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Council Building
2 High Street
Perth
PH1 5PH

Thursday, 08 March 2018

A Meeting of the **Planning and Development Management Committee** will be held in the **Council Chamber, 2 High Street, Perth, PH1 5PH** on **Wednesday, 14 March 2018 at 10:00**.

If you have any queries please contact Committee Services on (01738) 475000 or email Committee@pkc.gov.uk.

BERNADETTE MALONE
Chief Executive

Those attending the meeting are requested to ensure that all electronic equipment is in silent mode.

Please note that the meeting will be recorded and will be publicly available on the Council's website following the meeting.

Members:

Councillor Roz McCall (Convener)
Councillor Bob Brawn (Vice-Convener)
Councillor Henry Anderson
Councillor Bob Band
Councillor Michael Barnacle
Councillor Harry Coates
Councillor Eric Drysdale
Councillor Tom Gray
Councillor Ian James
Councillor Anne Jarvis
Councillor Lewis Simpson
Councillor Richard Watters
Councillor Willie Wilson

Planning and Development Management Committee

Wednesday, 14 March 2018

AGENDA

MEMBERS ARE REMINDED OF THEIR OBLIGATION TO DECLARE ANY FINANCIAL OR NON-FINANCIAL INTEREST WHICH THEY MAY HAVE IN ANY ITEM ON THIS AGENDA IN ACCORDANCE WITH THE COUNCILLORS' CODE OF CONDUCT.

- 1 WELCOME AND APOLOGIES**
- 2 DECLARATIONS OF INTEREST**
- 3 MINUTE OF MEETING OF THE PLANNING AND DEVELOPMENT MANAGEMENT COMMITTEE OF 14 FEBRUARY 2018 FOR APPROVAL AND SIGNATURE 5 - 38**
- 4 DEPUTATIONS**
- 5 APPLICATIONS FOR DETERMINATION**
- (1) MAJOR APPLICATIONS**
 - (i) 17/00939/IPM - BLAIRGOWRIE - MIXED USE DEVELOPMENT COMPRISING RESIDENTIAL DEVELOPMENT, BUSINESS LAND, EDUCATION/RECREATION/COMMUNITY FACILITIES, INFRASTRUCTURE INCLUDING ROADS, FOOTPATHS, LANDSCAPING, DRAINAGE, OPEN SPACE AND ASSOCIATED WORKS ON LAND 200 METRES WEST OF BLAIRGOWRIE AND RATTRAY COTTAGE HOSPITAL, PERTH ROAD, BLAIRGOWRIE 39 - 82**

Report of Handling by Interim Development Quality Manager
(recommendation - approve) (copy herewith 18/77)
 - (ii) 17/01441/MWM - BALADO - APPLICATION UNDER SECTION 42 OF THE TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997 TO DEVELOP LAND WITHOUT COMPLYING WITH CONDITION 2 (PERIOD EXTRACTION) OF PLANNING PERMISSION 04/01322/MWM (EXTRACTION AND PROCESSING OF SAND AND GRAVEL) AT BALADO QUARRY, BALADO 83 - 110**

Report of Handling by Interim Development Quality Manager
(recommendation - approve) (copy herewith 18/78)

- (iii) **17/02159/FLM - INCHTURE - ERECTION OF 66 DWELLINGHOUSES, FORMATION OF SUDS POND, LANDSCAPING AND ASSOCIATED WORKS (ALLOCATED SITE H24) ON LAND 150 METRES SOUTH WEST OF MONCUR FARM, MONCUR ROAD, INCHTURE** **111 - 144**
Report of Handling by Interim Development Quality Manager (recommendation - refuse) (copy herewith 18/790)
- (2) LOCAL APPLICATIONS**
- (i) **17/01260/FLL - COUPAR ANGUS - ERECTION OF 2 DWELLINGHOUSES ON LAND 30 METRES EAST OF ABBEYHILL, PRECINCT STREET, COUPAR ANGUS** **145 - 164**
Report of Handling by Interim Development Quality Manager (recommendation - approve) (copy herewith 18/80)
- (ii) **17/02057/IPL - BLAIRGOWRIE - RESIDENTIAL DEVELOPMENT (IN PRINCIPLE) ON LAND 50 METRES NORTH OF MORVICH HOUSE, GOLF COURSE ROAD, BLAIRGOWRIE** **165 - 184**
Report of Handling by Interim Development Quality Manager (recommendation - approve) (copy herewith 18/81)
- (iii) **17/02240/FLL - LOGIERAIT - RENEWAL OF PERMISSION 14/00214/FLL (ERECTION OF DWELLINGHOUSE) ON LAND 80 METRES NORTH EAST OF CUIL AN DARAISH, LOGIERAIT** **185 - 204**
Report of Handling by Interim Development Quality Manager (recommendation - approve) (copy herewith 18/82)

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PLANNING AND DEVELOPMENT MANAGEMENT COMMITTEE

Minute of meeting of the Planning and Development Management Committee held in the Council Chamber, Ground Floor, Council Building, 2 High Street, Perth on Wednesday 14 February 2018 at 10.00am.

Present: Councillors M Lyle, B Brawn, H Anderson, B Band, E Drysdale, T Gray, I James, R McCall, L Simpson, R Watters and W Wilson.

In Attendance: Councillors C Ahern and X McDade; A Condliffe, D Niven, J Scott, M Lee, L Reid, A Rennie, D Salman and R Stewart (all The Environment Service); G Fogg and D Williams (both Corporate and Democratic Services).

Apologies: Councillors M Barnacle and A Jarvis.

Councillor M Lyle, Convener, Presiding.

The Convener led discussion on Art. ** and the Vice-Convener led discussion on Arts. **.

. WELCOME AND APOLOGIES

The Convener welcomed everyone present to the meeting and apologies were noted as above.

. DECLARATIONS OF INTEREST

There were no Declarations of Interest in terms of the Councillors' Code of Conduct.

. MINUTES

The minute of meeting of the Planning and Development Management Committee of 17 January 2018 (Arts. **-**) was submitted, approved as a correct record and authorised for signature.

. DEPUTATIONS

In terms of Standing Order 59, the Committee agreed to hear deputations in relation to the following planning application:

Planning Application No.	Art. No.
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17/00847/IPM	** (1)(i)
17/01976/FLL	** (2)(iv)
17/02092/FLL	** (2)(v)

APPLICATIONS FOR DETERMINATION

(1) Major Applications

- (i) 17/00847/IPM – LUNCARTY – Mixed use development comprising residential development, employment land, infrastructure including roads, footpaths, landscaping, drainage, open space, and associated works on land 250 metres south east of Wilmarean, Luncarty – Report 18/49 – A and J Stephen Ltd & I and H Brown Ltd**

Mr Iain Matheson, Luncarty, Redgorton and Moneydie Community Council, Mr Alistair Godfrey, objector to the application, followed by Mr J Stephen, the applicant, addressed the Committee and following their respective representations withdrew to the public benches.

Resolved:

Grant, subject to the following terms, conditions and informatives;

Direction

Perth and Kinross Council direct that sub-sections (2)(a)(i) and (3) of Section 59 of the Town and Country Planning (Scotland) Act 1997 apply with respect to the in Principle Permission (17/00088/IPM) with the substitution of the period of 3 years referred to in each of those subsections, with the period of 20 years.

Conditions

1. Application for the approval required by a condition imposed on this Planning Permission in Principle shall conform with the requirements of Regulation 12 of the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013 and of Section 59 (2) and (3) of the Town and Country Planning (Scotland) Act 1997 as amended by Section 21 of the Planning etc. (Scotland) Act 2006 and, in particular, must be made before whichever is the latest of the following:
 - (i) the expiration of 6 months from the date on which an earlier application for the requisite approval was refused, or
 - (ii) the expiration of 6 months from the date on which an appeal against such refusal was dismissed.
2. The submitted masterplan, site layout plan and indicated scale of development, of up to 650 dwellings and 5 hectares of employment land, are purely indicative and are hereby not approved.

