

Perth and Kinross Council
Planning and Placemaking Committee – 25 January 2023
Report of Handling by Head of Planning & Development
(Report No. 23/03)

PROPOSAL: Erection of 20 dwellinghouses and associated works

LOCATION: Land 70 metres east of 3 Losset Park, Losset Road, Alyth

Ref. No: [22/01043/FLL](#)

Ward No: P2 – Strathmore

Summary

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

BACKGROUND AND DESCRIPTION OF PROPOSAL

- 1 Full planning permission is sought for the erection of 20 dwellinghouses and associated works within a 1.3 hectare paddock in north east Alyth. The paddock is associated with 'The Losset', a detached dwellinghouse located to the south east of the paddock but out with the application site. The site is accessed from Losset Road which occupies the southern boundary of the application site. The site rises from Losset Road northwards by approximately 11 metres. There is a saddle in the centre of the site with level differences of approximately 1-2 metres. There are five Sitka Spruce trees located close to Losset Road. The site is surrounded by existing residential development on the north, west and east sides. Along the western boundary are no's 2-5 Losset Park, a small cul-de-sac development of modern detached houses, approved in 2000-2001, which back onto the application site. These houses sit relatively close to the application site boundary with limited rear garden ground depths. To the east is a further cul-de-sac development which is a spur of Losset Road. There are further detached properties here which overlook the site. To the north is Meethill Road which runs parallel to Losset Road, again with properties backing onto the application site. To the south, on the opposite side of Losset Road is the Diamond Jubilee Park and Play Area which includes the Jubilee Park House/Fyfe Jamieson Pavilion building.
- 2 The proposal is to form a single access at the southern edge of the site onto Losset Road. Flanking the access are two sets of semi detached affordable dwellings which are proposed to be single storey, 5.6 metres in height, two bedroom units finished in anthracite concrete tiles, white render and larch cladding. The access extends centrally into the site with a loop road proposed within the site, 11 detached dwellings are proposed on the outer

side of the loop with 5 further detached dwellings located centrally within the loop. All are proposed to front onto the loop road.

- 3 There are 6 house types proposed, all are similar in their form and scale other than House Type 4A and B which are proposed to be larger given the scale of plots 5 and 9. Each house type is generally a storey and a half in height, with upper floors served by either dormer windows or rooflights. There is a consistency in finishing materials across all plots with the finishes proposed to match the affordable units as outlined above.
- 4 A Sustainable Urban Drainage Pond (SUDS) is proposed in the south west corner of the site, adjacent to the affordable housing units. A retaining structure is proposed to the north of plots 6, 7 and 8 to take account of the slope on this part of the site.

Pre-Application Consultation

- 5 The proposed development is not classed as a Major development in terms of the Town and Country Planning (Hierarchy of Developments) (Scotland) Regulations 2009. Therefore, the applicant was not required to undertake any formal pre-application consultation with the local community.

National Policy and Guidance

- 6 The Scottish Government expresses its planning policies through The National Planning Frameworks, 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 2014

- 7 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. This is a statutory document and material consideration in any planning application. It 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.

Revised Draft National Planning Framework 2022

- 8 The revised draft 4 National Planning Statement was published on 8 November 2022 and approved at Parliament on 11 January 2023. The principal policies of this document set out to encourage, promote and facilitate development that meets with the six overarching spatial principles, which includes local living, compact urban growth and the creation of sustainable and liveable places. This development proposal accords with the principal intentions of this document.

The Scottish Planning Policy 2014 (SPP)

- 9 The Scottish Planning Policy (SPP) 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.
- 10 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

Planning Advice Notes

- 11 The following Scottish Government Planning Advice Notes (PANs) and Guidance Documents are of relevance to the proposal:
- PAN 40 Development Management
 - PAN 51 Planning, Environmental Protection and Regulation
 - PAN 61 Planning and Sustainable Urban Drainage Systems
 - PAN 68 Design Statements
 - PAN 69 Planning and Building standards Advice on Flooding
 - PAN 75 Planning for Transport
 - PAN 77 Designing Safer Places

Creating Places 2013

- 12 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

- 13 Designing Streets is the policy statement in Scotland for street design and changes the emphasis of guidance on street design towards place-making and away from a system focused upon the dominance of motor vehicles. It was created to support the Scottish Government's place-making agenda, alongside Creating Places.

