

Perth and Kinross Council
Planning & Development Management Committee – 17 January 2018
Report of Handling by Interim Development Quality Manager

PROPOSAL: Erection of 27no. dwellinghouses, garages and associated works
(approval of matters specified in conditions 15/01177/FLL)

LOCATION: Land 200 Metres South West of Alyth Primary School, St Ninian's
Road, Alyth

Ref. No: 17/00644/AMM
Ward No: N2- Strathmore

Summary

This report recommends approval of the Associated Matters Specified by Condition application to develop a northern section phase of a larger residential development that was approved under application 09/00577/IPM and was subsequently extended under application 15/01177/FLL at land to the west of Alyth Primary School.

The proposal is considered to comply with the relevant provisions of the Development Plan and there are no material considerations apparent which would outweigh the Development Plan. It is therefore recommended for approval, subject to conditions and conclusion of a Section 75 legal agreement.

BACKGROUND AND DESCRIPTION OF PROPOSAL

- 1 This application is for the formation of 27 dwellinghouses. The development offers a variety of house designs. Most of the house designs are bungalows with 4 alternative designs and 2 house types being 1 ½ storey. They contain 3 or 4 bedrooms. The housing layout utilises a vehicular through connection from Albert Street and travels south east straight through the site before turning to finish in an offset hammerhead in the southern corner. An area of open space is incorporated into the layout which also acts as a pedestrian link to the core path network. To the north of the site is housing Albert Street and associated garden ground. Alyth Primary School and playing fields are to the East. Housing on St Ninians Road is to the South with some mature landscaping and varying boundary treatment. A post and wire fence on the West boundary.
- 2 There is a considerable amount of history associated with this site. An earlier application for this site was made in 2009. At that point in time the residential development was contrary to the Eastern Area Local Plan however the Housing Land Supply figures showed that additional housing sites were required within the Eastern Area. The requirement to meet housing supply was considered to be a significant material consideration which justified a departure from the Local Plan and the application was approved by committee subject to conditional control and the conclusion of a legal agreement.

- 3 Following the implementation of off-site drainage works (previously to be secured by legal agreement) the decision notice was released in 2012. Condition 1 of that consent required reserved matters to be submitted for approval not later than 3 years from the date of the planning permission (i.e. by 26 September 2015).
- 4 A further application was submitted in 2015 which effectively renewed the earlier application; 15/01177/FLL refers. This application took account of the updated policy position as the site was now incorporated into an allocated housing site (H60) of the Perth and Kinross Local Development Plan 2014.
- 5 This application seeks to deal with conditions associated with the in-principle consent to allow the development of the northern section of allocated site H60. This report refers to the corresponding conditions of the 'In Principle Consent' and how they are proposed to be addressed through the current application.
- 6 It should be noted that a separate application 17/00784/FLL has consent for the construction of a dry detention basin to the west of the site. This would treat and attenuate run-off from the site this proposed site as Scottish Water will not accept surface water run-off from the proposed development.

ENVIRONMENTAL IMPACT ASSESSMENT (EIA)

- 7 Directive 2011/92/EU requires the 'competent authority' (in this case Perth and Kinross Council) when giving a planning permission for particular large scale projects to do so in the knowledge of any likely significant effects on the environment. The Directive therefore sets out a procedure that must be followed for certain types of project before 'development consent' can be given.
- 8 This procedure, known as Environmental Impact Assessment (EIA), is a means of drawing together, in a systematic way, an assessment of a project's likely significant environmental effects. This helps to ensure that the importance of the predicted effects, and the scope for reducing any adverse effects, are properly understood by the public and the relevant competent authority before it makes its decision.
- 9 The proposed development, as an urban development project with a site area exceeding 0.5ha, falls under Schedule 2 (10(b)) of the Environmental Impact Assessment (Scotland) Regulations. An assessment of a project's likely significant environmental effects has already been undertaken via a screening process associated with the earlier application, an Environmental Statement was not required.

PRE-APPLICATION CONSULTATION

- 10 The proposed development is classed as a Major development under class 9 of the Town and Country Planning (Hierarchy of Developments) (Scotland) Regulations 2009. However, because the proposal is a Matters Specified by Condition application the requirements for pre-application consultation are not required at this stage of the planning process.