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3. Notwithstanding the terms of Condition 2, the maximum number of dwellings permitted to be occupied by 2024 is 300 dwellings. Furthermore, no more than 300 dwellings and 5 hectares of employment land, as may be approved by Matters Specified in Conditions application(s), shall be occupied in advance of a scheme for new road infrastructure solutions to distribute traffic from further development via transport networks, has been submitted to and agreed in writing by the Planning Authority. These solutions may take the form of one or a combination of: a vehicular connection to the A9 Trunk Road, a vehicular connection to the Cross Tay Link Road (CTLR) or alternative measures. The submitted scheme shall be supported by a new Transport Assessment (TA) with traffic modelling informed using observed traffic generation data from a minimum of 250 occupied residential units and include the timing for the delivery for the infrastructure improvements.
4. No works in connection with the development hereby approved shall take place until full details of the siting, design, external appearance and landscaping of the development and the means of access serving the development (hereinafter referred to as the 'Matters Specified in Condition') have been submitted to and approved in writing by the Planning Authority. The specified matters include:
 - (i) a detailed phasing plan;
 - (ii) a detailed levels survey (existing and proposed) and cross sections showing proposed finished ground and floor levels of all buildings forming part of the development phase, relative to existing ground levels and a fixed datum point;
 - (iii) the siting, design, height and external materials of all buildings or structures;
 - (iv) the details of all roads, footpaths, cycleways, core path connections throughout the development;
 - (v) details of any screen walls/fencing to be provided (including any acoustic barriers);
 - (vi) measures to maximise environmental sustainability through design, orientation and planting or any other means;
 - (vii) details of all landscaping, structure planting and screening associated with the development of each site;
 - (viii) the lighting of all streets and footpaths;
 - (ix) the layout of play areas and the equipment to be installed;
 - (x) full details of the proposed means of disposal of foul and surface water from the development;

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- (xi) details of car charging points to be provided within the development; and
 - (xii) A minimum 40% of dwellings shall incorporate swift bricks and bat roost bricks at eaves height.
5. As part of any application for Approval of Matters Specified in Conditions, as set out in Condition 4(i), a phasing strategy (supported by appropriate plans) shall be submitted to and approved in writing by the Planning Authority. The phasing strategy shall have regard to the requirements of Condition 3 and include and demonstrate the following details:
- (i) The timing and number of dwellings to be developed in each phase;
 - (ii) The timing of delivery of infrastructure, open space and landscaping;
 - (iii) When the first 2 hectares of employment land will be fully serviced; and
 - (iv) When the remaining 3 hectares of employment land will be fully serviced.

For the avoidance of doubt “fully serviced” is land subdivided ready for building by individual occupiers. The individual plots shall be served by surfaced roads and footpaths, surface and foul drainage (with connecting tails into the curtilage of each plot), and water, gas/electricity and telecom ducting to the edge of (or in footpath next to) individual plots.

6. No work shall start on the relevant parts of the site unless the trees to be retained as identified in the submitted surveys have been protected by suitable fencing in accordance with BS5837 2012 (Trees in Relation to Construction). The details of the protective fencing and its location shall be first submitted to and agreed in writing by the Planning Authority.
7. All existing rights of way, core paths within or adjacent to the completed development shall at all times be protected and remain operational during the construction phases.
8. 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 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 during each phase 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

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- Kinross Heritage Trust or a nominated representative and shall allow them to observe work in progress.
9. As part of any application for Approval of Matters Specified in Conditions, as set out in Condition 4, a noise assessment shall be submitted to demonstrate acceptable internal noise levels of 35 dB within all dwellings taking into account mitigation from any acoustic barriers or other such mitigation proposed.
 10. Prior to the commencement of development of each phase an updated Construction Environmental Management Plan (CEMP) must be submitted for the approval of the Planning Authority. The measures outlined in the updated CEMP shall be adhered to at all times during the construction period.
 11. The times of construction should be limited to Monday to Friday 07.00 to 19.00, Saturday 08.00 to 13.00 with no noise generating work on a Sunday.
 12. The applicant must provide a suitable trespass proof fence of at least 1.8 metres in height adjacent to Network Rail's boundary and provision for the fence's future maintenance and renewal should be made. Details of the proposed fencing shall be submitted to the Planning Authority for approval before development is commenced and the development shall be carried out in full accordance with such approved details.
 13. All surface or foul water arising from the development must be collected and diverted away from Network Rail Property. Any Sustainable Urban Drainage Scheme shall not be sited within 10 metres of the railway boundary and should be designed with long term maintenance plans which meet the needs of the development. Details of the design and construction of any drainage scheme shall be submitted to the Planning Authority for approval before development is commenced. The development shall be carried out in full accordance with such approved details.
 14. A detailed Protected Species Survey, including breeding birds and ecological surveys, shall be submitted as part of any application for approval of Matters Specified by Condition submitted for approval under Condition 4 of this permission. The surveys shall include appropriate mitigation to protect identified species.
 15. The conclusions and recommended action points within the supporting Environmental Impact Assessment (EIA) and hereby approved shall be fully adhered to, respected and undertaken as part of the construction phase of development.
 16. No site clearance or removal of vegetation, including trees and shrubs will take place between 1st March and 31st August inclusive unless a competent ecologist has

undertaken a careful and detailed check of vegetation for active birds' nests immediately before the vegetation is to be cleared and provided written confirmation that no birds will be harmed and/or that there are appropriate measures in place to protect nesting birds on site. Any such written confirmation must be submitted to the planning authority prior to commencement of works.

17. A scheme detailing measures to protect animals from being trapped in open excavations and/or pipe and culverts shall be submitted for the written approval of the Planning Authority. 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. Thereafter, the approved scheme shall be implemented for the duration of the construction works of the development hereby approved.
18. No part of the development shall be occupied until a comprehensive Green Travel Plan (GTP) that sets out proposals for reducing dependency on the private car has been submitted and approved in writing by the Planning Authority, after consultation with Transport Scotland. The GTP will have particular regard to provision for walking, cycling and public transport access to and within the site and will identify the measures to be provided (including the provision of new and/or enhanced public transport services), the system of management, monitoring, review, reporting and the duration of the plan.
19. Details of the lighting within the site shall be submitted for the approval of the Planning Authority, in consultation with Transport Scotland, as the Trunk Roads Authority. Thereafter, the development shall be completed in accordance with the approved scheme.
20. There shall be no drainage connections to the trunk road drainage system.
21. As part of the first application for the Approval of Matters Specified in Condition an updated District Heating Feasibility Study for the whole site shall be submitted in writing for the approval of the Planning Authority to assess the technical feasibility and financial viability of heat network/district heating for this site, identifying all available sources of heat (either within the site or offsite) and other factors such as where land will be safeguarded for future district heating infrastructure.
The accompanying Design and Access Statement or other document as agreed by the Council should show/demonstrate how the findings of the feasibility study

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has been incorporated into the finalised design and layout of the proposal.

22. Prior to the occupation of the first dwelling all matters regarding access, car parking, public transport facilities, walking and cycling facilities, the 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 (as detailed in the National Roads Development Guide) and to the satisfaction of the Planning Authority.

23. 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.

24. As part of any application for the Approval of Matters Specified in Condition, all schemes of hard and soft

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landscaping works shall be submitted to the Local Planning Authority.

Details of the schemes shall include:

- (i) existing and proposed finished ground levels relative to a fixed datum point;
- (ii) existing landscape features and vegetation to be retained;
- (iii) existing and proposed services including cables, pipelines and substations;
- (iv) the location of new trees, shrubs, hedges, grassed areas and water features;
- (v) a schedule of plants to comprise species, plant sizes and proposed numbers and density;
- (vi) the location, design and materials of all hard landscaping works including walls, fences, gates, any other means of enclosure, street furniture and play equipment;
- (vii) an indication of existing trees, shrubs and hedges to be removed;
- (viii) a programme for the completion and subsequent maintenance of the proposed landscaping;
- (ix) a woodland management plan;
- (x) separation distances between residential buildings and edge trees;
- (xi) separation distances between residential buildings and existing woodland.

All soft and hard landscaping proposals shall be carried out in accordance with the approved scheme and shall be completed during the planting season immediately following the commencement of the development on that part of the site, or such other date as may be agreed in writing with the Planning Authority.