National Roads Development Guide 2014

- 14 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

- 15 The Development Plan for the area comprises the TAYplan Strategic Development Plan 2016-2036 and the Perth and Kinross Local Development Plan 2019.

TAYPlan Strategic Development Plan 2016-2036

- 16 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.”

Perth and Kinross Local Development Plan 2

- 17 The Local Development Plan 2 (2019) (LDP2) 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.
- 18 The principal relevant policies are, in summary;
- Policy 1A: Placemaking
 - Policy 1B: Placemaking
 - Policy 2: Design Statements
 - Policy 5: Infrastructure Contributions
 - Policy 6: Settlement Boundaries
 - Policy 15: Public Access
 - Policy 17: Residential Areas
 - Policy 20: Affordable Housing
 - Policy 26B: Archaeology and Archaeology: Archaeology
 - Policy 32: Embedding Low & Zero Carbon Generating Technologies in New Development
 - Policy 39: Landscape
 - Policy 40B: Forestry, Woodland and Trees: Trees, Woodland and Development
 - Policy 41: Biodiversity
 - Policy 52: New Development and Flooding

- Policy 53B: Water Environment and Drainage: Foul Drainage
- Policy 53C: Water Environment and Drainage: Surface Water Drainage
- Policy 60B: Transport Standards and Accessibility Requirements: New Development Proposals

OTHER POLICIES

Developer Contributions and Affordable Housing Supplementary Guidance April 2020

- 19 This document sets out the Council's policies on Developer Contributions in relation to Primary Education and Transport Infrastructure/A9 junction upgrades, as well as setting out what Affordable Housing provision is required for new developments.

Placemaking Supplementary Guidance 2020

- 20 The Council has prepared Placemaking Supplementary Guidance (2020) to support Policy 1 (Placemaking) of the Perth and Kinross Local Development Plan 2 (2019). It is to be used in the assessment of planning applications and to assist in the placemaking process.

Open Space for New Developments Supplementary Guidance 2021

- 21 This document sets out the open space requirements for new housing developments.

SITE HISTORY

- 22 None.

CONSULTATIONS

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

External

- 24 **Alyth Community Council** – Concerns expressed regarding cumulative impact with other housing developments. Concerns regarding traffic generation/safety and impact on local services/lack of drainage capacity.
- 25 **Scottish Water** – No objection but separate application required to connect to their assets.
- 26 **Perth and Kinross Heritage Trust** – Condition recommended to ensure archaeological investigation

Internal

- 27 **Community Greenspace** – No objection.

- 28 **Development Plan** – Comments provided regarding layout and open space requirements.
- 29 **Environmental Health (Contaminated Land)** – No objection.
- 30 **Transport Planning** – No objection. Road layout, parking and turning arrangements considered to be acceptable. Existing road network considered to be capable of accommodating traffic associated with both construction operations and upon completion, subject to conditions.
- 31 **Development Contributions Officer** – No contributions required.
- 32 **Affordable Housing Officer** – Provision of four on site units considered to be acceptable with fifth affordable unit being secured by a commuted sum.
- 33 **Environmental Health (Noise Odour)** – No objection.
- 34 **Community Waste Advisor - Environment Service** – No objection.
- 35 **Biodiversity/Tree Officer** – Ecological Assessment considered to be acceptable subject to a condition to secure biodiversity enhancement on site.
- 36 **Structures and Flooding** – Proposed drainage arrangements considered to be acceptable subject to a condition to secure detailed design.

Representations

- 37 Nine representations were received including one from Alyth Community Council all of which object to the proposal. The main issues raised within the representations are:
- Construction traffic impact
 - Road safety
 - Traffic congestion
 - Sewer capacity
 - Impact on trees
 - Impact on local services (health care/refuse/education)
 - Impact on landscape
 - Noise pollution
 - Light pollution
 - Adverse effect on visual amenity
 - Flood risk
 - Inappropriate land use
 - Loss of open space
 - Out of character with area
 - Overlooking
 - Air pollution
 - Overdevelopment
 - Loss of agricultural land
 - Not allocated for development in Local Development Plan

- Cumulative impact with other ongoing housing developments

38 These issues are addressed in the Appraisal section of the report.

ADDITIONAL STATEMENTS

39

Screening Opinion	EIA Not Required
Environmental Impact Assessment (EIA): Environmental Report	Submitted/Not Required/Not applicable
Appropriate Assessment	Habitats Regulations Appraisal AA Not Required
Design Statement or Design and Access Statement	Submitted
Report on Impact or Potential Impact	Ecological Survey Supporting Planning Statement Tree Survey

APPRAISAL

40 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 2019. 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 outlined above.

