

Perth and Kinross Council
Planning & Development Management Committee – 1 July 2020
Report of Handling by Head of Planning & Development (Report No. 20/109)

PROPOSAL: Erection of 183 dwellinghouses and 4 flats, formation of a vehicular access, play park, landscaping and associated works (approval of matters specified in conditions of 17/00088/IPM)

LOCATION: Land at Stanley Village (LDP2 Site H30)

Ref. No: [19/01130/AMM](#)
Ward No: P5 - Strathtay

Summary

This report recommends approval of the application, as the development is considered to comply with the relevant provisions of the Planning Permission in Principle 17/00088/IPM and those of the Development Plan, in particular its allocation in the Perth and Kinross Local Development Plan 2 (2019) under site reference H30.

There are no material considerations apparent which outweigh the Development Plan.

BACKGROUND AND DESCRIPTION OF PROPOSAL

- 1 This application was previously considered by the Planning and Development Committee (PDMC) at its meeting on 11 March 2020. A copy of the previous Committee Report is appended to this report for determination (Appendix 1).
- 2 At the meeting of 11 March 2020, Committee resolved to defer the determination of the application for the following reasons:
 - (i) The application to be presented to the Committee at the same time as the relevant roads applications (Ref: 19/01373/FLL – for the proposed vehicular access, bus stops and pedestrian crossing on the B9099 Road and Ref: 20/00096/FLL – for a pedestrian crossing at the western end of Duchess Street);
 - (ii) The Road Safety Audit associated with the application be made available to members of the Committee; and
 - (iii) An unaccompanied site visit by members was to take place before the above applications were presented to the Committee.
- 3 All other issues in relation to this application remain the same.
- 4 In respect of deferral reason (i), both application 19/01373/FLL and 20/00096/FLL are on this Agenda for determination. In respect of deferral

reason (ii) the requested road safety audit carried out by the applicant's transport consultant is included with the application documents and is provided as Appendix 2 to this report.

- 5 In respect of deferral reason (iii) the unaccompanied site visit, since the deferral of the application, and before an unaccompanied site visit could be arranged by Committee Services, the country went into 'lockdown' due to the COVID-19 pandemic on 23 March 2020. At the time of writing, Scotland is in Phase 2 of the route map within the [Scottish Government's Framework for Decision Making](#); which continues to limit non-essential travel for business purposes and prohibits public gatherings. This has therefore prevented any unnecessary travel from taking place and consequently no site visit by Members has to date been possible. Individual site visits by members would also be permissible if there is no alternative. It is understood that remote working will remain the default position until Phase 3 of the route map; which would allow travel beyond local areas and gatherings in extended groups, subject to physical distancing measures. Given the nature of the pandemic, it is difficult to predict a date as to when Phase 3 might take effect.
- 6 In accordance with guidance which has been issued by the Scottish Government's Chief Planner, it is incumbent on the Council to determine planning applications where this is possible. Given the current circumstances, it is appropriate to consider alternative approaches to allow the determination of this application. Following discussion between officers and the Convenor, it was agreed that it was in the interest of the Council as planning authority, to complete its consideration these planning applications rather than leaving the applicant to appeal on non-determination grounds. Accordingly, it was agreed that a video recorded site visit should be made by officers and presented to the Committee, as a reasonable and pragmatic substitution for an arranged Member site visit or indeed individual sites visits by Members'.
- 7 The video recorded site visit was carried out by two officers on 11 June 2020, with physical distancing being observed.

CONSULTATIONS

- 8 No additional consultations were required beyond those set out in Appendix 1.

REPRESENTATIONS

- 9 No re-notification has been required and no further valid representations were received as a result of the deferral. All representations associated with the original application are as detailed in Appendix 1.

APPRAISAL

- 10 There have been no physical changes made to the proposal since the deferral on 11 March 2020. As noted above, the associated planning applications for the proposed vehicular access, bus stops and pedestrian crossing on the B9099 Road (Ref: 19/01373/FLL) and pedestrian crossing at the western end of Duchess Street (Ref: 20/00096/FLL) are being determined separately on the

same Agenda. This application recognises both applications in the original assessment (Appendix 1).

- 11 The issues regarding access into and out of the site are well understood due to its location and constraint for a northern access, with limitations for access from Duchess Street. The submitted Road Safety Audit (RSA) (Appendix 2) considered the road safety impact of the proposed vehicle and pedestrian access points and the two bus stops. The RSA was first received on 27 September 2019 and updated in February 2020, following submission of the pedestrian crossing application on Duchess Street. Both have been available on the Council's Public Access service since these times.
- 12 The Council's Transport Planning team have assessed this aspect of the proposal in detail and confirmed that the proposed access points are in the optimum locations to allow safe access and egress and crossing for vehicles and pedestrians. The assessment of the proposed means of access to the site, as detailed in Appendix 1, therefore remains consistent.
- 13 In respect of all other considerations, the assessment of the application as presented to PDMC on 11 March 2020 is unchanged, as set out in Appendix 1. The proposal continues to comply with the provisions of the Development Plan and the PPP. Subject to the conditions below the application is recommended for approval.