- 25. 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.
- 26. As part of any application for the Approval of Matters Specified in Condition, full drainage calculations and the final layout and depth of the proposed SUDS ponds and associated infrastructure to be agreed in writing with the Council as Planning Authority, in consultation with Perth and Kinross Council Flooding Team. The agreed detail shall thereafter be implemented prior to the completion of development.
- 27. The development shall be in accordance with the requirements of Development Plan policy and Perth &

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- Kinross Council's Supplementary Guidance in relation to affordable housing.
28. The development shall be in accordance with the requirements of Development Plan policy and Perth & Kinross Council's Supplementary Guidance in relation to primary education infrastructure.
 29. The development shall be in accordance with the requirements of Development Plan policy and Perth & Kinross Council's Supplementary Guidance in relation to transport infrastructure.
 30. Prior to the commencement of development mitigation measures for the full length of Scarth Road are to be submitted and agreed to the satisfaction of the Planning Authority to accommodate additional traffic generation. The agreed detail shall thereafter be implemented prior to the completion of development.
 31. Scarth Road and Fairview are not to be used for construction traffic. Construction access to be taken from the new Primary Access Road, which will require to be developed first.

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

1. Consent shall not to be issued until the Section 75 Agreement relating to transport infrastructure contributions has been completed and signed to reflect the current planning reference 17/00847/IPM
2. 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 will result in the planning application having to be re-assessed through failing to comply with the associated developer contributions policy and may ultimately be recommended for refusal under delegated powers.

Informatives

1. The applicant is advised that to enable some of the negative suspensive conditions to be fulfilled works which are operational development may have to be undertaken outwith the application site. These works themselves may require the submission of a planning application.
2. The applicant is advised that in terms of Section 56 of the Roads (Scotland) Act 1984 he must obtain from the Council as Roads Authority consent to open an existing road or footway prior to the commencement of works.

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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.

3. The applicant is advised that in terms of Section 21 of the Roads (Scotland) Act 1984 they must obtain from the Council as Roads Authority consent to construct a new road prior to the commencement of roadworks. Advice on the disposal of surface water must be sought at the initial stages of design from Scottish Water and the Scottish Environment Protection Agency.
4. The applicants are advised that they must apply to the Roads Authority for construction consent to form a new street. Please contact The Construction and Maintenance Manager, The Environment Service, Perth and Kinross Council, Pullar House, Perth.
5. 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.
6. The applicant is advised that the works may need a license under the Water (Controlled Activities) Regulations 2005 (CAR). The applicant should contact SEPA's Perth Environmental Protection and Improvement Team (Tel: 01738 627989) in regard to this. The applicant should ensure that all works on site comply with the best practice guidelines laid out in SEPA's published Pollution Prevention Guidance, found at www.sepa.org.uk
7. The Council's Community Waste Adviser in the Environment Service should be contacted to clarify the bin storage and recycling requirements for the development.
8. The applicant is reminded that, under the Wildlife and Countryside Act 1981, as amended, it is an offence to remove, damage or destroy the nest of any wild birds while that nest is in use or being built. Planning consent for a development does not provide a defence against prosecution under this act.
9. The applicant is reminded that, should any protected species be present a licence may be required from Scottish Natural Heritage to disturb a protected species. Failure to obtain a licence may constitute a criminal act under the Habitats Regulations and penalties are severe for non-compliance.
10. The Council shall be immediately notified in writing if any ground contamination is found during construction of the development, and thereafter a scheme to deal with the

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contamination shall be submitted to, and agreed in writing by, the Council as Planning Authority.

11. The applicant should be aware that any proposal for noise or vibration sensitive use adjacent to the railway may result in neighbour issues arising. Every endeavour should be made by the applicant in relation to adequate protection of the uses contained within the site.
12. The proximity and type of planting proposed are important when considering a landscaping scheme. Leaf fall in particular can greatly impact upon the reliability of the railway in certain seasons. Network Rail can provide details of planting recommendations for neighbours.
13. Where trees/shrubs are to be planted adjacent to the railway boundary these should be positioned at a minimum distance from the boundary which is greater than their predicted mature height. Certain broad leaf deciduous species should not be planted adjacent to the railway boundary.
14. Buildings should be situated at least 2 metres from Network Rail's boundary. The applicant must ensure that the construction and subsequent maintenance of proposed buildings can be carried out without adversely affecting the safety of, or encroaching upon, Network Rail's adjacent land.
15. 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.
16. 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.
17. The developer is advised to contact Mr David Strachan, Archaeologist to discuss terms of reference for work required Tel 01738 477080.
18. For guidance on cycle paths please see Sustrans Design Manual Handbook for cycle-friendly design (drawings on P21-22).
19. Please consult the Street Naming and Numbering Officer, The Environment Service, Perth and Kinross Council, Pullar House, 35 Kinnoull Street, Perth PH1 5GD.

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20. Any structures & all walls/embankments that act singly or together to support a carriageway or footpath & retain over 1.5m fill will require Technical Approval.

(2) Local Applications

Mr A Rutherford, objector to the application, followed by Mr J Stephen, the applicant, addressed the Committee regarding Arts. ** (Items 5 (2) (i, ii and iii)). Following their respective representations, Mr Rutherford and Mr Stephen withdrew to the public benches.

COUNCILLOR E DRYSDALE LEFT THE MEETING AT THIS POINT.

- (i) 17/01139/AML – PERTH – Erection of 20 dwellinghouses with associated roads, drainage and landscaping (matters specified by conditions 13/01879/IPL) (Phase 1) on land west of Woodlands, Glasgow Road, Perth – Report 18/50 – A And J Stephen Ltd**

Resolved:

Grant, subject to the following terms, conditions and informatives;

Conditions

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.
2. Prior to the development hereby being approved being completed or brought into use, all matters regarding access, parking, road layout, design and specification, including the disposal of surface water, shall be in accordance with the standards required by the Council as Roads Authority.
3. Prior to commencement of development an up-to-date Flood Risk Assessment should be submitted to the Council as detailed in SEPA's letter dated 7 December 2018 (17/01139/78).
4. Prior to construction of development the applicant should submit information to demonstrate that the SUDS strategy is appropriate as advised in SEPA's letter dated 7 December 2017. This should show how the proposed SUDS strategy adheres to the Simple Index Approach (SIA) or provide any other evidence that the SUDS strategy is appropriate.

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5. The conclusions and recommended action points within the supporting biodiversity survey submitted and hereby approved shall be fully adhered to, respected and undertaken as part of the construction phase of development.
6. Development shall not commence until a detailed Construction Environmental Management Plan (CEMP) detailing environmental mitigation measures and construction method statements, including specific measures for environmental monitoring during construction, shall be submitted for the further written agreement of the Council as Planning Authority in consultation with SNH and/or SEPA. Such details shall be submitted not less than two months prior to the agreed scheduled commencement date and shall incorporate detailed pollution avoidance and mitigation measures for all construction elements. Thereafter the development shall be fully undertaken in accordance with the agreed CEMP.
7. Prior to the commencement of the development hereby approved, a management plan indicating any temporary diversions and signage needed to facilitate the development and/or any works proposed to the right of way/core path as part of the development shall be submitted for the further agreement of the Council as Planning Authority. The plan as agreed shall be implemented in accordance with the timings identified in the plan.
8. Full details of the re-routed Core Path CTYS/112 should be submitted for approval of the Planning Authority. The path should be surfaced and 3m wide to provide for multi-use. The approved details shall be implemented as part of the site development and completed prior to the occupation of the first house.
9. No removal of hedgerows, trees or shrubs or works to or demolition of buildings or structures that may be used by breeding birds shall take place between 1st March and 31st August inclusive, unless a competent ecologist has undertaken a careful, detailed check of vegetation for active birds' nests immediately before the vegetation is cleared and provided written confirmation that no birds will be harmed and/or that there are appropriate measures in place to protect nesting bird interest on site. Any such written confirmation should be submitted to the local planning authority.
10. 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.

