material considerations apparent which outweigh the Development Plan.

BACKGROUND AND DESCRIPTION OF PROPOSAL

- 1 The site extends to 4.03 hectares and is situated on the northern edge of Auchterarder, beyond the Community school to the south-east. It forms part of a wider identified expansion of Auchterarder. Development is limited, excluding existing roads, to 2.18 hectares (ha). Planning Permission in Principle (PPP) Ref: 16/01809/IPM and an associated Section 75 legal agreement relates.
- 2 The former farmland site is relatively level to the south, sloping up from north east to south-west. Vehicular access is to be from Castle Drive then connecting to the roundabout at Dunrobin Road and Benton Road. Adjacent and to the east is an identified all-weather sports pitch, with residential (Phase 1) beyond. Further housing is located to the south and south-west, with agricultural land to the west and north. Auchterarder Castle, the remains of which are a scheduled ancient monument (SAM), is located approximately 100m to the north east.
- 3 The initial proposal sought permission for 64 dwellinghouses. However, following additional information requests (i.e. a Transport Assessment) this has been reduced to 60 units (including 16 affordable units). These changes saw the application re-advertised and neighbours re-notified.
- 4 The housing mix is:
 - 9x 2 bed (affordable) terraced
 - 2x 3 bed (affordable) terraced
 - 3x 2 bed (affordable) bungalow

- 14x 3 bed semi-detached
 - 9x 3 bed detached
 - 17x 4 bed detached
 - 6x 5 bed detached
- 5 The net site density is circa 27 dwelling units per ha, this is considered a 'medium' density for urban developments within Perth and Kinross, and appropriate to the site context.
 - 6 The application has been accompanied by supporting information required by suspensive conditions of PPP: 16/01809/IPM.
 - 7 The Auchterarder Expansion Development Framework (DF) is supplementary planning guidance and the site lies within the boundaries thereto, it is therefore a material consideration.

ENVIRONMENTAL IMPACT ASSESSMENT (EIA)

- 8 Directive 2011/92/EU (as amended) requires the 'competent authority' (in this case Perth and Kinross Council) when giving a planning permission for particular large scale projects to do so in the knowledge of any likely significant effects on the environment. The Directive therefore sets out a procedure that must be followed for certain types of project before 'development consent' can be given.
- 9 This procedure, known as Environmental Impact Assessment (EIA), is a means of drawing together, in a systematic way, an assessment of a project's likely significant environmental effects. The EIA Report helps to ensure that the importance of the predicted effects, and the scope for reducing any adverse effects, are properly understood by the public and the relevant competent authority before it makes its decision.
- 10 As required an EIA screening has been undertaken, this concluded that an EIA was not required as the proposal was not considered likely to have significant effects on the environment. However a suite of supporting assessments, present environmental information in respect of drainage, transport, ecology and air quality.

NATIONAL POLICY AND GUIDANCE

- 11 The Scottish Government expresses its planning policies through The National Planning Frameworks (NPF), the Scottish Planning Policy (SPP), Planning Advice Notes (PAN), Creating Places, Designing Streets, National Roads Development Guide and a series of Circulars.

National Planning Framework

- 12 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.

Scottish Planning Policy 2014

- 13 The Scottish Planning Policy (SPP) was published in June 2014 and sets out national planning policies which reflect Scottish Ministers' priorities for operation of the planning system and for the development and use of land. The SPP promotes consistency in the application of policy across Scotland whilst allowing sufficient flexibility to reflect local circumstances. It directly relates to:
- The preparation of development plans;
 - The design of development, from initial concept through to delivery; and
 - The determination of planning applications and appeals.
- 14 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
 - Affordable Housing: paragraphs 126 – 131
 - 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

Planning Advice Notes

- 15 The following Scottish Government Planning Advice Notes (PANs) and Guidance Documents are of relevance to the proposal:
- PAN 40 Development Management
 - PAN 2/2010 Affordable Housing and Housing Land Audits
 - PAN 51 Planning, Environmental Protection and Regulation
 - 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 75 Planning for Transport
 - PAN 77 Designing Safer Places
 - PAN 79 Water and Drainage
 - PAN 83 Masterplanning

Creating Places 2013

- 16 Creating Places is the Scottish Government's policy statement on architecture and place. It sets out the comprehensive value good design can deliver. It notes that successful places can unlock opportunities, build vibrant communities and contribute to a flourishing economy and set out actions that can achieve positive changes in our places.

