

Perth and Kinross Council  
Development Management Committee – 13 July 2016  
Report of Handling by Development Quality Manager

Residential development (In Principle) at Duntuim Farm, Aberfeldy

Ref. No: 16/00478/IPM  
Ward No: N4 Highland

**Summary**

This report recommends approval of the In Principle application for a residential development including open space, landscaping, access roads, footpaths, drainage works and ancillary facilities at land 25 Metres South West Of 8, The Beeches Aberfeldy.

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 covers a site area of 8.7 hectares. The site lies on the southern slope of the Strathtay Glen with the northern boundary of the site adjacent to the A827 (Kenmore Road) that connects Aberfeldy with Kenmore and beyond to Killin.
- 2 The western and southern boundaries of the development site are contained by agricultural land and farm buildings. Immediately east the site is bordered by residential development and the area of open field at the south-east boundary has planning permission for housing.
- 3 A farm access road dissects the site from the north-east corner traversing the site south-west to access Duntuim Farm. An additional supplementary farm access road and junction is (at the time of the site visit) is in the process of construction to the west of the site.
- 4 A significant feature of the site is the tree-lined burn that dissects it from south to north and discharges via a culvert under the A827 into the River Tay.
- 5 The site is allocated (H37) in the Local Development Plan (LDP) for residential use with a notional figure of 100 dwellings.

**PROPOSAL**

- 6 The proposed development is an In Principle application and is supported by a masterplan for the site which shows the delivery of 80 dwellings including 20 affordable units. Within the masterplan the following hierarchy of dwelling types have been indicatively represented:

- 1½ storey 4-5 bedroom dwellings;
  - 1½ storey 3 bed dwellings;
  - 3 bed bungalows;
  - Two storey 3 bedroom dwellings;
  - Semi-detached 2-3 bedroom affordable housing dwellings (adjacent to the existing Registered Social Landlord housing stock on Duntaylor Avenue)
- 7 Due to existing steep topography of the site and to comply with permissible gradients (less than 8%) for residential streets, the proposed road winds up the hill in the path of least resistance. The proposed masterplan shows a 5.5 metre wide road with footpaths on either side that crosses the burn just once. Secondary roads are shown to be 4.2 metres wide.
- 8 It is proposed that the new farm access junction shall be utilised for the vehicular access to the development site from Kenmore Road and a secondary access will be formed via Duntaylor Avenue.
- 9 Pedestrian access to the site shall be provided from the existing farm access junction at the north east corner of the site which is proposed to be closed to vehicular traffic. This shall connect with the main road up through the site and connect with Duntaylor Avenue. There shall be an additional pedestrian link onto the Duntaylor Farm Access road at the highest level of the site to the south east. This road would link up with the bottom of Urlar Road adjacent to the start of the footpath for the Birks of Aberfeldy.

## **ENVIRONMENTAL IMPACT ASSESSMENT**

- 10 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 2011 regulations. A screening request (15/01735/SCRN) was submitted in October 2015 and found that an EIA is not required in this instance.

## **PRE-APPLICATION PROCESS**

- 11 The proposed development is classed as a Major development under class 9 of the Town and Country Planning (Hierarchy of Developments) (Scotland) Regulations 2009. This requires pre-application consultation with the local community to be undertaken. The results of the community consultation have been submitted with the application as part of the Pre-Application Consultation (PAC) Report on Community Consultation. The Proposal of Application Notice (PAN) (reference 15/00022/PAN) outlined a public exhibition was held on 14 December 2015 at the Locus Centre in Aberfeldy. The Ward Councillors for the area (Cllrs Campbell, Howie, and Williamson) were consulted as well as Aberfeldy Community Council.

## **NATIONAL POLICY AND GUIDANCE**

- 12 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**

- 13 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**

- 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
- 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

- 15 The following Scottish Government Planning Advice Notes (PAN are likely to be of relevance to the proposal,

- PAN 3/2010 Community Engagement
- PAN 1/2011 Planning and Noise
- PAN 40 Development Management
- PAN 51 Planning, Environmental Protection and Regulation
- PAN 61 Planning and Sustainable Urban Drainage Systems
- PAN 75 Planning for Transport

### **Designing Places 2001**

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

## **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 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**

- 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.

## **LOCAL POLICY AND GUIDANCE**

### **TAYPlan Strategic Development Plan 2012-2032**

- 19 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"*

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

### **Policy 1: Locational Priorities**

- 21 Seeks to focus the majority of development in the region's principal settlements. Aberfeldy is identified as a Tier 3 Settlement with the potential to accommodate a small share of the region's additional development over the plan period which is more about sustaining them.