11. The detailed landscaping and planting scheme which is hereby approved shall be implemented as part of the site development programme and thereafter maintained to the satisfaction of the Council as Planning Authority.
12. Where it is intended to create semi-natural habitats, all species used in the planting proposals detailed in the approved plans shall be locally native species of local provenance unless otherwise agreed in writing with the local planning authority.
13. 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.
14. Prior to the occupation of the first dwellinghouse, a landscape management plan, including long term design objectives, management responsibilities and maintenance schedules for all landscape areas (other than small privately-owned domestic gardens) shall be submitted to and agreed in writing by the Council as Planning Authority, for its approved use. The landscape management plan as agreed shall, where appropriate, include phased implementation concurrent with the development and shall be fully implemented.
15. Prior to occupation of the development a minimum of 1 Swift brick and 1 bat brick shall be incorporated into each building at eaves height.
16. 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.
17. Storm water drainage from all paved surfaces, including the access, shall be disposed of by means of suitable Sustainable Urban Drainage Systems to meet the requirements of best management practices.
18. 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, as contained in the SUDS Manual (C697) and Site Handbook

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for the Construction of SUDS (C698) published by CIRIA, all to the satisfaction of the Council as Flood Authority.

19. Where site boundaries affect trees, the development shall fully comply with, respect and remain full accordance with BS5387 2012 "Trees in relation to construction, demolition and construction."
20. Development shall not commence on site until an evaluation for the potential of the site to be affected by contamination by a previous use has been undertaken and, as a minimum, a Preliminary Risk Assessment (Phase 1 Desk Study) has been submitted for consideration and accepted by the Council as Planning Authority. If the preliminary risk assessment identifies the need for further assessment, an intrusive investigation shall be undertaken to identify;
 - (i) the nature, extent and type(s) of contamination on the site
 - (ii) measures to treat/remove contamination to ensure the site is fit for the use proposed
 - (iii) measures to deal with contamination during construction works
 - (iv) condition of the site on completion of decontamination measures.

Prior to the completion or bringing into use of any part of the development the measures to decontaminate the site shall be fully implemented in accordance with the scheme subsequently agreed by the Council as Planning Authority. Validation that the scheme has been fully implemented must also be submitted to the Council as Planning Authority.

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

1. The planning permission decision notice shall not be issued until such time as the required Developer Contributions with regard to affordable housing have been secured or paid in full.
2. In the event the applicant does not either make the required payment within 28 days from the date the agent/applicant is advised of the need for the contributions, or complete a legal agreement for delayed payment within a 4 month period from the date the agent/applicant is advised of the need for the contributions the application may be refused under

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delegated powers without any further discussion with the applicant.

Informatives

1. This planning permission will last only for three years from the date of this decision notice, unless the development has been started within that period (see section 58(1) of the Town and Country Planning (Scotland) Act 1997 (as amended).
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. No work shall be commenced until an application for building warrant has been submitted and approved.
5. The applicant should be advised that in terms of Section 21 of the Roads (Scotland) Act 1984 he must obtain from the Council as Roads Authority consent to construct a new road prior to the commencement of roadworks. Advice on the disposal of surface water must be sought at the initial stages of design from Scottish Water and the Scottish Environmental Protection Agency.
6. The applicant is advised that in terms of Sections 56 of the Roads (Scotland) Act 1984 he must obtain from the Council as Roads Authority consent to open an existing road or footway prior to the commencement of works. Advice on the disposal of surface water must be sought at the initial stages of design from Scottish Water and the Scottish Environmental Protection Agency.
7. Technical approval will be required for the bridge (or any structure being adopted or supporting adopted infrastructure) by Perth & Kinross Council's Structures department. It should also adhere to the Flooding Teams' 'Flood Risk and Flood Risk assessment' design guidance. Which states bridge soffit levels should be designed to the 0.5% AP (200-year) flood event with a 20% increase in peak river flow volume/peak rainfall intensity and an addition of 600mm freeboard.

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8. The applicant should take account of PKC Flooding and Flood Risk Guidance Document (June 2014).
9. 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.
10. Proposed engineering works within the water environment will require authorisation under The Water Environment (Controlled Activities) (Scotland) Regulations 2011 (as amended). Management of surplus peat or soils may require an exemption under The Waste Management Licensing (Scotland) Regulations 2011. Proposed crushing or screening will require a permit under The Pollution Prevention and Control (Scotland) Regulations 2012. Consider if other environmental licences may be required for any installations or processes.
Details of SEPA's regulatory requirements and good practice advice for the applicant can be found on the Regulations section of SEPA's website or contact a member of the regulatory team in the local SEPA office at: SEPA, Strathearn House, Broxden Business Park, Lamberkine Drive Perth PH1 1RX, Tel: 01738 627989
11. No construction activity, land shaping or storage of construction materials should take place outwith the site boundary as indicated in red on the site layout plan.
12. The applicant is reminded that, should any protected species be present a licence may be required from Scottish Natural Heritage to disturb a protected species. Failure to obtain a licence may constitute a criminal act under the Habitats Regulations and penalties are severe for non-compliance.
13. The applicant is reminded that, under the Wildlife and Countryside Act 1981, as amended, it is an offence to remove, damage or destroy the nest of any wild birds while that nest is in use or being built. Planning consent for a development does not provide a defence against prosecution under this act.
14. Paths to be constructed as part of the development should reflect likely patterns of use: pedestrian, bikes horse riders & wheelchairs as appropriate. Specifications should be based on those in "Lowland Path Construction - A Guide to Good Practice" published by SNH, Scottish Enterprise & the Paths for All Partnership.
15. The developer should note requirements for access to all areas of the site for refuse collections, street sweeping and grounds maintenance and particular note should be

taken of the requirements for manoeuvring refuse collection vehicles (including 12m bin lorries). Full specifications are available from the Community Waste Team.

Individual properties will be provided with 140 litre general waste bin, 240 litre recycling bin and 240 litre garden waste/food waste bin presented to the kerbside by householders.

Flatted properties will share 1100 litre general waste and 1100 litre recycling bins (4 flats). These bins should be no more than 10 metres from the kerbside; crew will pull out and return bins.

- (ii) **17/01140/AML – PERTH – Erection of 17 dwellinghouses, landscaping and associated works (matters specified by conditions – 13/01880/IPL) (Phase 2) on land west of Woodlands, Glasgow Road, Perth – Report 18/51 – A and J Stephen Ltd**

Resolved:

Grant, subject to the following terms, conditions and informatives;

Conditions

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.
2. Prior to the development hereby being approved being completed or brought into use, all matters regarding access, parking, road layout, design and specification, including the disposal of surface water, shall be in accordance with the standards required by the Council as Roads Authority.
3. Prior to commencement of development an up-to-date Flood Risk Assessment should be submitted to the Council.
4. Prior to construction of development the applicant should submit information to demonstrate that the SUDS strategy is appropriate as advised in SEPA's letter dated 7 December 2017 (17/01140/86). This should show how the proposed SUDS strategy adheres to the Simple Index Approach (SIA) or provide any other evidence that the SUDS strategy is appropriate.
5. The conclusions and recommended action points within the supporting biodiversity survey submitted and hereby approved shall be fully adhered to, respected and undertaken as part of the construction phase of development.

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6. Development shall not commence until a detailed Construction Environmental Management Plan (CEMP) detailing environmental mitigation measures and construction method statements, including specific measures for environmental monitoring during construction, shall be submitted for the further written agreement of the Council as Planning Authority in consultation with SNH and/or SEPA. Such details shall be submitted not less than two months prior to the agreed scheduled commencement date and shall incorporate detailed pollution avoidance and mitigation measures for all construction elements. Thereafter the development shall be fully undertaken in accordance with the agreed CEMP.
7. Prior to the commencement of the development hereby approved, a management plan indicating any temporary diversions and signage needed to facilitate the development and/or any works proposed to the right of way/core path as part of the development shall be submitted for the further agreement of the Council as Planning Authority. The plan as agreed shall be implemented in accordance with the timings identified in the plan.
8. Full details of the re-routed Core Path CTYS/112 should be submitted for approval of the Planning Authority. The path should be surfaced and 3m wide to provide for multi-use. The approved details shall be implemented as part of the site development and completed prior to the occupation of the first house.
9. No removal of hedgerows, trees or shrubs or works to or demolition of buildings or structures that may be used by breeding birds shall take place between 1st March and 31st August inclusive, unless a competent ecologist has undertaken a careful, detailed check of vegetation for active birds' nests immediately before the vegetation is cleared and provided written confirmation that no birds will be harmed and/or that there are appropriate measures in place to protect nesting bird interest on site. Any such written confirmation should be submitted to the local planning authority.
10. 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