Designing Streets 2010

- 17 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, alongside Creating Places, which sets out Government aspirations for design and the role of the planning system in delivering these.

National Roads Development Guide 2014

- 18 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

- 19 The Development Plan comprises: the TAYplan Strategic Development Plan 2016-2036; and the Perth and Kinross Local Development Plan 2014.

TAYPlan Strategic Development Plan 2016-2036

- 20 TAYPlan sets out a vision for how the region will be in 2036 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 2036 the TAYplan area 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."

- 21 The following sections of TAYplan are particularly relevant in this case.

Policy 1: Locational Priorities

- 22 Seeks to focus the majority of development in the region's principal settlements. Auchterarder is identified as a Tier 3 Settlement with the potential to play an important but modest role in the regional economy accommodating a smaller share of the additional development.

Policy 4: Homes

- 23 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 25,020 units up to year 2028 and a further 16,680 by 2036.

Policy 2: Shaping Better Quality Places

- 24 Seeks to deliver distinctive places by ensuring that the arrangement, layout, design, density and mix of development are shaped through incorporating and enhancing natural and historic assets, natural processes, the multiple roles of infrastructure and networks, and local design context.

Policy 6: Developer Contributions

- 25 Seeks to ensure suitable infrastructure is in place to facilitate new development, developer contributions shall be sought to mitigate any adverse impact on infrastructure, services and amenities brought about by development. This may include contributions towards schools, the delivery of affordable housing, transport infrastructure and facilities (including road, rail, walking, cycling and public transport), green infrastructure and other community facilities in accordance with the Scottish Government Circular 3/2012: Planning Obligations and Good Neighbour Agreements.

Policy 8: Green Networks

- 26 Seeks to protect and enhance green and blue networks by ensuring that:
- i. development does not lead to the fragmentation of existing green networks;
 - ii. development incorporates new multifunctional green networks (that link with existing green networks) of appropriate quantity and quality to meet the needs arising from the nature of the development itself; and,
 - iii. the provision of networks of green infrastructure is a core component of any relevant design framework, development brief or masterplan.

Perth and Kinross Local Development Plan 2014

- 27 The Local Development Plan (LDP) was adopted by Perth and Kinross Council on 3 February 2014. 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.”* It is the most recent statement of Council policy and is augmented by Supplementary Guidance.
- 28 The principal relevant policies are, in summary:

Policy PM1A - Placemaking

- 29 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

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

Policy PM2 - Design Statements

- 31 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

- 32 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

- 33 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

- 34 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

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

Policy TA1B - Transport Standards and Accessibility Requirements

- 36 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 sets out when a travel plan and transport assessment is required.

Policy CF1B - Open Space Retention and Provision

- 37 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

- 38 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 HE1A - Scheduled Monuments

- 39 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

- 40 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 NE3 - Biodiversity

- 41 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

- 42 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

- 43 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

- 44 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 EP3B - Water, Environment and Drainage

- 45 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

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

Proposed Perth and Kinross Local Development Plan 2 (LDP2)

- 47 The Proposed LDP2 2017 represents Perth & Kinross Council's settled view in relation to land use planning and is a material consideration in determining planning applications. The Proposed LDP2 is considered consistent with the Strategic Development Plan (TAYplan) and Scottish Planning Policy (SPP) 2014. It is now the subject of an Examination Report (published 11 July 2019). This includes the Reporter's consideration of issues and recommended modifications to the Plan, which are largely binding on the Council. It is therefore anticipated that they will become part of the adopted Plan; however, this is subject to formal confirmation. The Council is progressing the Proposed Plan (as so modified) towards adoption which will require approval by the Council and thereafter submission to the Scottish Ministers. It is expected that LDP2 will be adopted by 31 October 2019. The Proposed LDP2, its policies and proposals are referred to within this report where they are material to the recommendation or decision.

Other Material Considerations

- 48 The following supplementary guidance/documents are material considerations:
- Auchterarder Expansion Development Framework 2008
 - Developer Contributions and Affordable Housing Supplementary Guidance April 2016.

SITE HISTORY

- 49 [08/01133/IPM](#) Proposed Residential and Class 4 (Business), Class 5 (General Industry), Class 6 (storage and distribution) development (in principle).