Principle

41 Alyth is identified as a settlement within the Perth and Kinross Local Development Plan 2 (2019) and is identified as "white land" where Policy 17 applies. This states that infill residential development will be appropriate subject to it reflecting the character, layout and amenity of the area. Policies 1A and B echoes this and states that new development should complement its surroundings in terms of form, appearance, height, scale, massing, materials, finishes and colours, amongst other criteria.

42 Whilst the application site is currently used as a paddock and does provide an attractive green space close to the edge of the settlement it does not have any formal designation with the LDP2 and therefore there is no protection offered to the site in planning policy terms as would be the case if the site had been designated as open space, such as like the Diamond Jubilee Park has been to the south. Furthermore, the site has been used previously for agricultural purposes but given the sites location within a settlement, close to existing services it is considered to be appropriate for residential development. The agricultural use of the site can be catered for elsewhere out with the settlement.

- 43 The general principle of the residential development is therefore acceptable given the proposal for infill development and the proposal and is considered to accord with Policy 17 of the LDP2. An assessment of the design and layout along with other technical matters including drainage, access, residential amenity and ecology is provided below.

Design and Layout

- 44 Generally, the design and scale of development should respect its surroundings and adhere to Policies 1A and B of LDP2, which relate to placemaking. Further guidance is also provided within the associated Placemaking Supplementary Guidance.
- 45 Furthermore, through Creating Places 2013, Scottish Ministers set 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.
- 46 The character of the area is relatively uniform, with detached properties located to the west and east of the site, both served by cul-de-sacs and properties to the north and south fronting onto both Losset Road and Meethill Road. Plot sizes are relatively consistent and generally quite large reflecting the relatively open feel to this edge of settlement location.
- 47 The proposal includes a number of varying plot sizes which range from smaller plots to accommodate the two bedroom affordable units which are approximately 270sqm each. The remaining plots range from 300sqm to 1115sqm providing a range of house plots sizes. Each house is to be provided with a driveway and parking area to the side of the house to avoid car orientated frontages.
- 48 The plot sizes proposed in this instance are considered acceptable as they exceed the standards of the Placemaking Supplementary Guidance in terms of overall plot footprint and provision of garden ground and are not out of context with existing house plots in the area. Overall, the site layout proposed is considered be relatively low density.
- 49 There is only one available access and egress point for the site at Losset Road and therefore the use of a loop road layout is considered to be appropriate as it avoids any cul-de-sac/dead end arrangements which would not meet the Council's Placemaking Supplementary Guidance.
- 50 In terms of design the houses are proposed to be storey and half with either dormer windows or rooflights serving upstairs accommodation. A total of six differing house types are proposed to enable variation across the site. The design form and scale of the proposed dwellings is considered to be consistent with other dwellings in the locality, reflecting the established character. A consistent palette of materials across the site is proposed including anthracite roof tiles, white render and larch cladding.

- 51 As mentioned above given the topography of the site and the steep slope at the northern end, a retaining structure is proposed behind plots 6, 7 and 8. Clarity has been provided on the design and form of this structure in the form of sectional drawings. This is proposed to be a stepped structure which will help to limit its bulk and mass when viewed from the rear of plots 6-8. The structure is proposed to be planted to help to soften its appearance.
- 52 It is considered that the layout is not an overdevelopment of the site and reflects the general character and layout of the surrounding built form. The design and scale of development proposed is therefore considered to comply with Policies 1A and B, which relate to placemaking, and the criteria outlined in Policy 17 for residential areas of LDP2.

Residential Amenity

- 53 Policies 1A and B require any development to not detrimentally impact on residential amenity and to ensure any occupiers of new development have an adequate level of residential amenity.