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

- 22 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**

- 23 Seeks to identify and safeguard at least 5 years supply of employment land within principle settlements to support the growth of the economy and a diverse range of industrial requirements.

### **Policy 5: Housing**

- 24 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**

- 25 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.
- 26 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."*
- 27 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:
- 28 Under the LDP, the following policies are of particular importance in the assessment of this application.

### **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.

### **Policy PM1B – Placemaking**

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

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

- 31 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**

- 32 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**

- 33 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**

- 34 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**

- 35 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**

- 36 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**

- 37 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 NE2A - Forestry, Woodland and Trees**

- 38 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**

- 39 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**

- 40 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**

- 41 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**

- 42 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**

- 43 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**

- 44 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**

- 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.

### **Policy EP3D - Water, Environment and Drainage**

- 47 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**

- 48 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**

- 49 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**

- 50 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
- 51 **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**

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

### **PLANNING SITE HISTORY**

- 53 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

### **CONSULTATIONS**

#### **EXTERNAL**

- 54 **Scottish Environmental Protection Agency (SEPA)**

No objection provided certain conditions are applied.

#### **Scottish Natural Heritage (SNH)**

- 55 No response received.

#### **Scottish Water**

- 56 No response received.

#### **Transport Scotland**

- 57 No objection to the proposal.

#### **Historic Environment Scotland (HES)**

- 58 No objection to the proposal.

#### **Royal Society of Protection of Birds (RSPB)**

- 59 No response received.

### **Perth and Kinross Heritage Trust**

- 60 No objection to the proposal.

### **Aberfeldy Community Council**

- 61 Supports the proposal as housing need in the town is a significant issue. They do request that there is no construction traffic into the site via Alma Avenue or Duntaylor Avenue.

### **INTERNAL**

#### **Environmental Health**

- 62 No objection to the proposal on the grounds of air quality and noise impact.

#### **Land Quality (Contaminated Land)**

- 63 An inspection of the proposed development site did not raise any real concerns, although there is a record of a small limekiln on the site and there is a disused tip approximately 200m 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 required.

#### **Biodiversity Officer**

- 64 The proposed development is on existing fields used for grazing and likely to be low impact on biodiversity. The development has potential to provide for biodiversity by including bat roost and bird nest sites and the proposed SUDS pond could be designed to provide suitable habitats for amphibians.

#### **Strategic Planning and Policy**

- 65 Supports the proposal as it is consistent with the LDP.

#### **Developer Negotiations/Affordable Housing**

- 66 As the application proposes more than 5 dwelling houses, means that the Affordable Housing Policy applies and a condition to reflect this should be attached to any planning application granted.
- 67 In terms of Primary Education, as this application is only “in principle” it is not possible to provide a definitive answer at this stage however it should be noted that the Developer Contributions Policy would apply to all new residential units with the exception of those outlined in the policy. The determination of appropriate contribution, if required, will be based on the status of the school when the detailed application is received.

### **Community Greenspace including Access**

- 68 No response received.

### **Transport Planning**

- 69 No objection to the proposal provided certain conditions are applied.

### **Structures and Flooding**

- 70 Satisfied with the information contained in the Flood Risk Assessment (FRA) and Drainage Impact Assessment (DIA). No objection to the proposal provided certain conditions are applied.

### **Community Waste Advisor**

- 71 No objection to the proposal and confirmed this development will require a 3 bin system.

### **REPRESENTATIONS**

- 72 The application has attracted 11 representations with 7 against the proposal, 3 raising concerns and 1 in support. The following issues are raised:
- Road safety concerns in particular construction access via Duntaylor Avenue
  - Adverse impact on Red Squirrels
  - Flood Risk
  - Drainage issues
  - Noise pollution
  - Adverse impact on residential amenity
  - Adverse impact on visual amenity
  - Adverse impact on water supply
  - Adverse impact on privacy
  - Decrease in property value
- 73 The material issues are addressed in the Appraisal section of this report. Possible decrease in property value is not a material planning issue

## ADDITIONAL STATEMENTS

Environment Statement	Screened – Not Required
Screening Opinion	Submitted
Environmental Impact Assessment	Not Required
Appropriate Assessment	Not Required
Design Statement/Design and Access Statement	Submitted
Report on Impact or Potential Impact	Flood Risk Assessment, Transport Assessment, Ecology Survey and Landscape and Visual Impact Assessment

## APPRAISAL

### Policy

- 74 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.
- 75 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

- 76 The principle of residential development for over 100 dwellings has been established through its allocation in the LDP. The proposed residential density of the current submission of 80 units is obviously lower than the allocation of the site and has been based on a low density indicative layout plan of detached dwellings. The proposed density is considered to be acceptable at this location and therefore the principle of the development can be supported.