NATIONAL POLICY AND GUIDANCE

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

National Planning Framework

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

Scottish Planning Policy 2014

- 13 The Scottish Planning Policy (SPP) was published in June 2014 and sets out national planning policies which reflect Scottish Ministers' priorities for operation of the planning system and for the development and use of land. The SPP promotes consistency in the application of policy across Scotland whilst allowing sufficient flexibility to reflect local circumstances. It directly relates to:

- The preparation of development plans;
- The design of development, from initial concept through to delivery; and
- The determination of planning applications and appeals.

- 14 The following sections of the SPP will be of particular importance in the assessment of this proposal:

- Sustainability : paragraphs 24 - 35
- Placemaking : paragraphs 36 – 57
- Valuing the Natural Environment : paragraphs 193 – 218
- Maximising the Benefits of Green Infrastructure: paragraphs 219 – 233
- Managing Flood Risk and Drainage: paragraphs 254 – 268

Planning Advice Notes

- 15 The following Scottish Government Planning Advice Notes (PANs) and Guidance Documents are of relevance to the proposal:

- PAN 40 Development Management
- PAN 51 Planning, Environmental Protection and Regulation
- PAN 61 Planning and Sustainable Urban Drainage Systems
- PAN 65 Planning and Open Space
- PAN 67 Housing Quality
- PAN 69 Planning and Building standards Advice on Flooding

- PAN 75 Planning for Transport
- PAN 77 Designing Safer Places

Creating Places – A policy statement on architecture and place for Scotland

- 16 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.

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.

National Roads Development Guide 2014

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

DEVELOPMENT PLAN

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

TAYPlan Strategic Development Plan 2016-2036

- 20 TAYPlan sets out a vision for how the region will be in 2036 and what must occur to bring about change to achieve this vision. The vision for the area as set out in the plans states that:
- 21 *“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.”*
- 22 The following sections of the TAYplan 2016 are of particular importance in the assessment of this application.

Policy 1: Locational Priorities

- 23 Seeks to focus the majority of development in the region’s principal settlements. Alyth is identified as a Tier 3 principal settlement which has the potential to play an important but more modest role in the regional economy. It is required to accommodate a small share of the additional development.

Policy 2: Shaping Better Quality Places

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

Policy 4: Homes

- 25 Seeks to ensure there is a minimum of 5 years effective housing land supply at all times. Land should be allocated within each Housing market Area to provide a generous supply of land to assist in the delivery of 25,020 units up to year 2028 and a further 16,680 by 2036.

Policy 6: Developer Contributions

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

Policy 8: Green Networks

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

Policy 9: Managing TAYplans Assets

- 28 Seeks to respect the regional distinctiveness and scenic value of the TAYplan area through safeguarding the integrity of natural and historic assets; including habitats, wild land, sensitive green spaces, forestry, water environment, wetlands, floodplains (in-line with the Water Framework Directive), carbon sinks, species and wildlife corridors, and also geo-diversity, landscapes, parks, townscapes, archaeology, historic battlefields, historic buildings and monuments; and by allowing development where it does not adversely impact upon or preferably enhances these assets.

Perth and Kinross Local Development Plan 2014

- 29 The Local Development Plan (LDP) was adopted by Perth and Kinross Council on 3 February 2014. The LDP sets out a vision statement for the area and states that, *“Our vision is of a Perth and Kinross which is dynamic, attractive and effective which protects its assets whilst welcoming population and economic growth.”* It is the most recent statement of Council policy and is augmented by Supplementary Guidance.

- 30 The principal relevant policies are, in summary:

Policy PM1A - Placemaking

- 31 Development must contribute positively to the quality of the surrounding built and natural environment, respecting the character and amenity of the place. All development should be planned and designed with reference to climate change mitigation and adaption.

Policy PM1B - Placemaking

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

Policy PM3 - Infrastructure Contributions

- 33 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 PM4 - Settlement Boundaries

- 34 For settlements which are defined by a settlement boundary in the Plan, development will not be permitted, except within the defined settlement boundary.

Policy RD1 - Residential Areas

- 35 In identified areas, residential amenity will be protected and, where possible, improved. Small areas of private and public open space will be retained where they are of recreational or amenity value. Changes of use away from ancillary uses such as local shops will be resisted unless supported by market evidence that the existing use is non-viable. Proposals will be encouraged where they satisfy the criteria set out and are compatible with the amenity and character of an area.