Impacts on adjoining properties

- 54 The formation of residential development has the potential to result in overlooking and overshadowing to neighbouring dwellings and garden ground. There is a need to secure privacy for all the parties to the development, those who would live in the new dwellings, those that live in the existing house and those that live in adjoining dwellings. Planning control has a duty to future occupiers not to create situations of potential conflict between neighbours.
- 55 The Council's guidance generally seeks to ensure there is a minimum distance of 9m from windows to boundaries in order to mitigate overlooking from new development. In this instance the layout has been formed to take account of these requirements and the window to boundary distances are marked on the submitted site plan. Furthermore plots 1-4 along the western boundary of the site have been set back into the site to take account of the properties to the west at Losset Park being located so close to the boundary. This enables the required 18 metres from window to window to be achieved which is considered to be sufficient to mitigate overlooking.
- 56 There are not considered to be any overlooking concerns from the other plots. Plots 5-9 sit substantially lower in the site than the neighbouring properties which will ensure they do not overlook the neighbours. Furthermore, these properties also meet the Placemaking Supplementary Guidance which require 9m window to boundary distances. The remaining plots, located within the loop, and the affordable units to the south of the site, have all been oriented to meet the Placemaking Supplementary Guidance requirements in terms of window to boundary and garden ground sizes.

Daylight/Overshadowing

- 57 Although overshadowing is not a matter specifically referred to in ministerial guidance, the protection of neighbouring developments from unreasonable loss of light is a well-established proper planning consideration.
- 58 The Council's adopted Supplementary Guidance relating to Placemaking includes specific information on how the issue of overshadowing can be assessed. This is known as the 25 degrees rule. Any proposed development should maintain and allow for a reasonable amount of natural daylight to the internal living space of neighbouring residential properties. Established practise determines that 25 degrees is a suitable maximum obstruction path which should be afforded directly to a front or rear aspect. Having carried out an assessment of the proposed development the height of the proposed buildings does not breach the 25-degree obstruction path as outlined in the Supplementary Guidance. Therefore, the proposed development is thus considered acceptable in terms of its impact on daylight.

Private Amenity Space

- 59 The extent in which private amenity space is used relates specifically to the dwellings occupant. It is therefore particularly difficult to forecast the extent of garden ground required and ultimately overtime this will change with any new inhabitant. Nevertheless, it is important to seek an outside area that can perform the minimum to be expected of a garden i.e., clothes drying, dustbin storage and sitting out. Each house is provided with an adequate level of garden ground for the size of house and meets the Placemaking Supplementary Guidance in terms of garden ground.
- 60 Overall, the development is considered acceptable in terms of the impact on residential amenity of neighbours and the amenity of future occupiers and therefore accords with the Local Development Plan where it relates to residential amenity.

Landscaping and Trees

- 61 Policies 1A and B of the LDP2 seek (amongst other things) to ensure that all new sites have a suitable landscape framework which can absorb the development proposed and that development contributes positively to the surrounding built and natural environment. Policy 40B requires applications to be accompanied by a tree survey where there are existing trees on a site.
- 62 A Tree Survey accompanies the application and makes reference to a total of 19 trees, however the majority of these trees are located within the grounds of The Losset which is actually outwith the planning application site to the south east. The only trees located within the application site are trees T1343-B1 located in the south west corner and trees T1433-C1 and T1432-U located adjacent to the main access into the site. All of these trees are Sitka Spruce. The trees at the access are proposed to be felled to accommodate the access and both are described within the tree survey to be in poor condition with limited life span. The Sitka Spruce in the south west corner is proposed to be

retained. The level of felling, given the condition of the trees is considered to be acceptable.

- 63 A condition is recommended to ensure the mitigation contained within the tree report and tree protection measures are implemented (Condition 4). The proposal also includes a detailed landscaping scheme including provision of a landscape belt around the edge of the site to aid in protected species movement across the site. A further condition requiring the implementation of the landscaping plan is also recommended, to compensate for the tree loss (Condition 5).
- 64 Subject to the above conditions the proposal is considered to accord with Policies 1A and B relating to placemaking and 40B relating to trees and woodland of LDP2.