### Ste Specific Requirements

- 77 These requirements will be assessed in turn and many will address concerns raised by objectors.

## **Flood Risk Assessment**

- 78 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.
- 79 Both a Flood Risk Assessment (FRA) and a Drainage Impact Assessment (DIA) have been submitted in support of the application. They have been assessed by SEPA and the Councils Flood Risk Officer. Neither have raised an objection to the proposal on the grounds of flood risk or drainage. As the application is 'In Principle' at this stage they have both recommended several conditions that will need to be dealt with for the detailed planning submission.

## **Transport Assessment**

- 80 A Transport Assessment (TA) has been submitted in support of the proposal and has been fully assessed by Transport Planning. It adequately demonstrates that the local road network can accommodate the anticipated level of traffic associated with this type and scale of development. The TA also outlines the broad accessibility of the site via sustainable travel modes, however it is accepted that much of the detail of this will be developed as part of future detailed designs as there will be a requirement for better pedestrian and public transport facilities on the A827 Kenmore Road to support the development. This would also include the relocation of the 30mph zone to the west side of the development.
- 81 The site offers a certain level of permeability and connectivity to the existing road network which is in line with the requirements of Designing Streets. It is expected that all aspects of new roads, transport infrastructure, accesses etc. will be in accordance with the National Roads Development Guide with much of the detail determined as part of a future planning application and Roads Construction Consent application.
- 82 The indicative phasing plan suggests that the affordable element that joins Duntaylor Avenue will be built first. This has raised significant objection by members of the public and I would agree with some of safety concerns expressed about construction traffic using this route for this phase. A condition restricting HGV construction access through Duntaylor Avenue is considered appropriate at this stage and that a Construction Traffic Management Plan should be prepared that details the mitigation measures to be used to minimise the impact on the existing network. This may require temporary access to be taken from elsewhere for construction traffic.

### **Primary Access from A827 Kenmore Road**

- 83 The submitted plans and the Transport Assessment confirm that primary access to the site will be from the A827 Kenmore Road. Transport Planning have assessed the proposed access to the site and have not raised any issues regarding its suitability to accommodate the proposed development or any road safety concerns.

### **Connection to Duntaylor Farm**

- 84 The submitted plans show that there will continue to be connection with the adjoining farm and no issues have been raised by Transport Planning in terms of conflict of uses and traffic.

### **Landscaping Framework**

- 85 A Landscape Framework has been submitted in support of the proposal and provides a detailed integration and biodiversity strategy for the site.
- 86 The Landscape Framework provides suitable guidance to illustrate how future design of the site should be informed when working up the detailed design of the site. It is considered that with careful assimilation of new building plots and roads with new areas of landscape planting it should result in a sensitively worked proposal that keeps long term biodiversity at the forefront and ensure the provision of an attractive environment for the development.

### **Boundary Treatment to form settlement gateway on A827**

- 87 As it is an 'In Principle' application, it is considered to be too early in the process to require full details of any boundary treatment. The applicant has expressed his desire to create an attractive gateway into the site from the A827 and this will be fully assessed with any detailed application.

### **Enhancement of Biodiversity including Otter Survey**

- 88 A detailed Ecological Appraisal was submitted in support of the proposal. The site was surveyed by a visual ground survey to assess the ecological impact of the proposed development on the farmland; if there are protected species using the site; and the potential risk to the present habitat/wildlife from the proposed development.
- 89 Field surveys were carried out to assess for the presence/absence of otters and their resting places; presence/absence of bats and their roosts; presence/absence of red squirrels and their dreys; presence/absence of specially protected, sensitive or very rare species of birds; presence/absence of other protected species; and assess the habitat quality.