Policy RD4 - Affordable Housing

- 36 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 TA1B - Transport Standards and Accessibility Requirements

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

Policy CF1B - Open Space Retention and Provision

- 38 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

- 39 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 HE2 - Listed Buildings

- 40 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 EP2 - New Development and Flooding

- 41 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 EP3B - Water, Environment and Drainage

- 42 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

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

SITE HISTORY

- 44 09/00577/IPM Residential development (in principle) 26 October 2012 Application permitted by Development Management Committee.
- 45 15/01177/FLL Application to extend the time period for the commencement of development associated with application 09/00577/IPM (Residential development) 24 September 2015 Application permitted by Development Management Committee.
- 46 16/01842/FLM Deletion of condition 5 of permission 15/01177/FLM to remove the requirement for an equipped area of play 27 January 2017 Application refused by Development Management Committee.
- 47 17/00784/FLL Installation of drainage infrastructure 26 October 2017 Application permitted under delegated powers.

CONSULTATIONS

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

External

- 49 **Scottish Environment Protection Agency** – Originally objected to the application. However with updated information being provided in a Flood Risk Assessment (FRA) associated with the drainage works that are located outwith the site (see application 17/00784/FLL) they have no objection to the measures within the FRA.
- 50 **Alyth Community Council** - No response.
- 51 **Scottish Water** – No objection. The consultation response confirms there is sufficient capacity at the Alyth waste water treatment works.

Internal

- 52 **Transport Planning** – No objection.
- 53 **Contributions Officer** – No objection subject to contribution being secured towards affordable housing.

- 54 **Community Waste Advisor** – No objection subject to incorporating infrastructure within the development to promote recycling.

REPRESENTATIONS

- 55 The following points were raised in the one letter of representation received:
- Impact on foul sewer. No mention of upgrading the sewer impact on existing drainage infrastructure.
 - Development will exacerbated surface water run-off.
 - Concerns regarding overlooking.
 - No site levels.
 - Concern with landscaping and impact on trees.
 - Concern with access arrangements into the site from St Ninians road.
 - Noise impact from construction.

- 56 These issues are addressed in the Appraisal section of this report.

ADDITIONAL STATEMENTS

Environment Statement	Not Required
Screening Opinion	Previously undertaken
Environmental Impact Assessment	Not Required
Appropriate Assessment	Not Required
Design Statement / Design and Access Statement	Submitted
Reports on Impact or Potential Impact	Submitted

APPRAISAL

- 57 Sections 25 and 37(2) of the Town & Country Planning (Scotland) Act 1997 (as amended) require the determination of the proposal to be made in accordance with the provisions of the Development Plan, unless material considerations indicate otherwise. The adopted Development Plan comprises the TAYplan Strategic Development Plan 2016–2036 and the Perth and Kinross Local Development Plan 2014. The relevant policy considerations are outlined in the policy section above and are considered in more detail below.

Principle

- 58 TAYplan Policy 1 (Location Priorities) seeks to focus the majority of development in the region's principal settlements. Alyth is identified as a Tier 3 principal settlement which has the potential to play an important but more modest role in the regional economy. It is required to accommodate a small share of the additional development thus the 27 units detailed in this application at this location satisfies this Tayplan Policy.

- 59 The site is also part of the LDP H60 allocated housing site. The principle of residential development has been established through the in principle consent 09/00577/IPM which was subsequently renewed via 15/01177/FLL. It is considered that the proposal accords with the majority of the policy requirements detailed in the Development Plan for this part of the LDP H60 site. The development of residential units as detailed in layout plan is consistent with the conditional control imposed on the in principle consent.

Design and Layout

Movement:-

- 60 The importance of movement within the environment is discussed in the Scottish Government's document on Designing Streets: A policy Statement for Scotland. This notes that: - Providing for movement along a street is vital, but it should not be considered independently of the street's other functions. The need to cater for motor vehicles is well understood by designers, but the passage of people on foot and cycle has often been neglected. Walking and cycling are important modes of travel, offering a more sustainable alternative to the car, making a positive contribution to the overall character of a place, public health, social interaction and to tackling climate change through reductions in carbon emissions.
- 61 There have been amendments to the earlier development layout for this site. It now incorporates improved permeability with linkages to the adjacent core path network through open space. It is considered that this adheres to the placemaking policies as well as Policy CF2 of the LDP which relates to public access. The agent has noted that they will be looking for the Council to take title to the open space and make a one off payment to the Council for future maintenance. This can be incorporated into the legal agreement.