Open Space

- 65 The Council's Open Space for New Developments Supplementary Guidance 2021 outlines the situations in which public open space is required within new housing development sites. The SG makes it clear that open space within new development sites is only required depending on the proximity of the development to existing provision. It outlines a series of accessibility benchmarks which outline how close an individual should be to a public park, playground, playing field and path/green corridor. In this instance the application sits immediately adjacent to the Diamond Jubilee Park which is located on the opposite side of Losset Road to the south of the site. This park includes a large recreation ground and play area. The presence of the adjacent large park is considered to be sufficient to cater for the future residents of the application site and therefore an area of landscaped open space is not considered to be necessary.
- 66 Nevertheless, the proposal includes a landscaping belt around the site together with a planted SUDS pond area and small area of landscaping to the south of plot 16 which are considered to be appropriate in terms of general landscaping provision on site. A condition is recommended to ensure the landscaping and planting is implemented (Condition 5).

Traffic and Transport

- 67 Policy 60B of LDP2 is relevant and requires that new development does not impact on the road safety of the area. The National Roads Development Guide (NRDG) is also considered to be relevant. This provides detail on parking and access requirements. The proposed access is to be taken from Losset Road on the southern boundary of the site. This is an adopted public road which provides a westwards connection towards central Alyth and onto the B952 Commercial Street. This provides connections to the north and also to the south towards the A926 (Blairgowrie to Forfar) . The existing public road network has been reviewed by Transport Planning and is considered to be capable of accommodation the traffic associated with this 20 house development.

- 68 Each dwelling is provided with an appropriate parking and turning area in accordance with policy and guidance. Transport Planning have offered no objection to the application.
- 69 A Construction Traffic Management Statement will be required by condition, to ensure that construction traffic movement impacts are managed. (Condition 10).
- 70 Furthermore, a Residential Travel Plan will also be required by condition to encourage occupiers of the site to utilise sustainable means of transport. (Condition 12).
- 71 The proposal therefore complies with Policy 60B of the LDP2.

Pedestrian Linkages

- 72 As mentioned elsewhere there is only one point of access into the site with the remainder of the site enclosed by existing housing. Losset Road to the south is identified as part of the core path network between Alyth and Glenisla golf course to the east and the footway network proposed within the site connects directly onto the core path. A crossing point is proposed over the vehicular access to ensure users of the core path are catered for in accordance with the requirements of Policy 15 of the LDP2. For the avoidance of any doubt a condition is recommended to ensure that the core path is not obstructed during construction works (Condition 8).

Ecology

- 73 Policy 41 of the LDP2 states that the Council will seek to protect and enhance all wildlife and habitats, whether formally designated or not, considering natural processes in the area. Planning permission will not be granted for development likely to have an adverse effect on protected species unless clear evidence can be provided that the ecological impacts can be satisfactorily mitigated.
- 74 The submission includes an Ecological Assessment which has been reviewed and accepted by the Council's Biodiversity Officer. It states that the site is limited ecological value given its grassland nature. It does, however recommended bio diversity enhancement measures including provision of bird and bat boxes within the development and landscape connectivity. The enhancement measures can be secured by condition (Condition 6).
- 75 Subject to these conditions it is considered that the proposal will meet the requirements of Policy 41 of LDP2 in relation to ecology.

Foul Drainage

- 76 The proposal is to connect the development to the Scottish Water foul drainage infrastructure which is appropriate and accords with the requirements of Policy 53B of the LDP2. However, a separate application process to Scottish Water is required to connect to their assets. An informative is recommended to make the developer aware of the requirement for a separate application to Scottish

Water. The applicant has had discussions with Scottish Water during the assessment of the application given the concerns which have been expressed in letters of representation and following this Scottish Water have indicated that there is sufficient capacity with the public drainage system to accommodate the development.

- 77 The proposal is therefore considered to comply with the requirements of Policy 53B relating to foul drainage.

Surface Water Drainage

- 78 Surface Water Drainage is proposed to be catered for utilising a Sustainable Urban Drainage System which accords with the requirements of Policy 53C of the LDP2. This includes a SUDS pond in the south west corner of the site between plots 1 and 17. An infiltration trench on the eastern side of the access road adjacent to plot 19 is also proposed. The Structures and Flooding Team have indicated that this is acceptable and that the detailed design of the system can be secured by an appropriately worded condition (Condition 7). Furthermore, a temporary construction surface water drainage facility will also be secured by condition (Condition 13) to ensure surface water issues during construction can be appropriately dealt with.