- 90 Results of the survey demonstrated that the proposed development will have a low ecological impact on the site. The River Tay is designated a Special Area of Conservation for its otter interest. There were no signs or sightings of otters recorded in the proposed development site, or up to 250m in the surrounding area during the survey period. The stream has the potential to be a corridor along which otters travel, however, there was no evidence to indicate that otters were using the overland route during the survey period and the volume of water in the stream is low.
- 91 The Council's Biodiversity Officer agrees that the site offers low biodiversity value as it is currently farmland and the indicative proposal should provide opportunities to enhance the biodiversity value of the site and surrounding area. Due to the longevity of the build out and potential impact on otter habitats a further otter survey prior to work commencing will be required. This can be secured through conditional control and this would achieve compliance with LDP Policy NE3 – Biodiversity and Policy EP15 - Development within the Tay Catchments.

### **Protection and enhancement of broadleaf trees and woodland within site**

- 92 A detailed Landscape Assessment has been submitted in support of the proposal and the indicative plans look to retain as much of the existing trees within the site as possible especially along the length of the burn. The retention of trees and vegetation is considered will appropriately protect the visual amenity and biodiversity of the area.
- 93 As mentioned earlier the Council's Biodiversity Officer agrees that the indicative proposal should provide opportunities to enhance the biodiversity value of the site and surrounding area.

### **Construction Method Statement (CMS)**

- 94 Even though this is an 'In Principle' application and may be too early in the planning and development process to fully assess any Construction Method Statement (CMS), it does provide a helpful guide as to how the site will be developed out.
- 95 This can be fully investigated at the detailed design stage and a condition requiring a Construction and Environmental Management Plan (CEMP) and including an updated CMS will be required for the detailed application.

### **Built form and layout - Detailed Design and Phasing**

- 96 Although the application is just seeking 'In Principle' permission the submitted masterplan provides an indicative layout of the road through the site and the plots that will be serviced from it.
- 97 The general approach to development, utilising existing landscape features to shape the layout and tie it to the overall site context is supported. The design

concept includes retaining existing landscape buffering and structure planting, in particular the trees that run alongside the burn

- 98 Detailed design of the site should be sensitively guided by existing field boundaries, planting and enhancing existing views, natural features and the setting of the nearby listed buildings.
- 99 All building design should reflect the age of the building, contemporary in appearance and form, avoiding a pastiche approach. Designs should be site specific, considering localised identity, outlook and solar orientation. Innovative, architectural design will be supported and a comprehensive design statement will be required to fully justify the architectural and urban design approach.
- 100 Overall, the proposed house numbers are not approved at this stage. It is intended that the scale of development will be ascertained through the outcome of the detailed applications, which will then inform associated infrastructure requirements and facilities including education and community facilities, public transport improvements and carbon reduction measures.

### **Developer Contributions**

#### Affordable Housing

- 101 As the proposal is for over 80 dwellings the Council Affordable Housing Policy applies requiring 25% of the development to contain affordable units. As the application is just In Principle a condition to reflect this requirement should be included with any consent.

#### Primary Education

- 102 As the application is 'In Principle' it is not possible to provide a definitive answer at this stage regarding primary school developer contributions. It should be noted that the Developer Contributions Policy would apply to all new residential units with the exception of the affordable units. The determination of appropriate contribution, if required, will be based on the status of the school when detailed applications are submitted.

### **Cultural Heritage**

- 103 The site is in close proximity to Dun Aluinn which is a Category C listed building. The site is also in the vicinity of two Category A listed buildings, namely the Tay (General Wade's) Bridge and Castle Menzies.
- 104 Historic Environment Scotland (HES) and Perth and Kinross Heritage Trust (PKHT) have assessed the proposal due to the site proximity to listed buildings and archaeology. The Design and Access Statement and the Landscape and Townscape Assessment are considered comprehensive in their analysis of any potential impacts on the surrounding built heritage and both have no objections in principle to the proposed residential development.



## **Landscape and Visual Impact**

- 105 Safeguarding and enhancing landscape character is an important planning objective. As part of the application an assessment of the impact that the proposed development may have on the landscape, townscape and visual impact was undertaken.
- 106 The loss of rural features and the introduction of built development will result in a significant change to the local landscape. It is considered that the main landscape and visual impact will primarily be a local impact. With the existing tree belts within the site and the submitted landscape strategy will help alleviate much of any potential adverse effect on key landscape features.
- 107 Any structure planting and earthworks should be prioritised and carried out in the early stages of the development phases in order to minimise the long term visual effects of the development and this should be incorporated and agreed with through the phasing plan for the development site.
- 108 It is considered that in time the visual impact of the proposal on the townscape will soften as the development becomes part of the established built fabric of Aberfeldy.

## **Overlooking/Overshadowing**

- 109 In this case it is difficult to assess any potential overlooking or overshadowing of neighbouring properties due to application being In Principle and this issue can only be dealt with effectively at the detailed planning stage.