Approved by Planning and Development Management Committee May 2009 (Decision Issued 31 October 2013).

- 50 [08/01279/FLM](#) Erection of 147 dwellinghouses and associated engineering operations. Approved by Planning and Development Management Committee April 2013 (Decision Issued 15 November 2013).
- 51 [08/01591/FUL](#) Formation of roads and associated infrastructure. Approved under delegated powers 17 October 2008.
- 52 [09/01290/FLM](#) Erection of 261 dwellinghouses. Approved by Planning and Development Management Committee April 2013 (Decision Issued 30 January 2014).
- 53 [14/01477/FLL](#) Variation of condition 8 (formation of path) of permission 08/01279/FLM for the erection of 147 dwellinghouses and associated engineering operations. Approved under delegated powers 9 July 2015.
- 54 [16/01809/IPM](#) Deletion of condition 14 (to seek waste advice) of permission 08/01133/IPM (residential, business, general industry and storage and distribution development (in principle)) Approved by Planning and Development Management Committee January 2017 (Decision Issued 3 August 2018).
- 55 18/00799/MPO Modification of Planning Obligation associated with permission 08/01133/IPM (Proposed Residential and Class 4 (Business), Class 5 (General Industry) and Class 6 (storage and distribution) development (in principle). Approved under delegated powers 27 June 2018.
- 56 [18/00899/FLL](#) Erection of 13no. dwellinghouses, formation of parking area, landscaping and associated works. Approved under delegated powers 8 August 2018.

CONSULTATIONS

- 57 As part of the planning application process the following bodies were consulted:

EXTERNAL

Auchterarder & District Community Council

- 58 No response.

Historic Environment Scotland

- 59 No objection.

Perth and Kinross Heritage Trust

- 60 No objection, advising that there are no archaeological implications, based on evaluation previously undertaken in relation to 08/01133/IPM.

Scottish Water

- 61 No objection, advising sufficient capacity at both the Turret Water Treatment Works and the Auchterarder Waste Water Treatment Works.

Scottish Environment Protection Agency

- 62 No objection.

Scottish Gas Network

- 63 No objection.

INTERNAL

Biodiversity Officer

- 64 No objection, subject to conditions. Initially raised concerns, resulting in revised landscape plans and an ecological management plan, which include reinforced native planting and 'swift brick' provision.

Environmental Health (Noise Odour)

- 65 No objection, subject to a condition controlling and monitoring associated construction noise and dust, as set out in the submitted Construction Environmental Management Document (plan 18/01892/50).

Environmental Health (Contaminated Land)

- 66 No objection.

Development Negotiations Officer

- 67 No objection, subject to compliance with the S75 in place which secures affordable housing provision and contributions for community and ports facilities, open space and roads/transport.

Structures and Flooding

- 68 No objection. Raise no flooding concerns. Advise that updated drainage information is considered satisfactory.

Strategy and Policy

- 69 No objection.

Community Greenspace

- 70 No objection, following submission of revised open space and landscape plans.

Transport Planning

- 71 No objection. Advise that requested Transport Assessment is satisfactory, subject to conditions.

REPRESENTATIONS

- 72 One general comment and eleven valid objections (not including any follow-up comments), were received and are summarised as follows:
- Impact on property value, loss of view and overlooking;
 - Parking issues and general traffic congestion and traffic safety concerns, including from construction traffic;
 - Concerns relating to pedestrian access, including school routes;
 - Concern over existing phases of development being fit for purpose, including a lack of road adoption;
 - Impact on visual amenity;
 - Inappropriate land use;
 - Result in environmental improvement;
 - Inappropriate housing density and over development;
 - Loss of open space, including loss of important farmland and dog walking area;
 - Impact on the original stone boundary wall;
 - Impact on local amenities, including school and medical practice;
 - Noise pollution;
 - Removal of trees and wider concern for further tree and hedgerow loss along with loss of natural habitat
 - Mitigation and management of the loss of bat roosts in neighbouring Castleton mains outbuildings; and
 - Impact on cultural heritage to Scheduled Ancient Monument (SAM) - Auchterarder Castle.
- 73 Additional neighbour notification was undertaken, following submission of further information and amended drawings (as referred to in Para 3). Subsequently a general comment, expressing disappointment at the lack of communication from the applicant regarding construction access traffic, was received. However, no new material considerations were raised.
- 74 These representations are addressed in the Appraisal below. However, concerns in respect of: loss of view; and impact on property values, are not material planning considerations.