Affordable Housing

- 79 The Council's Affordable Housing Policy requires that 25% of the total number of houses, above a threshold of 5 units, for which planning consent is being sought is to be in the form of affordable housing.
- 80 The Affordable Housing requirement is therefore 5no units (20 x 0.25).
- 81 The site is located in the Strathmore Housing Market Area. In line with the Developer Contributions & Affordable Housing Supplementary Guidance (SG), on-site provision is preferred for larger developments (20+ houses or over) in Auchterarder, Blairgowrie, Crieff, Kinross, Milnathort, Perth (excluding city centre) and Scone and 10 houses or over elsewhere.
- 82 The proposal involves the provision of four affordable units at the southern end of the site adjacent to the access (plots 17-20). A condition is recommended to ensure these are occupied as affordable housing units in accordance with the SG (Condition 14). The Council's Affordable Housing Enabler has confirmed that the provision of four units on site and the payment of a commuted sum for the fifth required unit is acceptable. The commuted sum within the Strathmore Housing Market Area is £15,000. The required commuted sum must be secured prior to any decision notice being issued.

Developer Contributions

- 83 The Council Developer Contributions Supplementary Guidance requires a financial contribution towards increased primary school capacity in areas where a primary school capacity constraint has been identified. A capacity constraint is defined as where a primary school is operating at over 80% and is likely to be

operating following completion of the proposed development, extant planning permissions and Local Development Plan allocations, at or above 100% of total capacity.

- 84 This proposal is within the catchment of Alyth Primary School. Education & Children's Services have no capacity concerns in this catchment area at this time and therefore no developer contributions are required.
- 85 The site is located out with the areas where transportation contributions are required.

Waste

- 86 Waste storage facilities are proposed within each plot. Furthermore, swept path details for waste vehicles have been provided and are acceptable. Therefore, the arrangements for waste storage and collection are appropriate.

Low Carbon Technology

- 87 Policy 32 requires proposals for new buildings to demonstrate that at least 10% of the current carbon reduction emissions will be met through the installation and operation of zero and low-carbon generating technology.
- 88 The properties will need to meet the standard required under Scottish Building Standards and it is recognised that the Policy 32 requirement can be technically achieved. The exact nature and specification of these technologies can be verified prior to development commencing, and for the technology to be in place prior to occupation of the buildings to ensure the objectives of LDP2 Policy 32 are met (Condition 9).

Archaeology

- 89 Perth and Kinross Heritage Trust have indicated that the application site has archaeological potential and therefore in accordance with the requirements of Scottish Planning Policy (SPP) and Policy 26B of the LDP2, they have recommended that an archaeological investigation is undertaken. This can be secured by condition (Condition 3).

Light Pollution

- 90 Whilst the development will result in additional lighting this is not considered to significantly alter light levels in the area given the location of the site within an existing settlement and therefore the light levels apparent from the site are not considered to be detrimental to the amenity of the area.

Air Pollution

- 91 The application site is located outwith the Air Quality Management Areas within Perth and Kinross and therefore there are not considered to be any significant concerns relating to air quality in this area. Nevertheless, a Construction

Management Plan will be secured by condition to ensure dust is managed appropriately during construction (Condition 11)

Cumulative Impact with Other Developments

- 92 The Planning Act dictates that every development must be considered on its own merits. For the reasons outlined above this proposal is considered to comply with the requirements of the LDP2. Whilst there may be a degree of impact in terms of construction traffic and how this will relate to other ongoing developments in the local area, the impact which this has can be suitably managed and controlled through the use of a Construction Traffic Management Plan as required by Condition 10.

Health Care

- 93 There is an existing health centre within Alyth on New Alyth Road. There is no information to suggest that there is a capacity constraint at the local health centre at this time.

Construction Management

- 94 It is unfortunately inevitable that construction operations will result in a degree of disturbance to the local area but this is for a temporary period only. Therefore, in order to limit this as much as possible a Construction Management Plan will be secured by condition (Condition 11).

Economic Impact

- 95 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 support existing local employment and services in the area.

VARIATION OF APPLICATION UNDER SECTION 32A

- 96 This application was varied prior to determination, in accordance with the terms of section 32A of the Town and Country Planning (Scotland) Act 1997, as amended. The variations incorporate changes to the affordable house types at plots 17-20 to reduce these in scale from two storey to single storey. Some other minor amendments were made to the layout to improve landscaping provision.