LEGAL AGREEMENTS

- 14 The site falls under the wider PPP approval under 17/00088/IPM which has an associated Section 75 Legal Agreement which secures the necessary Developer Contributions including Affordable Housing. No further action is therefore necessary for this application.

DIRECTION BY SCOTTISH MINISTERS

- 15 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

- 16 To conclude, the application must be determined in accordance with the PPP and the adopted Development Plan, unless material considerations indicate otherwise. In this respect, account of the terms of the PPP and the Local Development Plan 2019 (LDP2) and other material considerations and in this case that the development proposal accords with these.
- 17 Accordingly, the proposal is recommended for approval subject to the following conditions.

RECOMMENDATION

Approve the application

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 that the development is carried out in accordance with the plans approved.

- 2 Prior to the development hereby approved being completed or brought into use, all matters regarding access, car parking, in curtilage electric car charging, road layout, design and specification, including the disposal of surface water, shall be in accordance with the standards required by the Council as Roads Authority.

Reason: In the interest of vehicle and pedestrian safety and in accordance with the policies of the adopted Perth and Kinross Local Development Plan 2019.

- 3 Prior to the commencement of development, a detailed design of road infrastructure improvements as per plan reference 19/01130/138 (drawing number 6148-PL-100-2101 shall be submitted to, and approved in writing by, the Council as Planning Authority. The approved scheme shall thereafter be implemented in full, prior to the occupation of the first residential unit.

Reason: In the interests of road and pedestrian safety.

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

- a) restriction of construction traffic to approved routes and the measures to be put in place to avoid other routes being used;
- b) timing of construction traffic to minimise impact on local communities particularly at school start and finishing times, on days when refuse collection is undertaken, on Sundays and during local events;
- c) arrangements for liaison with the Roads Authority regarding winter maintenance;
- d) emergency arrangements detailing communication and contingency arrangements in the event of vehicle breakdown;
- e) arrangements for the cleaning of wheels and chassis of vehicles to prevent material from construction sites associated with the development being deposited on the road;
- f) arrangements for cleaning of roads affected by material deposited from construction sites associated with the development;

- g) arrangements for signage at site accesses and crossovers and on roads to be used by construction traffic in order to provide safe access for pedestrians, cyclists and equestrians;
- h) details of information signs to inform other road users of construction traffic;
- i) arrangements to ensure that access for emergency service vehicles are not impeded;
- j) monitoring, reporting and implementation arrangements; and
- k) arrangements for dealing with non-compliance.

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

Reason: In the interests of road safety.

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

Reason: In the interests of sustainable transport.

- 6 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.

- 7 The proposed wildflower meadow mix within the approved landscaping scheme is hereby not approved and an alternative species should be submitted to an approved by the Planning Authority prior to the occupation of the first dwelling. Thereafter, the approved planting shall be implemented in full.

Reason: To ensure the satisfactory implementation of the proposed planting scheme.

- 8 The landscaping scheme, as approved, shall thereafter be implemented in full, in accordance with the approved scheme. Further, any planting which, within a period of 5 years from the completion of the approved phase of development, in the opinion of the Planning Authority is dying, has been severely damaged or is becoming seriously diseased, shall be replaced by plants of similar size and species to those originally required to be planted.

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

- 9 The approved children's play area on plan reference 19/01130/131 (drawing no. SC10463-01) shall be designed, laid out and equipped in accordance with the Planning Authority's current criteria for play area provision within six months of the occupation of the first dwelling. The play area and its facilities/equipment shall thereafter be maintained.

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

- 10 Prior to the commencement of development an updated Construction Environmental Management Plan (CEMP) must be submitted for the approval of the Planning Authority. The measures outlined in the agreed CEMP shall be adhered to at all times during the construction period.

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

- 11 The conclusions and recommended action points within the supporting Biodiversity Survey, in particular Section 2.15 of the submitted Biodiversity Management Plan submitted by IMT Ecological Consultancy June 2019 and hereby approved shall be fully adhered to, respected and undertaken as part of the construction phase of development.

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

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

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

- 13 Prior to the commencement of development, details of the location and specification of the bat and swift brick(s) shall be submitted and approved in

writing by the Council as Planning Authority. A minimum of 30% of all completed two storey houses shall incorporate one bat brick and one swift brick each and shall be incorporated at eaves height and positioned appropriately. The agreed detail shall be installed prior to the occupation of the relevant residential unit.