## **Air Quality and Noise**

- 110 As it is just an In Principle application it is difficult to fully assess any air quality or noise pollution issues. However following construction of the proposed dwellings, the development is not considered to be one which would be a high generator of noise.
- 111 Environmental Health have not identified any air quality or noise issues regarding the site or the proposal at this stage.

## **Socio-Economic Impact**

- 112 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 by almost £ 700,000 per annum. It is considered that the level of available expenditure that will be created by the development will have a significant positive impact on Aberfeldy and in particular businesses and shops in the town centre.

- 113 The proposed development will also have a positive effect in assisting Perth and Kinross Council to achieve housing and employment land requirements.

### **LEGAL AGREEMENTS**

- 114 None required at this time as it is an 'In Principle' application.

### **DIRECTION BY SCOTTISH MINISTERS**

- 115 Under the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2008, regulations 30 – 32 there have been no directions by the Scottish Government in respect of an Environmental Impact Assessment screening opinion, call in or notification relating to this application.

### **CONCLUSION AND REASONS FOR RECOMMENDATION**

- 116 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.
- 117 The development of dwellings on land that is allocated in the LDP for residential use is considered to comply with the current Development Plan and on that basis the application is recommended for approval subject to conditions.

### **RECOMMENDATION**

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

- 1 Application for the approval required by a condition imposed on this Planning Permission in Principle shall conform with the requirements of Regulation 12 of the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2008 and of Section 59 (2) and (3) of the Town and Country Planning (Scotland) Act 1997 as amended by Section 21 of the Planning etc. (Scotland) Act 2006 and, in particular, must be made before whichever is the latest of the following:
  - The expiration of 3 years from the date of the grant of the planning Permission in principle
  - The expiration of 6 months from the date on which an earlier application
  - The requisite approval was refused
  - The expiration of 6 months from the date on which an appeal against such refusal was dismissed.

Reason: In accordance with the terms of Section 59 of the Town and Country Planning (Scotland) Act 1997 as amended by Section 21 of the Planning etc (Scotland) Act 2006.

2 No works in connection with the development hereby approved shall take place until full details of the siting, design, external appearance and landscaping of the development and the means of access serving the development (hereinafter referred to as the 'matters specified by condition') have been submitted to and approved in writing by the Planning Authority. The specified matters include:

- A detailed phasing plan for the whole site
- A detailed levels survey (existing and proposed) and cross sections showing proposed finished ground and floor levels of all buildings forming part of the development phase, relative to existing ground levels and a fixed datum point.
- The siting, design, height and external materials of all buildings or structures;
- The details of all roads, footpaths and cycleways throughout the development;
- Details of any screen walls/fencing to be provided;
- Measures to maximise environmental sustainability through design, orientation and planting or any other means;
- Details of all landscaping, structure planting and screening associated with the development;
- Full details of the proposed means of disposal of foul and surface water from the development.

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

3 Prior to commencement of development, a detailed Construction Environmental Management Plan (CEMP) detailing environmental mitigation measures and construction method statements, including specific measures for environmental monitoring during construction, shall be submitted to and approved in writing by the Planning Authority in consultation with the Scottish Environment Protection Agency and Perth and Kinross Council's Environmental Health Section. Such details shall be submitted not less than two month prior to the agreed scheduled commencement date and shall incorporate detailed pollution avoidance and mitigation measures for all construction elements. Thereafter the approved CEMP shall thereafter be fully respected and adhered to through the construction phase of the development.

Reason: To ensure the construction phase is carefully managed to minimise landscape impacts and mitigate for any associated impacts on ecology, neighbours, general public and the wider environment.

- 4 Notwithstanding the details on the indicative masterplan and prior to the commencement of any works in connection with each phase a development brief shall be provided for the area covered. The briefs shall specify:

- The height and appearance of all new structures.
- The use of appropriate external materials including walls, fences and other boundary enclosures.
- The surfacing of all new roads, parking areas, cycleways and footpaths;
- The lighting of all streets and footpaths.
- The layout of play areas and the equipment to be installed.
- Maintenance of all open space and treed areas not included in private house plots.
- Details of car charging points to be provided within the development.

Once approved, all development in the respective areas shall be carried out in accordance with the approved briefs.

Reason: In order to give further consideration to those details which have still to be submitted.

- 5 The site layout plan and housing numbers as submitted is purely indicative and is not approved.