ADDITIONAL STATEMENTS

Environment Statement	Not Required
Screening Opinion	Undertaken in tandem with the submission.
Environmental Impact Assessment	Not Required

Appropriate Assessment	Not Required
Design Statement / Design and Access Statement	Submitted
Reports on Impact or Potential Impact	<ul style="list-style-type: none"> • Transport assessment • Air & noise quality assessment • Ecological update and habitat management plan • Energy statement • Flood risk assessment and drainage strategy

APPRAISAL

- 75 Sections 25 and 37(2) of the Town & Country Planning (Scotland) Act 1997 (as amended) require the determination of the proposal to be made in accordance with the provisions of the Development Plan, unless material considerations indicate otherwise. The adopted Development Plan comprises the TAYplan Strategic Development Plan 2016–2036 and the Perth and Kinross Local Development Plan 2014. The relevant policy considerations are outlined in the policy section above and are considered in more detail below. In terms of other material considerations, this involves considerations of the Council's other approved policies and supplementary guidance as set out.

Principle

- 76 Conditional In Principle permission (16/01809/IPM) requires that approval of Matters Specified in Conditions is granted. The 60 dwellinghouses remains consistent with this PPP. Additionally although the wider masterplan and Auchterarder Expansion Development Framework 2008 (DF) do not specifically define the scale of development, residential use is considered consistent with the DF. The principle of the proposals is therefore considered acceptable.

Design and Layout

- 77 16/01809/IPM requires the siting, design and external appearance to be further approved (condition 1). The design statement sets out that the layout follows Designing Streets principles.
- 78 This layout (plan 18/01892/41) is considered to satisfy placemaking policy criteria, taking cues from surrounding built development, in particular the earlier phases of the wider Auchterarder northern expansion. Revision to the layout, improving the response to designing streets and placemaking matters, including the relationship with the sports pitch to the east, is further discussed below.
- 79 The positioning of the dwellinghouse within Plot 32 (in the south-west corner) was queried, as it does not front the street. However, this arrangement is considered justified, due to the servicing wayleave to the west.
- 80 Generally, the layout adopts a street hierarchy approach, including a courtyard area, whilst maintaining movement patterns and prioritising pedestrians.

- 81 The proposed house type includes a good mix, ranging from modest single storey properties, terraced, semi-detached, up to two storey detached dwellinghouses, External Finishes include a mixture of rendered and brick walls, concrete roof tiles and UPVC windows and doors. This is considered appropriate to the context, and refers back to the Auchterarder DF.
- 82 Overall, the proposed design, scale and layout is considered acceptable and in accordance with LDP placemaking Policy PM1A and PM1B and consistent with the PPP.

Landscape & Visual Amenity

- 83 LDP Policy ER6 seeks to ensure development proposals have a good landscape framework within which the development can be set and, if necessary, can be screened.
- 84 The revised open space and landscape specification details see increased open space and landscaping being proposed. These plans were developed in consultation with the Council's Community Greenspace team.
- 85 The proposals raise no significant concerns in terms of landscape fit or capacity and integrate with the site context. The provision of pedestrian and cycle links, utilising historic and established routes to and from the Community School (including Chapel Wynd) provide sustainable connectivity. There is adequate public open space on the periphery of the site, including the junior football pitch identified to the east and the associated landscaped buffer. The pitch will serve the wider residential area and Community School. Overall, the detailed landscaping and open space provision is considered to address the Auchterarder Development Framework, the PPP and Policy ER6.

Residential Amenity

- 86 Objections raise concerns on the impact of their residential amenity, particularly beyond the southern boundary. In this regard it is considered that the layout would not adversely impact existing properties, via overlooking. In excess of 18m separation distance is consistently achieved between the existing dwellings and those proposed. Similarly, the layout within the site maintains adequate separation between proposed properties to protect amenity. Otherwise appropriate levels of both daylight and sunlight would be afforded to both existing and proposed property.
- 87 The distance and relationship with the junior football pitch to the east addresses initial concern related to the residential amenity to be afforded to plots 4-9, 12 and 13, moving them a minimum 21m away and introducing raised landscape features, providing both screening and biodiversity benefits.
- 88 Policy EP8 seeks to mitigate noise impacts. In line with the PPP, mitigation details relating to construction noise are contained within the Construction Environment Management document (18/01892/50), to achieve appropriate

mitigation (Condition 12). Having regard to these mitigation measures the terms of the PPP and LDP Policy EP8 are satisfied.