Design and density:-

- 62 An important outcome of the planning process is the quality of development on the ground as ill-conceived and poorly designed development cannot be easily or cheaply rectified.
- 63 The proposal is for the erection of detached dwellings with a variety of house types for the current market. Most of the house designs are bungalows with 4 alternative designs and 2 house types being 1 ½ storey. They either contain 3 or 4 bedrooms. External finishes consist of Tuscanay beige dry dash render, dark grey concrete tiles, white upvc windows, doors, fascias and soffits, white composite cladding and black upvc gutters and down pipes. The layout includes a hierarchy of surfaces that assist in achieving a sense of place with proposed 'secondary treatments' on street edges. The street layout is considered to be usable and broadly achieves Designing Streets (2010) policy objectives.

- 64 The massing and scale of the dwellings can be accommodated within the plots without having an adverse impact on the amenity of nearby properties or the landscape. These matters are assessed in greater detail under the residential amenity and landscape heading.

Private Amenity Space:-

- 65 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. In this case a sufficient amount of private amenity space to the rear of dwellings is provided to perform the minimum expected of a garden ground taking account of the proposed dwelling type.

Landscape

- 66 Development and land use change should be compatible with the distinctive characteristics and features of Perth & Kinross's landscape. Development proposals will be supported where they do not conflict with the aim of maintaining and enhancing the landscape qualities of Perth and Kinross. In this case the formation of a residential development on this site is not considered significantly erode the quality of the landscape and was accepted under previous application.
- 67 It should also be noted that the applicant has incorporated changes to the scheme and pulled the garages away from the established landscaping located on east boundary with the school which consists of woodland and shrubs. There is a requirement for an equipped play area as part of the in-principle application; however I note that the applicant intends to incorporate this into the southern section of the H60 housing allocation which is located to the South of St Ninians Road. An Informative to this effect is proposed (Informative No. 11)

Residential Amenity

- 68 An acceptable level of amenity for the proposed property is required and in this case cognisance of the surrounding land uses has to be taken into account.
- 69 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. Having had the opportunity to assess the plans which includes site levels and cross-section I do not consider that it will impact on neighbouring properties to an extent that would be unacceptable.
- 70 The fact that new development would overlook existing residential property and affect privacy is a common planning issue, and has been held by the courts to be a proper planning consideration. There is a need to take account of overlooking and impact on residential amenity. The impact of overlooking can

vary due to site layout and the types of rooms involved, it is therefore necessary to assess each application on a case by case basis.

- 71 As a rule of thumb a minimum 18 metres window to window distance at 90 degrees is usually sought between properties to achieve a reasonable level of residential amenity however this requires to be applied flexibly taking account of site specific circumstances. This distance is reduced as the angle between the windows change and become more acute. There are no overlooking issues between the proposed development and the existing properties on St Ninians Road as the window to window distances are in excess of 18 metres. To the North of the site there will be some windows within 18 metres between the proposed development and the existing housing. However, where this occurs I do not consider that a privacy issue will arise as there are intervening garden structures, some of the windows are bathroom windows which incorporate obscure glass, others are on the acute angle. In addition a 1.8m fences is proposed along the northern boundary which will also secure privacy.
- 72 With regards to the internal layout and relationship between the plots I consider a suitable level of amenity will be achieved taking account of window to window distances, the use of obscure glazing as specified in the applicant's plans and the application of boundary treatment.

Noise

- 73 The planning system has an important role to play in preventing and limiting noise pollution. Although the planning system cannot tackle existing noise problems directly, it has the task of guiding development to the most suitable locations and regulating the layout and design of new development. The noise implications of development can be a material consideration in determining applications for planning permission.
- 74 I do not consider the development would result in such an increase in noise to a level which would conflict with surrounding land uses. I note the concern regarding construction noise in the representations received, however this will likely be a short term change to the status quo and I do not consider that conditional control is required in this case. If issues did arise then this could be addressed satisfactorily through the use of powers under the Environmental Protection Act 1990.
- 75 The proposal is considered to comply with Policy EP8 of the LDP.