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- than 150 mm outside diameter being blanked off at the end of each working day
11. The detailed landscaping and planting scheme which is hereby approved shall be implemented as part of the site development programme and thereafter maintained to the satisfaction of the Council as Planning Authority.
 12. Where it is intended to create semi-natural habitats, all species used in the planting proposals detailed in the approved plans shall be locally native species of local provenance unless otherwise agreed in writing with the local planning authority.
 13. 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.
 14. Prior to the occupation of the first dwellinghouse, a landscape management plan, including long term design objectives, management responsibilities and maintenance schedules for all landscape areas (other than small privately-owned domestic gardens) shall be submitted to and agreed in writing by the Council as Planning Authority, for its approved use. The landscape management plan as agreed shall, where appropriate, include phased implementation concurrent with the development and shall be fully implemented.
 15. Prior to occupation of the development a minimum of 1 Swift brick and 1 bat brick shall be incorporated into each building at eaves height.
 16. 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.
 17. Storm water drainage from all paved surfaces, including the access, shall be disposed of by means of suitable Sustainable Urban Drainage Systems to meet the requirements of best management practices.
 18. 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, as contained in the SUDS Manual (C697) and Site Handbook for the Construction of SUDS (C698) published by CIRIA, all to the satisfaction of the Council as Flood Authority.
 19. Where site boundaries affect trees, the development shall fully comply with, respect and remain full accordance with

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BS5387 2012 "Trees in relation to construction, demolition and construction."

20. Prior to commencement of development details of the boundary treatment for the northern site boundary shall be submitted for the approval of the Council as Planning Authority. The scheme as approved shall be implemented in accordance with the agreed details.

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

1. The planning permission decision notice shall not be issued until such time as the required Developer Contributions with regard to affordable housing have been secured or paid in full.
2. In the event the applicant does not either make the required payment within 28 days from the date the agent/applicant is advised of the need for the contributions, or complete a legal agreement for delayed payment within a 4 month period from the date the agent/applicant is advised of the need for the contributions the application may be refused under delegated powers without any further discussion with the applicant.

Informatives

1. This planning permission will last only for three years from the date of this decision notice, unless the development has been started within that period (see section 58(1) of the Town and Country Planning (Scotland) Act 1997 (as amended).
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. No work shall be commenced until an application for building warrant has been submitted and approved.

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5. The applicant should be advised that in terms of Section 21 of the Roads (Scotland) Act 1984 he must obtain from the Council as Roads Authority consent to construct a new road prior to the commencement of roadworks. Advice on the disposal of surface water must be sought at the initial stages of design from Scottish Water and the Scottish Environmental Protection Agency.
6. The applicant is advised that in terms of Sections 56 of the Roads (Scotland) Act 1984 he must obtain from the Council as Roads Authority consent to open an existing road or footway prior to the commencement of works. Advice on the disposal of surface water must be sought at the initial stages of design from Scottish Water and the Scottish Environmental Protection Agency.
7. Technical approval will be required for the bridge (or any structure being adopted or supporting adopted infrastructure) by Perth & Kinross Council's Structures department. It should also adhere to the Flooding Teams' 'Flood Risk and Flood Risk assessment' design guidance. Which states bridge soffit levels should be designed to the 0.5% AP (200-year) flood event with a 20% increase in peak river flow volume/peak rainfall intensity and an addition of 600mm freeboard.
8. The applicant should take account of PKC Flooding and Flood Risk Guidance Document (June 2014).
9. 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.
10. Proposed engineering works within the water environment will require authorisation under The Water Environment (Controlled Activities) (Scotland) Regulations 2011 (as amended). Management of surplus peat or soils may require an exemption under The Waste Management Licensing (Scotland) Regulations 2011. Proposed crushing or screening will require a permit under The Pollution Prevention and Control (Scotland) Regulations 2012. Consider if other environmental licences may be required for any installations or processes.
Details of SEPA's regulatory requirements and good practice advice for the applicant can be found on the Regulations section of SEPA's website or contact a member of the regulatory team in the local SEPA office at:
SEPA, Strathearn House, Broxden Business Park,
Lamberkine Drive Perth PH1 1RX, Tel: 01738 627989

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11. No construction activity, land shaping or storage of construction materials should take place outwith the site boundary as indicated in red on the site layout plan.
12. The applicant is reminded that, should any protected species be present a licence may be required from Scottish Natural Heritage to disturb a protected species. Failure to obtain a licence may constitute a criminal act under the Habitats Regulations and penalties are severe for non-compliance.
13. The applicant is reminded that, under the Wildlife and Countryside Act 1981, as amended, it is an offence to remove, damage or destroy the nest of any wild birds while that nest is in use or being built. Planning consent for a development does not provide a defence against prosecution under this act.
14. Paths to be constructed as part of the development should reflect likely patterns of use: pedestrian, bikes horse riders & wheelchairs as appropriate. Specifications should be based on those in "Lowland Path Construction - A Guide to Good Practice" published by SNH, Scottish Enterprise & the Paths for All Partnership.
15. The developer should note requirements for access to all areas of the site for refuse collections, street sweeping and grounds maintenance and particular note should be taken of the requirements for manoeuvring refuse collection vehicles (reversing requirement should be kept to an absolute minimum). Full specifications including the size of the largest vehicle in the fleet (12 metres long) are available from the Community Waste Team.
Individual properties will be provided with 140 litre general waste bin, 240 litre recycling bin and 240 litre garden waste/food waste bin presented to the kerbside by householders.
Flatted properties will share 1100 litre general waste and 1100 litre recycling bins (4 flats). These bins should be no more than 10 metres from the kerbside; crew will pull out and return bins.

(iii) **17/01141/AML – PERTH – Erection of 9 dwellinghouses, landscaping and associated works (matters specified by conditions – 13/01881/IPM) (Phase 3) on land west of Woodlands, Glasgow Road, Perth – Report 18/52 – A and J Stephen Ltd**

Resolved:

Grant, subject to the following terms, conditions and informatives;

Conditions

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.
2. Prior to the development hereby being approved being completed or brought into use, all matters regarding access, parking, road layout, design and specification, including the disposal of surface water, shall be in accordance with the standards required by the Council as Roads Authority.
3. Prior to commencement of development an up-to-date Flood Risk Assessment should be submitted to the Council.
4. Prior to construction of development the applicant should submit information to demonstrate that the SUDS strategy is appropriate as advised in SEPA's letter dated 7 December 2017. This should show how the proposed SUDS strategy adheres to the Simple Index Approach (SIA) or provide any other evidence that the SUDS strategy is appropriate.
5. The conclusions and recommended action points within the supporting biodiversity survey submitted and hereby approved shall be fully adhered to, respected and undertaken as part of the construction phase of development.
6. Development shall not commence until a detailed Construction Environmental Management Plan (CEMP) detailing environmental mitigation measures and construction method statements, including specific measures for environmental monitoring during construction, shall be submitted for the further written agreement of the Council as Planning Authority in consultation with SNH and/or SEPA. Such details shall be submitted not less than two months prior to the agreed scheduled commencement date and shall incorporate detailed pollution avoidance and mitigation measures for all construction elements. Thereafter the development shall be fully undertaken in accordance with the agreed CEMP.
7. Prior to the commencement of the development hereby approved, a management plan indicating any temporary diversions and signage needed to facilitate the development and/or any works proposed to the right of way/core path as part of the development shall be submitted for the further agreement of the Council as Planning Authority. The plan as agreed shall be implemented in accordance with the timings identified in the plan.

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8. Full details of the re-routed Core Path CTYS/112 should be submitted for approval of the Planning Authority. The path should be surfaced and 3m wide to provide for multi-use. The approved details shall be implemented as part of the site development and completed prior to the occupation of the first house.
9. No removal of hedgerows, trees or shrubs or works to or demolition of buildings or structures that may be used by breeding birds shall take place between 1st March and 31st August inclusive, unless a competent ecologist has undertaken a careful, detailed check of vegetation for active birds' nests immediately before the vegetation is cleared and provided written confirmation that no birds will be harmed and/or that there are appropriate measures in place to protect nesting bird interest on site. Any such written confirmation should be submitted to the local planning authority.
10. 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
11. The detailed landscaping and planting scheme which is hereby approved shall be implemented as part of the site development programme and thereafter maintained to the satisfaction of the Council as Planning Authority.
12. Where it is intended to create semi-natural habitats, all species used in the planting proposals detailed in the approved plans shall be locally native species of local provenance unless otherwise agreed in writing with the local planning authority.
13. 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.
14. Prior to the occupation of the first dwellinghouse, a landscape management plan, including long term design objectives, management responsibilities and maintenance schedules for all landscape areas (other than small privately-owned domestic gardens) shall be submitted to and agreed in writing by the Council as Planning Authority, for its approved use. The landscape management plan as agreed shall, where appropriate, include phased implementation concurrent with the development and shall be fully implemented.