- 89 There is potential for dust/airborne pollution during construction, this can be controlled via the Construction Environmental Management Document (CEMP) (plan 18/01892/50) (Condition 13). Subject to these controls, there are negligible air pollution concerns.
- 90 Overall, the PPP and the criteria for LDP Policy RD1 have been satisfied. A reasonable level of amenity for the new residents has been catered for, causing no unacceptable impact on the amenity of occupants of nearby properties.

Roads and Access

- 91 LDP Policy TA1 requires local road networks be capable of absorbing the additional traffic generated by the development and that a satisfactory access to the network is to be provided. SPP also emphasises the importance of locating development in places well served by public transport and a wide choice of transport modes, including on foot and by cycle.
- 92 The Transport Assessment (TA) considers the transport issues and tests the proposal against accessibility requirements for non-vehicular movement as well as vehicular accessibility.
- 93 Objections regarding additional vehicle and construction traffic and the impact on Hunter Street were reviewed. The link via Hunters Meadow (referred to as Benton Road) will connect Hunter Street to the A824. It is anticipated to be open to public traffic prior to the commencement of this proposal. Condition 2 of permission 18/01591/AMM requires the road to be open by November 2019 and confirmation of delivery progress is being pursued with that developer, Stewart Milne. This road will reduce existing traffic levels on Hunter Street, by creating an alternative route to the A824. In addition to the CEMP, it is considered appropriate to seek a Construction Traffic Management Scheme (TMS), to ensure construction traffic is adequately managed (Condition 2).
- 94 A pedestrian route network has been identified to and from the School and beyond through this proposal and neighbouring phases.
- 95 Overall, the TA, alongside the requirement to open Benton Road in October 2019 through planning permission 18/01591/AMM, would address the concerns raised and comply with the requirements of the PPP and LDP policies TA1B and CF2.

Cultural Heritage

- 96 The siting and context of scheduled ancient monument (SAM) SM1634 (Auchterarder Castle), which is located in excess of 100 metres to the north east of the site, has been assessed. It is not considered that the proposed development would have an adverse impact on its setting, with Historic

Environment Scotland offering no objection. In this regard the terms of LDP Policies HE1A and HE1B have been satisfied.

Drainage and Flooding

- 97 Policy EP3C requires development to have SUDS. Although there are no flood concerns, detailed surface water drainage details and calculations were required. Drainage information provides clarification and subject to securing the means and details for surface water drainage during the construction phases (Condition 15). The proposals satisfy both the conditions of the PPP and the requirements of LDP Policy EP2 and Policy EP3C. An informative (10) also reminds the applicant to advise the Council's Structures and Flood team when associated approvals from Scottish Water have been secured affecting plots 31 - 40.

Energy Requirements

- 98 In association with the In PPP and LDP Policy EP1, the proposals are required to identify and include carbon emission reduction measures.
- 99 The energy report submitted (18/01892/34) clarifies compliance with Condition 9 of the PPP and LDP Policy EP1, concluding that a range of measures, including solar PV will be applied with the anticipated energy efficiency outcomes exceeding current Building Regulations by approximately 2.5%, equating to a 23.5% increase over 2010 standards. Thus the PPP and LDP Policy EP1 are considered to have been satisfied.

Waste Collection

- 100 Waste collection requirements have been addressed in terms of provision and access for each property. It was agreed with the Waste Services that complementary recycling opportunities would more appropriately be accommodated within the wider expansion phasing, as opposed to within this specific site.

Natural Heritage and Biodiversity

- 101 LDP Policy NE3 is a relevant consideration in respect of possible biodiversity impacts or opportunities arising from the development.
- 102 The submission of Matters Specified in Condition 7 of the PPP requires detailed ecological/biodiversity proposals. These details must identify opportunities for the enhancement of natural heritage including structure planting for ecological benefits and use of native hedging, impact on breeding birds, new habitat creation for species adversely affected and as part of the SUDS scheme.
- 103 Accordingly, the original landscape proposals were amended to include more native species and appropriately respond to the ecological management plan. Mixed native hedging is now proposed with more native trees. The applicant has also identified consideration for hedgehog movement and sufficient swift

brick provision as part of the updated plan information, which will form part of the permission.