Roads and Access

- 76 Policy TA1B is concerned with providing safe access and appropriate car parking. Transport Planning has been consulted and they offer no objection.
- 77 The National Roads Development Guide confirms that to meet the objectives outlined in this guidance, developments need to be well connected to their surroundings. A key aspect of connectivity is adaptability and to consider connections for future adjacent developments without leaving ransom strips. In

this case the layout results in the road end stopping short of the adjacent field. There is a requirement to ensure that the road is constructed hard against the development boundary to ensure connection can occur if future expansion occurs to the west of Alyth, conditional control is required, (Condition 2).

Drainage and Flooding

- 78 The foul drainage will be connected to the public network and a sustainable urban drainage system to deal with surface water next to the site has already been submitted and approved. SEPA have been consulted on the Flood Risk Assessment associated with the drainage works that are located out with the site see application 17/00784/FLL and they have no objection.
- 79 There is not considered to be any conflict with Policy - EP2 New Development and Flooding or EP3B and EP3C Water, Environment and Drainage of the LDP, or the requirements imposed by condition 12 of the in-principle consent.

Waste Collection

- 80 The Council's Waste Service team seeks the incorporation of a mini glass recycling point within the development to compliment the kerbside recycling services that will be provided. However, it is considered that this should be incorporated in the second phase of the H60 site. This would ensure that the recycling point is designed into the scheme and an Informative to this effect is therefore proposed (Informative No.10).

Cultural Heritage

- 81 The in principle application recognised that the development site may have archaeological potential and incorporated a pre-start condition to secure a programme of archaeological work. The applicant's agent recognises the requirement to meet condition 1 of the in-principle consent and notes this will be undertaken prior to development and in discussion with Perth and Kinross Heritage Trust.
- 82 While the word setting is not defined in planning legislation Historic Scotland's Technical Guidance Notes (formerly part of the Memorandum of Guidance on Listed Buildings and Conservation Areas 1998) specifies that authorities are firmly encouraged not to interpret the word narrowly. It highlights at all times the listed building should remain the focus of its setting.
- 83 Alyth Primary School is a category B listed school dating to 1878. The proposed development site is to the south west of the school. Visual separation is provided by the school's new extension, and the open space maintained by the playing fields to the west. The proposed development is therefore not considered to have a significant adverse impact on the listed building and its immediate setting. Accordingly, there is no conflict with Policy HE2 of the LDP

Developer Contributions

Affordable Housing:-

- 84 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.
- 85 The affordable housing requirement is 6.75 units (27 x 25%). Due to the location of the proposal and ongoing discussions regarding development viability it has been agreed that a commuted sum payment can be made in lieu of onsite provision. The commuted sum contribution for the Strathmore and Glens HMA is £11,500 per unit.

Primary Education :-

- 86 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, or likely to be operating following completion of the proposed development and extant planning permissions, at or above 80% of total capacity.
- 87 This proposal is within the catchment of Alyth Primary School. This site has been subject of ongoing discussions regarding the viability of the development. At the time of these discussions no contributions were being sought towards Alyth Primary School and to support the delivery of the site it was agreed to fix this position for a period of time to allow an application to progress. This application has been submitted within the agreed timescale and no contribution towards primary education will be required as detailed by Development Negotiations Officer.
- 88 The applicant's agent has confirmed they would intend to enter into a legal agreement to secure the affordable housing contributions for this development.

Economic Impact

- 89 There will be a positive economic impact associated with the delivery of the 27 residential dwellings. Employment opportunities will exist during the construction phase and consequently achieve increased available expenditure through net growth in residential occupation, resulting in a positive impact on consumer spend within the Strathearn Market Area.

LEGAL AGREEMENTS

- 90 Required if contributions are not paid upfront to release consent.

DIRECTION BY SCOTTISH MINISTERS

- 91 Under the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013, regulations 30 – 33 there have been no directions by the Scottish Government in respect of an Environmental Impact Assessment screening opinion, call in or notification relating to this application.

CONCLUSION AND REASONS FOR RECOMMENDATION

- 92 To conclude, the application must be determined in accordance with the adopted Development Plan unless material considerations indicate otherwise. In this respect, I have taken account of the LDP and material considerations and in this case I am content that the development proposed does not conflict with the Development Plan.
- 93 Accordingly the proposal is recommended for approval subject to the following conditions and completion of a Section 75 legal agreement.