PLANNING OBLIGATIONS AND LEGAL AGREEMENTS

- 97 None.

CONCLUSION AND REASONS FOR RECOMMENDATION

- 98 To conclude, the application must be determined in accordance with the adopted Development Plan unless material considerations indicate otherwise.

In this respect, the proposal is considered to comply with the approved TAYplan 2016 and the adopted Local Development Plan 2 (2019). Account has been taken account of the relevant material considerations and none has been found that would justify overriding the adopted Development Plan.

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

RECOMMENDATION

Approve the application

Conditions and Reasons for Recommendation

1. This planning permission will last only for three years from the date of this decision notice, unless the development has been lawfully started within that period.

Reason – This is a Planning Permission in terms of Section 58 of the Town and Country Planning (Scotland) Act 1997, as amended by Section 32 of the Planning (Scotland) Act 2019.

2. 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.

3. Development shall not commence until the developer has secured the implementation of a programme of archaeological work in accordance with a written scheme of archaeological investigation which has been submitted by the applicant, and agreed in writing by the Council as Planning Authority, in consultation with Perth and Kinross Heritage Trust. Thereafter, the developer shall ensure that the programme of archaeological works is fully implemented including that all excavation, preservation, recording, recovery, analysis, publication and archiving of archaeological resources within the development site is undertaken. In addition, the developer shall afford access at all reasonable times to Perth and Kinross Heritage Trust or a nominated representative and shall allow them to observe work in progress.

Reason – The site lies adjacent to an area of archaeological interest.

4. Prior to the commencement of any works on site, all trees on site (other than those marked for felling on the approved plans) and those which have Root Protection Areas which fall within the site shall be retained and protected. Protection methods shall be strictly in accordance with BS 5837 2012: Trees in Relation to Design, Demolition and Construction. Protection measures, once in place, shall remain in place for the duration of construction.

Reason – To ensure the protection of retained trees on site.

5. The detailed landscaping and planting scheme which is hereby approved shall be completed within the first available planting season (October to March) after the completion or bringing into use of the development, whichever is the earlier. The approved scheme shall thereafter be maintained to the satisfaction of the Council as Planning Authority, with any planting which fails to become established within five years being replaced in the following planting season with others of a size and species as previously approved.

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

6. The conclusions and recommended action points within the supporting biodiversity survey submitted and hereby approved (document 40 relates) shall be fully adhered to, respected and undertaken as part of the construction phase of development, to the satisfaction of the Council as Planning Authority.

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

7. Development shall not commence on site until a detailed sustainable urban drainage system (SUDS) has been submitted for the 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 – To ensure the provision of effective drainage for the site.

8. The asserted right of way/core path shown which runs along Losset Road on the immediate boundary of the site must not be obstructed during building works or on completion of the development. Any damage done to the route and/or the associated signage during building works must be made good before the development is completed or brought into use, whichever is the earlier.

Reason – To ensure continued public access to the public paths and in the interests of public safety within the site.

9. Prior to the commencement of development hereby approved, a scheme shall be submitted to, and approved in writing by, the Council as Planning Authority that demonstrates how at least 10% of the current carbon emissions reduction set by the Scottish Buildings Standards will be met through the installation and operation of low and zero-carbon technologies. This scheme shall detail for each building:

a) the technology types;

- b) illustrate, through technical calculations, that these will meet at least the 10% reduction;
- c) their siting and location; and
- d) ongoing operation and maintenance.

Once approved, the development shall be completed in accordance with the approved scheme and no individual unit shall be occupied until the scheme has been installed and operating.

Reason – To embed low and zero-carbon technologies within the development in the interest of environmental sustainability.