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15. Prior to occupation of the development a minimum of 1 Swift bricks and 1 bat brick shall be incorporated into each building at eaves height.
16. 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.
17. Storm water drainage from all paved surfaces, including the access, shall be disposed of by means of suitable Sustainable Urban Drainage Systems to meet the requirements of best management practices.
18. 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, as contained in the SUDS Manual (C697) and Site Handbook for the Construction of SUDS (C698) published by CIRIA, all to the satisfaction of the Council as Flood Authority.
19. Where site boundaries affect trees, the development shall fully comply with, respect and remain full accordance with BS5387 2012 "Trees in relation to construction, demolition and construction."
20. Development shall not commence on site until an evaluation for the potential of the site to be affected by contamination by a previous use has been undertaken and, as a minimum, a Preliminary Risk Assessment (Phase 1 Desk Study) has been submitted for consideration and accepted by the Council as Planning Authority. If the preliminary risk assessment identifies the need for further assessment, an intrusive investigation shall be undertaken to identify;
 - (i) the nature, extent and type(s) of contamination on the site
 - (ii) measures to treat/remove contamination to ensure the site is fit for the use proposed
 - (iii) measures to deal with contamination during construction works
 - (iv) condition of the site on completion of decontamination measures.

Prior to the completion or bringing into use of any part of the development the measures to decontaminate the site shall be fully implemented in accordance with the scheme subsequently agreed by the Council as Planning Authority. Verification that the scheme has been fully

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implemented must also be submitted to the Council as Planning Authority.

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

1. The planning permission decision notice shall not be issued until such time as the required Developer Contributions with regard to affordable housing have been secured or paid in full.
2. In the event the applicant does not either make the required payment within 28 days from the date the agent/applicant is advised of the need for the contributions, or complete a legal agreement for delayed payment within a 4 month period from the date the agent/applicant is advised of the need for the contributions the application may be refused under delegated powers without any further discussion with the applicant.

Informatives

1. This planning permission will last only for three years from the date of this decision notice, unless the development has been started within that period (see section 58(1) of the Town and Country Planning (Scotland) Act 1997 (as amended).
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. No work shall be commenced until an application for building warrant has been submitted and approved.
5. The applicant should be advised that in terms of Section 21 of the Roads (Scotland) Act 1984 he must obtain from the Council as Roads Authority consent to construct a new road prior to the commencement of roadworks.

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- Advice on the disposal of surface water must be sought at the initial stages of design from Scottish Water and the Scottish Environmental Protection Agency.
6. The applicant is advised that in terms of Sections 56 of the Roads (Scotland) Act 1984 he must obtain from the Council as Roads Authority consent to open an existing road or footway prior to the commencement of works. Advice on the disposal of surface water must be sought at the initial stages of design from Scottish Water and the Scottish Environmental Protection Agency.
 7. Technical approval will be required for the bridge (or any structure being adopted or supporting adopted infrastructure) by Perth & Kinross Council's Structures department. It should also adhere to the Flooding Teams' 'Flood Risk and Flood Risk assessment' design guidance. Which states bridge soffit levels should be designed to the 0.5% AP (200-year) flood event with a 20% increase in peak river flow volume/peak rainfall intensity and an addition of 600mm freeboard.
 8. The applicant should take account of PKC Flooding and Flood Risk Guidance Document (June 2014).
 9. 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.
 10. Proposed engineering works within the water environment will require authorisation under The Water Environment (Controlled Activities) (Scotland) Regulations 2011 (as amended). Management of surplus peat or soils may require an exemption under The Waste Management Licensing (Scotland) Regulations 2011. Proposed crushing or screening will require a permit under The Pollution Prevention and Control (Scotland) Regulations 2012. Consider if other environmental licences may be required for any installations or processes.
Details of SEPA's regulatory requirements and good practice advice for the applicant can be found on the Regulations section of SEPA's website or contact a member of the regulatory team in the local SEPA office at:
SEPA, Strathearn House, Broxden Business Park,
Lamberkine Drive Perth PH1 1RX, Tel: 01738 627989
 11. No construction activity, land shaping or storage of construction materials should take place outwith the site boundary as indicated in red on the site layout plan.

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12. The applicant is reminded that, should any protected species be present a licence may be required from Scottish Natural Heritage to disturb a protected species. Failure to obtain a licence may constitute a criminal act under the Habitats Regulations and penalties are severe for non compliance.
13. The applicant is reminded that, under the Wildlife and Countryside Act 1981, as amended, it is an offence to remove, damage or destroy the nest of any wild birds while that nest is in use or being built. Planning consent for a development does not provide a defence against prosecution under this act.
14. Paths to be constructed as part of the development should reflect likely patterns of use: pedestrian, bikes horse riders & wheelchairs as appropriate. Specifications should be based on those in "Lowland Path Construction - A Guide to Good Practice" published by SNH, Scottish Enterprise & the Paths for All Partnership.
15. The developer should note requirements for access to all areas of the site for refuse collections, street sweeping and grounds maintenance and particular note should be taken of the requirements for manoeuvring refuse collection vehicles (reversing requirement should be kept to an absolute minimum). Full specifications including the size of the largest vehicle in the fleet (12 metres long) are available from the Community Waste Team.
Individual properties will be provided with 140 litre general waste bin, 240 litre recycling bin and 240 litre garden waste/food waste bin presented to the kerbside by householders.
Flatted properties will share 1100 litre general waste and 1100 litre recycling bins (4 flats). These bins should be no more than 10 metres from the kerbside; crew will pull out and return bins.

- (iv) **17/01976/FLL – PITLCOHRY – Change of use of dwellinghouse to form conference/venue facilities, alterations and extension, erection of toilet facilities, siting of a marquee, formation of car parking area and an earth bund and associated works at The Old Manse, Blair Atholl, Pitlochry, PH18 5TN – Report 18/53 – Mrs Anne MacDonald**

Mrs A MacDonald, the applicant, and Councillor X McDade, Local Member, addressed the Committee and following their respective representations withdrew to the public benches.

Resolved:

Grant, subject to the following terms, conditions and informatives;

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Conditions

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.
2. Prior to the installation of any external lighting, the details of all external lighting shall be submitted for the further written agreement of the Council as Planning Authority. The scheme shall include details of light spill, brightness of the lighting and the proposed hours of operation, and shall ensure that all lighting is sufficiently screened and aligned so as to ensure that there is no direct illumination of neighbouring land and that light spillage beyond the boundaries of the site is minimised to a degree that it does not adversely affect the amenity of the neighbouring land. The agreed lighting scheme shall be implemented and maintained in full accordance with the agreed scheme.
3. No amplified music is permitted externally or within the marquee between 23.00 and 09.00.
4. Noise within the marquee shall be limited to L_{Aeq} 1 hour 85dB
5. Measures as detailed within the Old Manse of Blair Noise Management Plan shall be put in place and thereafter followed to minimise the potential for noise nuisance. The effectiveness of the plan shall be reviewed on a 6 monthly basis, and details of any amended procedures (and the reason for such) submitted to the Council as Planning Authority for approval.
6. Vehicular access to and from the site shall be from the eastern access only, as shown on the approved plans.
7. Prior to the siting of the marquee, precise details of any means of flooring shall be submitted for the approval in writing. The approved details shall thereafter be implemented in full.
8. No storage of material, crates or containers shall take place outside the building(s) and the site shall at all times be maintained in a clean and tidy condition, to the satisfaction of the Council as Planning Authority.
9. Prior to use of the marquee or toilet block commencing, detailed drawings of the proposed waste / recycling facility enclosures or waste and recycling facility storage areas and the associated locations for bin presentation shall be submitted for the further written agreement of the Council as Planning Authority
10. Prior to the commencement of the development hereby approved, a detailed landscaping and planting scheme for the site shall be submitted for the further written agreement of the Council as Planning Authority. The

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scheme shall include details of the height and slopes of any mounding or recontouring of the site, full details of all hard landscaping proposals including materials and installation methods and, species, height, size and density of trees and shrubs to be planted. The scheme as subsequently approved shall be carried out and completed within the first available planting season (October to March) after the completion or bringing into use of the development, whichever is the earlier, and the date of Practical Completion of the landscaping scheme shall be supplied in writing to the Council as Planning Authority within 7 days of that date. The scheme as agreed and implemented shall thereafter be maintained to the satisfaction of the Council as Planning Authority.