Reason: The application is for planning permission in principle only at this stage.

- 6 No work shall start on the relevant parts of the site unless 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 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.

- 7 As part of any detailed application an updated Flood Risk Assessment must be submitted for the written approval of the Planning Authority in consultation with SEPA and all work shall be carried out in accordance with the approved plan.

Reason: To avoid flood risk.

- 8 Prior to the commencement of development full design details of any proposed culverts shall be submitted to and agreed in writing by the Planning Authority, in consultation with the Council's Flooding Team and SEPA. The agreed detail shall thereafter be implemented prior to the completion of the development.

Reason: To avoid flood risk.

- 9 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.

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

- 10 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.

- 11 The Finished Floor Level of all properties shall be a minimum of 600mm above the 200 year flood level including 20% for climate Change.

Reason: To reduce flood risk.

- 12 A minimum of a 5m Maintenance strip either side of the watercourse must be provided along all watercourses (Unnamed watercourse as referred to in the FRA dated 14 March 2016) within the extents of the proposed development.

Reason: To allow suitable access to the watercourse for maintenance purposes.

- 13 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.

- 14 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.

- 15 Prior to the occupation or use of any part of the approved development 'Pick up and drop off' areas for school children / bus passengers shall be provided on both sides of the A827 public road adjacent to the access to the development. The areas shall be a minimum of 6m long by nominally 1.8m wide kerbed and surfaced to the requirements of the Council as Roads Authority to the satisfaction of the Planning Authority. The area on the north side of the A827 shall also incorporate a 3 bay glazed bus shelter.

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

- 16 Prior to the commencement of works on any part of 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:

- Restriction of construction traffic to approved routes and the measures to be put in place to avoid other routes being used.
- 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.
- 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.
- Arrangements for cleaning of roads affected by material deposited from construction sites associated with the development.
- 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.
- Details of information signs to inform other road users of construction traffic.
- Arrangements to ensure that access for emergency service vehicles are not impeded.
- Co-ordination with other major commercial users known to use roads affected by construction traffic.

- Traffic arrangements in the immediate vicinity of temporary construction compounds.
- Monitoring, reporting and implementation arrangements.
- 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: Reason: In the interests of pedestrian and traffic safety, residential amenity.

- 17 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 and agreed by the Planning Authority.

Reason: In the interest of protecting environmental quality and biodiversity.

- 18 No works which include the creation of trenches, culverts or the presence of pipes will commence until measures to protect animals from becoming trapped in open excavations and/or pipes and culverts are submitted to and approved in writing by the planning authority. The measures could include, but are not restricted to, creation of sloping escape ramps from trenches and excavations and securely sealing open pipework at the end of each working day.

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

- 19 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 interest of protecting environmental quality and bio-diversity.

- 20 Prior to the commencement of development details of proposed bat and bird provisions shall be submitted to and agreed by the Planning Authority. The agreed detail shall thereafter be implemented prior to the completion of the development.

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

- 21 The development shall be in accordance with the Council's 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.

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

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

Reason: To comply with the Council's approved policy on developer contributions.

- 23 Duntaylor Avenue shall not be used at any time by construction traffic associated with the development, unless otherwise agreed by the Planning Authority.

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

### **INFORMATIVES**

- 1 Application for the approval of matters specified in conditions shall be made before the expiration of 3 years from the date of the grant of planning permission in principle, unless an earlier application for such approval has been refused or an appeal against such refusal has been dismissed, in which case application for the approval of all outstanding matters specified in conditions must be made within 6 months of the date of such refusal or dismissal.
- 2 The approved development shall be commenced not later than the expiration of 3 years from the date of grant of planning permission in principle or 2 years from the final approval of matters specified in conditions, whichever is later.
- 3 Applicants are advised that should their application for 'matters specified by condition' be refused and/or their appeal against such refusal dismissed outwith the three year time limit they are entitled to submit a revised application for 'matters specified by condition' within six months after the date of refusal of the earlier application or of the dismissal of an appeal against such refusal.
- 4 The applicant 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.
- 5 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.



- 6 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.
- 7 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.
- 8 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](http://www.sepa.org.uk)
- 9 The Council's Community Waste Adviser in the Environment Service should be contacted to clarify the bin storage requirements for the development.
- 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.
- 11 Because of a disused tip approximately 200m 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.

Background Papers: 11 letters of representation  
Contact Officer: Steve Callan – Ext 75337  
Date: 29 June 2016

Nick Brian  
Development Quality Manager

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