RECOMMENDATION

A Approve the application subject to the following conditions:

Conditions and Reasons for Recommendation

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

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

- 2 Prior to the commencement of development an updated site plan shall be provided which shall include the road being installed hard up against the west application site boundary. Thereafter the road shall be installed in accordance with the approved plans prior to the completion of the last house associated with this application.

Reason: To ensure that connectivity is future proofed thus meeting the requirements on the National Roads Development Guide.

- 3 Concurrent with the initiation of the development hereby approved and for the duration of construction, a temporary surface water treatment facility which accords with SUDS principles 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 to the satisfaction of the Planning Authority.

Reason - To ensure the appropriate management of construction surface water run-off to minimise flooding and avoid discharge of sediment/pollution to the local water environment or neighbouring property, in the interests of residential and environmental amenity.

- 4 The drainage infrastructure approved under application 17/00784/FLL shall be constructed in accordance with the agreed scheme and be operational prior to the bringing into use of the development hereby approved.

Reason - To ensure the provision of effective drainage for the site.

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

Reason - To ensure a satisfactory standard of development and environmental quality and to reserve the rights of the Planning Authority.

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

Reason - In the interests of visual amenity and to ensure the satisfactory implementation of the proposed planting scheme.

B JUSTIFICATION

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

C PROCEDURAL NOTES

- 1 Consent shall not to be issued until a Section 75 Agreement relating to planning contributions has been completed and signed to reflect the current planning reference 17/00644/AMM. The legal agreement should be concluded and completed within 4 months of the date of any Committee approval. Failure to conclude a legal agreement within 4 months may result in the planning application being re-assessed through failing to comply with the associated developer contributions policy and will be ultimately recommended for refusal under delegated powers.
- 2 The legal agreement to cover the developer contributions for the site as detailed by the developer contributions officer along with the transfer of the open space and one off payment associated with the maintenance of the open space to the Council.

D INFORMATIVES

- 1 The development hereby permitted shall be commenced no later than the expiration of two years from the date of this permission or from the date of subsequent approval of matters specified in conditions, or three years from the date of planning permission in principle, whichever is the later.
- 2 Under section 27A of the Town and Country Planning (Scotland) Act 1997 (as amended) the person undertaking the development is required to give the

planning authority prior written notification of the date on which it is intended to commence the development. A failure to comply with this statutory requirement would constitute a breach of planning control under section 123(1) of that Act, which may result in enforcement action being taken.

- 3 As soon as practicable after the development is complete, the person who completes the development is obliged by section 27B of the Town and Country Planning (Scotland) Act 1997 (as amended) to give the planning authority written notice of that position.
- 4 For information, foul flows only will be allowed to discharge to the public system. The developer should arrange to dispose of surface water privately, to the satisfaction of the statutory drainage Authority.
- 5 The applicant is advised that in terms of Sections 21 of the Roads (Scotland) Act 1984 he/she/they must obtain from the Council as Roads Authority consent to construct a new road prior to the commencement of roadworks. Advice on the disposal of surface water must be sought at the initial stages of design from Scottish Water and the Scottish Environmental Protection Agency.
- 6 Please consult the Street Naming and Numbering Officer, The Environment Service, Perth and Kinross Council, Pullar House, 35 Kinnoull Street, Perth PH1 5GD for a new postal address. The form is downloadable from www.pkc.gov.uk and should be returned to snn@pkc.gov.uk.
- 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 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.
- 9 No work shall be commenced until an application for building warrant has been submitted and approved.
- 10 Recycling facilities should be incorporated into the second phase of the H60 site to ensure the sustainable disposal of waste.
- 11 Play provision should be incorporated into the second phase of the H60 site to ensure the terms of the in-principle consent are met.
- 12 This development will require the 'Display of notice while development is carried out', under Section 27C(1) of the Town and Country Planning Act 1997, as amended, and Regulation 41 of the Development Management Procedure (Scotland) Regulations 2013. The form of the notice is set out in Schedule 7 of

the Regulations and a draft notice is included for your guidance. In accordance with Regulation 41 the notice must be:

Displayed in a prominent place at or in the vicinity of the site of the development

Readily visible to the public

Printed on durable material.

Background Papers: 1 letter of representation

Contact Officer: John Russell 01738 475346

Date: 22 December 2017

ANNE CONDLIFFE
INTERIM DEVELOPMENT QUALITY MANAGER

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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All Council Services can offer a telephone translation facility.
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