- 104 Overall, subject to conditions (5 - 8), the proposals are considered to satisfactorily address the requirements of LDP Policy NE3 and PPP.

Developer Contributions

- 105 A Section 75 legal agreement covers the 16/001809/IPM permission to ensure necessary infrastructure is delivered, including:

- Community Facilities
- Sports Facilities
- Open Space
- Roads/Transport
- Affordable Housing

The legal agreement in place adequately secures these elements and no further changes are required.

Economic Impact

- 106 During the construction period, jobs will be created and sustained, supporting indirect employment and revenue that this volume of construction activity will generate from employees spending on local goods and services. Longer term, additional residents to the area will also support existing local employment and services in the area.

Other Matters

Loss of Trees

- 107 Objections raised concerns over tree loss. The applicant has clarified that they do not intend to remove any trees outwith the site boundary. Further, no trees within the site are affected, which can be controlled (Condition 11). Some trees were removed in earlier phases of the development which were allowed within the extant planning permission and to allow a safe construction access to be formed.

Local Surgery Capacity

- 108 No formal objection has been received from NHS Tayside regarding the capacity of the doctors' surgery or their ability to cope with the population increase. As advised, development of this scale is envisaged in the Framework and identified within the LDP, at which stage NHS Tayside were consulted.

Impact on School

- 109 School capacity has previously been assessed, via the PPP. The proposal forms part of the Auchterarder DF and the associated legal agreement secures

the necessary developer contributions to address school capacity requirements.

LEGAL AGREEMENTS

- 110 A legal agreement has been secured for the 16/01809/IPM planning permission (originally 08/01133/IPM) to secure infrastructure that will be impacted by the current and wider phased proposals.

DIRECTION BY SCOTTISH MINISTERS

- 111 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

- 112 To conclude, the application must be determined in accordance with the adopted Development Plan unless material considerations indicate otherwise.
- 113 In this case the application seeks permission for the erection of 60 dwellinghouses on an approved housing site, benefitting from In Principle permission and within the settlement boundary of Auchterarder. The proposals are considered to comply with relevant DP policies.
- 114 Overall, the proposal is considered compliant with the key principles of the LDP and the terms of the IPM and is recommended for approval. Account has been given to the matters raised in representation and these have been addressed in the appraisal above. There are no material considerations which would warrant a refusal of the proposal.

- 115 Accordingly the proposal is recommended for approval subject to the following conditions.

RECOMMENDATION

Conditions and Reasons for Recommendation

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.

Reason: To ensure the development is carried out in accordance with the approved drawings and documents.

2. Prior to the commencement of works on the development, the applicant shall submit for the written approval of the Planning Authority a 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 liaison with the Roads Authority regarding winter maintenance;
- d) emergency arrangements detailing communication and contingency arrangements in the event of vehicle breakdown;
- e) 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;
- f) arrangements for cleaning of roads affected by material deposited from construction sites associated with the development;
- g) 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;
- h) details of information signs to inform other road users of construction traffic;
- i) arrangements to ensure that access for emergency service vehicles are not impeded;
- 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: To mitigate any adverse impact of development traffic on the safe and surrounding road network during construction.

3. 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 promoting and securing sustainable means of travel relating to the development and surrounding land uses.

4. Prior to the development hereby approved being completed or brought into use, street lighting provision to a design and specification according with (BS 5489-1:2013) shall be submitted to the Planning Authority for further written approval. The lighting scheme as approved shall thereafter be completed in line with the roads construction consent.

Reason: In order to safeguard the environment and residential amenity of the area.

5. No removal of vegetation, including trees and shrubs will be permitted between 1 March and 31 August inclusive, unless a competent ecologist has undertaken a careful and detailed check of vegetation for active birds' nests immediately before the vegetation is to be cleared and provided written confirmation that no birds will be harmed and/or that there are appropriate measures in place to protect nesting birds on site. Any such written confirmation must be submitted to the planning authority for approval prior to commencement of works.