11. Prior to the commencement of the development hereby approved, a 1:200 site plan which identifies the Construction Exclusion Zone (CEZ) shall be submitted for the further written agreement of the Council as Planning Authority. This plan shall ensure all fencing adheres to BS 5837 2012: Trees in Relation to Design, Demolition and Construction. The CEZ as subsequently agreed shall be strictly adhered to during construction of the development.
12. Prior to the commencement of any development 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.
13. The siting of the marquee is approved for a temporary period until the 1 March 2021. Prior to this date the marquee shall be removed and the site reinstated.
14. Prior to the commencement of any part of this permission, a plan which outlines the circulation areas of guests/visitors shall be submitted for the further approval in writing by the Council as Planning Authority. The approved detailed shall thereafter be implemented in full to the satisfaction of the Council as Planning Authority.
15. Prior to the commencement of any development in relation to the new toilet block, precise details of the proposed foul drainage shall be submitted for the approval in writing by the Council as Planning Authority, in consultation with SNH. The approved details shall therefore be implemented in full to the satisfaction of the Council as Planning Authority.

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16. Prior to the commencement of any development on site details of the finished a sectional detail which shows the ground level of the carpark and also the finished floor level of the toilet block in relation to the existing wall of the walled garden shall be submitted for the approval in writing by the Council as Planning Authority. The approved details shall thereafter be implemented.
17. All plant or equipment associated with the toilet block 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 20 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.
18. Prior to the commencement of any development, precise details of the disposal of surface water from the car parking area shall be submitted for the approval in writing by the Council as Planning Authority. The approved details shall thereafter be implemented in full to the satisfaction of the Council as Planning Authority.

Justification

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

Informatives

1. This planning permission will last only for three years from the date of this decision notice, unless the development has been started within that period (see *section 58(1) of the Town and Country Planning (Scotland) Act 1997 (as amended)*).
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. 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.

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4. No work shall be commenced until an application for building warrant has been submitted and approved.
5. Due to the nature of the proposed work to the slate roof, it is important to keep in mind the possibility of finding bats when doing work on the existing roof. If bats are found during works, the work should stop immediately and you should contact SNH at Battleby immediately for advice. Building works should avoid the times of year when bats are most vulnerable to disturbance. The summer months, when bats are in maternity roosts, and the winter months when bats are hibernating, should be avoided. Typically early spring and autumn months are the best times to do work that may affect bats. If you suspect that bats are present you should consult SNH for advice. For further information visit the Bat Conservation Trust website <http://www.bats.org.uk/>.

(v) 17/02092/FLL – PITLOCHRY – Change of use of vacant land to form garden ground, formation of a vehicular access and erection of a fence and gates (in part retrospect) at Eldorado, Balnaguard, Pitlochry, PH9 0PY – Report 18/54 – Mr William Torrance

Mrs B Somerville , an objector to the application, addressed the Committee and, following their representation, withdrew to the public benches.

Motion (Councillors W Wilson and R Watters) – Refuse the application for the following reason:
The proposal is contrary to Policy CF2 of the Perth and Kinross Local Development Plan.

Amendment (Councillors T Gray and B Band) – Grant the application subject to the following terms, conditions and informatives;

Conditions

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.

Justification

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

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Informatives

1. 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.

In accordance with Standing Order 44, a roll call vote was taken.

6 members voted for the Motion as follows:

Councillors B Band, I James, R McCall, L Simpson, R Watters and W Wilson.

4 members voted for the Amendment as follows:

Councillors H Anderson, B Brawn, T Gray and M Lyle.

Resolved:

In accordance with the Motion.

(3) Proposal of Application Notice (PAN)

- (i) **17/00010/PAN – PERTH – Proposed employment/business park (use classes 4, 5 and 6) and associated works on land north of Thomson Landscapes, Inchcape Place, Perth – Report 18/55**

Members noted the issues identified by the Interim Head of Planning's report.

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Perth and Kinross Council  
Planning & Development Management Committee – 14 March 2018  
Report of Handling by Interim Development Quality Manager

|                  |                                                                                                                                                                                                                       |
|------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>PROPOSAL:</b> | Mixed use development comprising residential development, business land, education/recreation/community facilities, infrastructure including roads, footpaths, landscaping, drainage, open space and associated works |
| <b>LOCATION:</b> | Land west of Blairgowrie and Rattray Cottage Hospital, Perth Road, Blairgowrie                                                                                                                                        |

Ref. No: 17/00939/IPM  
Ward No: P3- Blairgowrie and Glens

**Summary**

This report recommends approval of the 'In Principle' application for a mixed use (business, retail, residential, community and education) development at the western edge of Blairgowrie. 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 The application site is located to the western edge of Blairgowrie and is west of existing residential properties and the A93, Perth Road. The proposed site covers an area of approximately 25 hectares and is mainly agricultural fields with a small area of woodland at the southern end of the site. Immediately east of the site is an established residential area of Blairgowrie. To the west is agricultural land and the Scheduled Monument of Fir Hillock burial mound, which sits adjacent to the western boundary. An area of Ancient Woodland bounds the site to the south west. 250 metres west of the site is a Site of Special Scientific Interest (SSSI) known as Ardblair and Myreside Fens.
- 2 In terms of topography the site is generally level with a gentle rising northwards. The site is currently in agricultural use and is categorised as class 3.2, and not classified as prime agricultural land.
- 3 Current vehicular access into the site is off the A923 road to Dunkeld, the B947 Essendy Road and off the A93 through existing residential streets off the A93. Within the north and south of the site there is a network of Core Paths.
- 4 The site is allocated within the Perth and Kinross Local Development Plan (LDP) (MU5) for mixed use development (residential, employment and education). The LDP acknowledges the potential for approximately 200 residential units, 4 hectares for employment use and 4 hectares for education use.

- 5 The applicant is seeking In Principle permission for a mixed use development (employment, retail, residential, community and education) for the entire MU5 allocation. The proposal also makes provision for landscaping, parks, green space, community facilities, roads and drainage infrastructure and associated development. An accompanying masterplan and Environmental Impact Assessment (EIA) has been submitted alongside the application. The key elements of the proposal comprise:
- Business Land (4ha) including Retail, Hotel, Restaurant, Local Centre
  - Residential – 400 dwellings approximately with 25% Affordable Housing;
  - Education – Primary School/Playing Fields;
  - Open Space / Recreational Areas; and
  - Associated supporting utility and access infrastructure.

### **ENVIRONMENTAL IMPACT ASSESSMENT (EIA)**

- 6 Directive 2011/92/EU (the EIA Directive) 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. The EIA Directive was amended and updated in 2014 by Directive 2014/52/EU introducing new requirements on the developer and competent authorities. These changes are transposed in to the Scottish planning system through the Town and Country Planning (Environmental Impact Assessment) (Scotland) Regulations 2017 (the 2017 Regulations) which largely replaces the 2011 EIA Regulations.
- 7 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.
- 8 An EIA Report/Environmental Statement was required to be submitted with the proposal as there were likely to be significant effects on the environment.

### **PRE-APPLICATION CONSULTATION**

- 9 The proposed development is classed as a Major development in terms of the Town and Country Planning (Hierarchy of Developments) (Scotland) Regulations 2009 as it involves more than 2 hectares of developable area or above 50 dwellings. This requires pre-application consultation with the local community to be undertaken. The results of the community consultation have been submitted with the application as part of the Pre-Application Consultation (PAC) Report on Community Consultation. The Proposal of Application Notice (PAN) (reference 14/00008/PAN) outlined that a public exhibition was held locally 24 and 25 November 2014 and the previous Ward Councillors for the

area were consulted as well as Blairgowrie and Rattray Community Council. A follow up public exhibition was also held on 2 March 2017.