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

- 14 No removal of hedgerows, trees or shrubs that may be used by breeding birds shall take place between 1 March and 31 August inclusive, unless a competent ecologist has undertaken a careful, detailed check of vegetation for active birds' nests immediately before the vegetation is cleared and provided written confirmation that no birds will be harmed and/or that there are appropriate measures in place to protect nesting bird interest on site. Any such written confirmation should be submitted to the Planning Authority.

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

- 15 All existing trees and hedgerows shown to be retained shall be protected by suitable fencing in accordance with BS5837:2012 (Trees in Relation to Construction). No materials, supplies, plant, machinery, soil heaps, changes in ground levels or construction activities shall be permitted within the protected areas without the written agreement of the Council as Planning Authority.

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

- 16 All road gullies within 500m of a waterbody or Sustainable Urban Drainage System (SUDs) pond shall have wildlife kerbs installed adjacent to the gully.

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

- 17 Prior to the occupation of the first dwelling the developer will incorporate a suitable location agreed by the Planning Authority for the provision of a recycling facility to complement the existing kerbside recycling services offered in the area. The facilities/equipment shall thereafter be maintained.

Reason: In the interests of environmental quality.

- 18 The asserted core path (STAN/117) 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 that public access is maintained at all reasonable times, to the local path network.

- 19 Concurrent with the initiation of the development hereby approved and for the duration of construction, a temporary surface water treatment facility shall be

implemented on site and maintained for the duration of the approved development works. The temporary surface water treatment facility shall remain in place until the permanent surface water drainage scheme is implemented.

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

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

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

- 21 Prior to the commencement of development a scheme, including a layout plan and cross-sections, that identifies the location and confirms adequate space within the below ground service zone is available to allow for possible future provision of district heating pipes shall be submitted for the further written agreement of the Council as Planning Authority. The scheme must include timescales and any phasing for provision of the service zone within the site. The agreed scheme shall thereafter be implemented in accordance with the agreed details and timescales.

Reason: To allow district heating to be incorporated within the site at a future date.

- 22 Servicing of and deliveries to the LPG tank compound shall be carried out between 0700 and 1900 Monday to Saturday only, with no servicing or deliveries permitted on Sundays.

Reason: In the interests of residential amenity.

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

Reason: In the interests of residential amenity.

- 24 Prior to the commencement of the development details of the mitigation measures specified for acoustic glazing and trickle ventilation for properties No. 1, 2, 113 and 114 as identified in the applicants Noise Impact Assessment by CSP Acoustics 16 October 2019 shall be submitted for the written approval of the Council as Planning Authority. The agreed detail shall be installed prior to occupation of plot 1, 2, 113 and 114.

Reason: In the interests of residential amenity.

- 25 Prior to the commencement of development an updated Dust Management Plan shall be submitted for the written approval of the Council as Planning Authority. The approved plan shall be implemented throughout the construction phase of the development.

Reason: In the interests of residential amenity.

- 26 The noise and dust recommendations and mitigation measures within the submitted approved Construction Environmental Management Plan (CEMP) dated 21 June 2019 shall be fully adhered to and undertaken as part of the construction phase of the development.

Reason: In the interests of residential amenity.

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

None required, a Section 75 Legal Agreement is already in place for the site.

D INFORMATIVES

- 1 The development hereby permitted shall be commenced no later than the expiration of two years from the date of this consent or from the date of subsequent approval of matters specified in conditions, or three years from the date of planning permission in principle, whichever is the later.
- 2 Under Section 27A of the Town and Country Planning (Scotland) Act 1997 (as amended) the person undertaking the development is required to give the Planning Authority prior written notification of the date on which it is intended to commence the development. A failure to comply with this statutory requirement would constitute a breach of planning control under Section 123(1) of that Act, which may result in enforcement action being taken.
- 3 As soon as practicable after the development is complete, the person who completes the development is obliged by Section 27B of the Town and Country Planning (Scotland) Act 1997 (as amended) to give the Planning Authority written notice of that position.
- 4 This development will require the 'Display of notice while development is carried out', under Section 27C (1) of the Town and Country Planning Act 1997, as amended, and Regulation 41 of the Development Management Procedure (Scotland) Regulations 2013. The form of the notice is set out in Schedule 7 of the Regulations and a draft notice is included for your guidance. According to Regulation 41 the notice must be:

- Displayed in a prominent place at or in the vicinity of the site of the development
 - Readily visible to the public
 - Printed on durable material.
- 5 The applicant should be advised that in terms of Section 56 of the Roads (Scotland) Act 1984 they must obtain from the Council as Roads Authority consent to open an existing road or footway prior to the commencement of works. Advice on the disposal of surface water must be sought at the initial stages of design from Scottish Water and the Scottish Environment Protection Agency.
 - 6 The applicant should be advised that in terms of Section 21 of the Roads (Scotland) Act 1984 they must obtain from the Council as Roads Authority consent to construct a new road prior to the commencement of roadworks. Advice on the disposal of surface water must be sought at the initial stages of design from Scottish Water and the Scottish Environment Protection Agency.
 - 7 The applicant should be advised that all proposed structures supporting the road, or which the developer is intending the Council adopt, will require technical approval in accordance with the Design Manual for Roads & Bridges standard BD 2/12 (& HD 22/08 where relevant). Bridges and culverts shall also be designed in accordance with the requirements contained within Perth & Kinross Council's Developers Guidance Note on Flooding & Drainage. The developer is advised to contact Perth & Kinross Council's Structures & Flooding Team (tel 01738 475000, email structuresplanning@pkc.gov.uk) for further information and prior to commencing designs in order to ensure technical compliance.
 - 8 The applicant is reminded that this site is still subject to a Section 75 Legal Agreement, securing Developer Contribution requirements and other matters, as secured as part of planning permission 17/00088/IPM. This permission continues to be tied by this legal agreement and the associated requirements will continue to apply.
 - 9 The applicant is reminded that, should any protected species be present a licence may be required from Scottish Natural Heritage. Failure to obtain a licence may constitute a criminal act under the Habitats Regulations and penalties are severe for non-compliance.
 - 10 Trees and scrub are likely to contain nesting birds between 1st March and 31st August inclusive. Trees and scrub are present on the application site and are to be assumed to contain nesting birds between the above dates. The applicant is reminded that, under the Wildlife and Countryside Act 1981, as amended (section 1), it is an offence to remove, damage or destroy the nest of any wild bird while that nest is in use or being built. Planning permission for a development does not provide a defence against prosecution under this Act.
 - 11 Hedgehogs are a key species in the Tayside LBAP and enhancing connectivity is an objective. Gardens will provide suitable habitat for hedgehogs and

commuting should be made possible by creating access gaps in wooden fences 13cm x 13cm at ground level.

- 12 The applicant is recommended to discuss with the Council's Public Transport Unit the supply of bus services and public transport infrastructure to ensure an adequate public transport provision for the site.
- 13 The applicant is advised that the granting of planning consent does not guarantee a connection to Scottish Water's assets. The applicant must make a separate application to Scottish Water Planning & Development Services team for permission to connect to the public wastewater system and/or water network and all their requirements must be fully adhered to.
- 14 Construction work should minimise the impact on amenity to neighbouring residents, which could be achieved by limiting noise generating activities to Monday to Friday 07:00 to 19:00 and Saturday 08:00 to 13:00 with no noisy works out with these times or at any time on Sundays or Bank Holidays.
- 15 All planning conditions attached to the Planning Permission in Principle (PPP) approved on 21 December 2018 (application reference: 17/00088/IPM) continue to apply to the development hereby approved, unless otherwise provided for by condition of this application for the Approval of Matters Specified in Condition.
- 16 The stopping up or diversion of the Core Path STAN/117 is subject to agreement under Section 208 of the Town and Country Planning (Scotland) Act 1997 (as amended). All relevant approvals in this regard should be in place prior to any stopping up or diversions taking place.
- 17 Construction works must be undertaken in a safe manner which does not disturb the operation of the neighbouring railway. Applicants must be aware of any embankments and supporting structures which are in close proximity to their development.
- 18 Details of all changes in ground levels, laying of foundations, and operation of mechanical plant in proximity to the rail line must be submitted to Network Rail's Asset Protection Engineer for approval prior to works commencing on site. Where any works cannot be carried out in a "fail-safe" manner, it will be necessary to restrict those works to periods when the railway is closed to rail traffic i.e. by a "possession" which must be booked via Network Rail's Asset Protection Engineer and are subject to a minimum prior notice period for booking of 20 weeks.

The developer must contact our Asset Protection Engineers regarding the above matters, see contact details below:

Network Rail Asset Protection Engineer
151 St. Vincent Street, GLASGOW, G2 5NW
Tel: 0141 555 4352
E-mail: AssetProtectionScotland@networkrail.co.uk

Background Papers: 19/01130/AMM Committee Report 11 March 2020;
Road Safety Audit associated with 19/01130/AMM;
19/01373/FLL and 20/00096/FLL; and
14 letters of representation.

Contact Officer: Steve Callan
Date: 18 June 2020

DAVID LITTLEJOHN
HEAD OF PLANNING & DEVELOPMENT

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