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).

6. The conclusions and recommended action points within the supporting Biodiversity Management Plan submitted and hereby approved shall be fully adhered to, respected and undertaken as part of the construction phase of development.

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).

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 a waterbody or Sustainable Urban Drainage (SUDS) pond shall have wildlife kerbs installed adjacent to the gully.

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. The detailed landscaping and planting proposal specifications as approved shall be undertaken and delivered commensurate with the residential development elements, in accordance with the approved phasing delivery plan and thereafter maintained. 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 satisfying placemaking policy criteria of the adopted LDP.

10. Any planting failing to become established within five years shall be replaced in the following planting season with others of similar size, species and number.

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

11. All trees identified for retention and any peripheral trees bounding the site, which may be affected by any element of the approved development and its associated construction, (including land within the blue site area) shall be protected in full accordance with BS 5837: 2012 'Trees in relation to design, demolition and construction'.

Reason: In the interest of tree protection in the interests of biodiversity and amenity of the area.

12. 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 the interests of public health and to prevent noise pollution.

13. The commitments and recommended action points within the supporting Construction Environment Management Document (plan 18/01892/50) submitted and hereby approved shall be fully adhered to, respected and undertaken as part of the construction phase of development. The approved document will remain live and subject to further review and update at the Planning Authority written request.

Reason: In the interest of protecting environmental quality and existing residential amenity.

14. 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.

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

B JUSTIFICATION

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

C PROCEDURAL NOTES

None.

D INFORMATIVES

1. The development hereby permitted shall be commenced no later than the expiration of two years from the date of this permission 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 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 Sections 21 of the Roads (Scotland) Act 1984 he/she/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 Environmental Protection Agency.
6. The applicant should be advised that in terms of Section 56 of the Roads (Scotland) Act 1984 he must obtain from the Council as Roads Authority consent to open an existing road or footway prior to the commencement of works.
7. The applicant should be advised to contact Perth & Kinross Council Street Lighting Department to obtain technical approval for all street lighting provision.

8. Please consult the Street Naming and Numbering Officer, The Environment Service, Perth and Kinross Council, Pullar House, 35 Kinnoull Street, Perth PH1 5GD for a new postal address. The form is downloadable from www.pkc.gov.uk and should be returned to snn@pkc.gov.uk.
9. 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.
10. The applicant is advised that they shall continue to keep the Councils Structures and Flooding team updated with regards to their application to Scottish Water for the proposed sewer diversion and connection of identified plots (31-40) to this Scottish Water asset.
11. The applicant is advised that the granting of planning permission 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.
12. No work shall be commenced until an application for building warrant has been submitted and approved.
13. 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.
14. 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 permission for a development does not provide a defence against prosecution under this act.
15. The applicant should note that refuse collection vehicles will only enter the site during development where there is clear access and suitable turning; this means that Waste Services may not be able to provide a full kerbside recycling service to residents whilst the build is ongoing and bins may have to be emptied from a specified collection point until full access is made available for refuse collection vehicles.
16. The applicant is reminded of the requirements of the Council's Environment and Regulatory Services in relation to waste collection from the site and should ensure adequate measures are provided on site to allow for the collection of waste.
17. The applicant is reminded that this site is still subject to a Section 75 Legal Agreement, securing Developer Contribution requirements and other matters, as secured as part of planning permission 16/0189/IPM. This permission continues to be tied by this legal agreement and the associated requirements.

will continue to apply. The terms of the obligation can be viewed via PKC [Public Access](#) or at the Registers of Scotland (www.ros.gov.uk).

18. In the interests of neighbouring residential amenity, the applicant is requested to restrict construction work to Monday to Friday 07:00 to 19:00 and Saturday 08:00 to 13:00 with no noisy works out with these times or at any time on Sundays or Bank Holidays.

Background Papers: 12 letters of representation
Contact Officer: Callum Petrie 01738 475353
Date: 18 July 2019

DAVID LITTLEJOHN
HEAD OF PLANNING & DEVELOPMENT

If you or someone you know would like a copy of this document in another language or format, (on occasion, only a summary of the document will be provided in translation), this can be arranged by contacting the Customer Service Centre on 01738 475000.

You can also send us a text message on 07824 498145.

All Council Services can offer a telephone translation facility.