10. Prior to the commencement of the development hereby approved, the developer shall submit for the further written agreement of the Council as Planning Authority, in consultation with the Roads Authority (Structures), a 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) a code of conduct for HGV drivers to allow for queuing traffic to pass;
 - (d) arrangements for liaison with the Roads Authority regarding winter maintenance;
 - (e) emergency arrangements detailing communication and contingency arrangements in the event of vehicle breakdown;
 - (f) 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;
 - (g) arrangements for cleaning of roads affected by material deposited from construction sites associated with the development;
 - (h) 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;
 - (i) details of information signs to inform other road users of construction traffic;
 - (j) arrangements to ensure that access for emergency service vehicles are not impeded;
 - (k) co-ordination with other significant developments known to use roads affected by construction traffic;
 - (l) traffic arrangements in the immediate vicinity of temporary construction compounds;
 - (m) the provision and installation of traffic counters at the applicant's expense at locations to be agreed prior to the commencement of construction;
 - (n) monitoring, reporting and implementation arrangements;
 - (o) arrangements for dealing with non-compliance; and
 - (p) details of HGV movements to and from the site.

The TMS as approved shall be strictly adhered to during the entire site construction programme.

Reason – In the interests of pedestrian and traffic safety.

11. Prior to the commencement of any development a Construction Management Plan (CMP) shall be submitted to and approved in writing by the Council as Planning Authority. The CMP shall detail required mitigation measures and construction method statements, including specific measures for monitoring during construction. The CMP should include detailed pollution avoidance measures and dust control measures for all construction elements. The CMP, as approved in writing, shall be strictly adhered to for the duration of 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 neighbours, general public and the wider environment.

12. Prior to the development hereby approved being completed or brought into use a Residential Travel Plan (RTP), aimed to encourage more sustainable means of travel, shall be submitted and approved in writing by the Council. The RTP 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 interest of sustainable travel and in accordance with the policies of the adopted Perth and Kinross Local Development Plan 2019.

13. 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 in full.

Reason – To ensure surface water drainage is adequately managed during construction operations.

14. The onsite affordable units hereby approved (Plots 17, 18, 19 and 20) shall be occupied solely for the purposes of affordable housing, as defined within the Council's Developer Contributions and Affordable Housing Supplementary Guidance 2020 and Policy 20 of the Perth and Kinross Council Local Development Plan 2 (2019), to the satisfaction of the Council as Planning Authority.

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

JUSTIFICATION

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

PROCEDURAL NOTES

No permission should be issued until the commuted sum relating to Affordable Housing provision (£15,000) has been paid in full.

INFORMATIVES

1. 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.
2. 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.
3. This planning permission is granted subject to conditions, some of which require further information to be submitted to Development Management either before works can start on site or at a certain time. The required information must be submitted via the ePlanning portal if your original application was lodged that way, otherwise send it to us at developmentmanagement@pkc.gov.uk. Please be aware that a fee is payable in respect of each request made, though there is no limit to the number of conditions that can be discharged in a single request. The Fees Charter is available on our website www.pkc.gov.uk.

The Council has two months to consider the information. You should therefore submit the required information more than two months before your permission expires. We cannot guarantee that submissions made within two months of the expiry date of your permission will be able to be dealt with before your permission lapses.

4. No work shall be commenced until an application for building warrant has been submitted and approved.
5. Application for a new postal address should be made via the Street Naming and Numbering page on the Perth & Kinross Council website at www.pkc.gov.uk/snn. Please note there is a charge for this service and submission cannot be made until the relevant Building Warrant has been approved.
6. The applicant is advised that in terms of Sections 56 of the Roads (Scotland) Act 1984 he/she/they must obtain from the Council, as Roads Authority, consent to open an existing road or footway prior to the commencement of works. Information on junction types, requirements for Vehicular Access consents (VA1) and application forms are available at www.pkc.gov.uk/vehicleaccess. Advice on the disposal of surface water

should be sought at the initial stages of design from Scottish Water and the Scottish Environment Protection Agency.

7. 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.
8. An approved Street Lighting design is required please contact Perth & Kinross Council Street Lighting department for further details.
9. The applicant should be aware 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.
10. The approved stove system shall be installed and thereafter operated and maintained in accordance with the manufacturer's recommendations, such that smoke odours are not exhausted into or escape into any neighbouring dwellings. Failure to do so may result in an investigation and possible action by Environmental Health under the Environmental Protection Act 1990.
11. 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 Road Construction Consent (RCC) 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. Please note that a fee is chargeable for the processing of RCC applications.
12. The developer is advised to contact Sophie Nicol, Historic Environment Manager (tel 01738 477027) Perth and Kinross Heritage Trust, to discuss terms of reference for work required.

Background Papers: 9 letters of representation
Contact Officer: John Williamson
Date: 13 January 2023

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.
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