## **NATIONAL POLICY AND GUIDANCE**

- 10 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**

- 11 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**

- 12 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.

- 13 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
- Promoting Town Centres; paragraphs 58 - 73
- Affordable Housing: paragraphs 126 – 131
- Valuing the Natural Environment : paragraphs 193 – 218
- Maximising the Benefits of Green Infrastructure: paragraphs 219 – 233
- Managing Flood Risk and Drainage: paragraphs 254 – 268
- Promoting Sustainable Transport and Active Travel : paragraphs 269 - 291

## **Planning Advice Notes**

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

- PAN 2/2010 Affordable Housing and Housing Land Audits
- PAN 3/2010 Community Engagement
- PAN 1/2011 Planning and Noise
- PAN 40 Development Management
- PAN 51 Planning, Environmental Protection and Regulation
- PAN 60 Planning for Natural Heritage
- PAN 61 Planning and Sustainable Urban Drainage Systems
- PAN 63 Waste Management Planning
- PAN 65 Planning and Open Space
- PAN 67 Housing Quality
- PAN 68 Design Statements
- PAN 69 Planning and Building standards Advice on Flooding
- PAN 75 Planning for Transport
- PAN 77 Designing Safer Places
- PAN 79 Water and Drainage
- PAN 83 Masterplanning

## **Designing Streets 2010**

- 15 Designing Streets is the first policy statement in Scotland for street design and marks a change in the emphasis of guidance on street design towards place-making and away from a system focused upon the dominance of motor vehicles. It has been created to support the Scottish Government's place-making agenda, alongside Creating Places, which sets out Government aspirations for design and the role of the planning system in delivering these.

## **Creating Places 2013**

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

## **National Roads Development Guide 2014**

- 17 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**

- 18 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**

- 19 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:
- 20 *“By 2036 the TAYplan area will be sustainable, more attractive, competitive and vibrant without creating an unacceptable burden on our planet. The quality of life will make it a place of first choice where more people choose to live, work, study and visit, and where businesses choose to invest and create jobs.”*
- 21 The following sections of the TAYplan 2016 are of particular importance in the assessment of this application.

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

- 22 Seeks to focus the majority of development in the region’s principal settlements. Blairgowrie/Rattray is identified as a Tier 2 Settlement with the potential to make a major contribution to the region’s economy, but will accommodate a smaller share of the additional development.

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

- 23 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**

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

### **Policy 6: Developer Contributions**

- 25 Seeks to ensure suitable infrastructure is in place to facilitate new development, developer contributions shall be sought to mitigate any adverse impact on infrastructure, services and amenities brought about by development. This may include contributions towards schools, the delivery of affordable housing, transport infrastructure and facilities (including road, rail, walking, cycling and public transport), green infrastructure and other community facilities in

accordance with the Scottish Government Circular 3/2012: Planning Obligations and Good Neighbour Agreements.

### **Policy 8: Green Networks**

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

### **Policy 9: Managing TAYplans Assets**

- 27 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**

- 28 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. The principal relevant policies are, in summary;

### **Policy PM1A - Placemaking**

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

### **Policy PM1B - Placemaking**

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

### **Policy PM1C - Placemaking**

- 31 Proposals of more than 200 houses or 10 ha should create a sustainable neighbourhood and seek to meet the key needs of residents or businesses either within or adjacent to the development. A masterplan will be required in most cases.

### **Policy PM2 - Design Statements**

- 32 Design Statements should normally accompany a planning application if the development comprises 5 or more dwellings, is a non-residential use which exceeds 0.5 ha or if the development affects the character or appearance of a Conservation Area, Historic Garden, Designed Landscape or the setting of a Listed Building or Scheduled Monument.

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

- 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 ED1A - Employment and Mixed Use Areas**

- 35 Areas identified for employment uses should be retained for such uses and any proposed development must be compatible with surrounding land uses and all six of the policy criteria, in particular retailing is not generally acceptable unless ancillary to the main use.

### **Policy ED1B - Employment and Mixed Use Areas**

- 36 Within areas identified for mixed use a range of uses such as housing, offices, light industry, surgeries and leisure uses would be acceptable providing they are compatible with the amenity of adjoining uses. Proposals for predominately one use on a mixed use site will not be acceptable.

### **Policy RC1 - Town and Neighbourhood Centres**

- 37 Class 1 (retail) uses will be supported in identified town and neighbourhood centres commensurate with the role of the centre within the established retail hierarchy. Use Classes 2 & 3, leisure, entertainment, recreation, cultural and community facilities will also be encouraged in ground floor units provided they contribute to the character, vitality and viability of the retail core and satisfy the

criteria set out. Use of pavement areas for restaurant/cafes/bars is acceptable in the prime retail area. Housing and other complementary uses are encouraged on the upper floors.

#### **Policy RC4 - Retail and Commercial Leisure Proposals**

- 38 The location of new retail and commercial leisure facilities should follow a sequential approach. Proposals of more than 1,500 sqm (or smaller at the discretion of the Council) outwith a defined town centre and not in accordance with the development plan will require a transport, retail or leisure impact assessment. Proposals that are on the edge of a centre, out of centre or in other commercial centres will only be acceptable where they satisfy the criteria set out.

#### **Policy RD1 - Residential Areas**

- 39 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 RD2 - Pubs and Clubs - Residential Areas**

- 40 Pubs, clubs and other leisure uses should be located in town centres except where they serve a local market. There is a presumption against these uses below existing residential property or where problems of noise or disturbance cannot be satisfactorily addressed.

#### **Policy RD4 - Affordable Housing**

- 41 Residential development consisting of 5 or more units should include provision of an affordable housing contribution amounting to 25% of the total number of units. Off-site provision or a commuted sum is acceptable as an alternative in appropriate circumstances.

#### **Policy TA1A - Transport Standards and Accessibility Requirements**

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

#### **Policy TA1B - Transport Standards and Accessibility Requirements**

- 43 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 CF1A - Open Space Retention and Provision**

- 44 Development proposals resulting in the loss of Sports Pitches, Parks and Open Space which are of recreational or amenity value will not be permitted, except in circumstances where one or more of the criteria set out apply.

### **Policy CF1B - Open Space Retention and Provision**

- 45 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**

- 46 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.

### **HE1A - Scheduled Monuments and Non Designated Archaeology**

- 47 There is a presumption against development which would have an adverse effect on the integrity of a Scheduled Monument and its setting, unless there are exceptional circumstances.

### **Policy HE1B - Scheduled Monuments and Non Designated Archaeology**

- 48 Areas or sites of known archaeological interest and their settings will be protected and there will be a strong presumption in favour of preservation in situ. If not possible provision will be required for survey, excavation, recording and analysis.

### **Policy HE2 - Listed Buildings**

- 49 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 NE1 - Environment and Conservation Policies**

- 50 National, local and European protected species should be considered in development proposals.

### **Policy NE2A - Forestry, Woodland and Trees**

- 51 Support will be given to proposals which meet the six criteria in particular where forests, woodland and trees are protected, where woodland areas are expanded and where new areas of woodland are delivered, securing establishment in advance of major development where practicable.

### **Policy NE2B - Forestry, Woodland and Trees**

- 52 Where there are existing trees on a development site, any application should be accompanied by a tree survey. There is a presumption in favour of protecting woodland resources. In exceptional circumstances where the loss of individual trees or woodland cover is unavoidable, mitigation measures will be required.

### **Policy NE3 - Biodiversity**

- 53 All wildlife and wildlife habitats, whether formally designated or not should be protected and enhanced in accordance with the criteria set out. Planning permission will not be granted for development likely to have an adverse effect on protected species.

### **Policy NE4 - Green Infrastructure**

- 54 Development should contribute to the creation, protection, enhancement and management of green infrastructure, in accordance with the criteria set out.

### **Policy ER5 - Prime Agricultural Land**

- 55 Development on prime agricultural land will not be permitted unless it is necessary to meet a specific established need such as a major infrastructure proposal, there is no other suitable site available on non-prime land or it is small scale development (generally single buildings) linked to rural business.

### **Policy ER6 - Managing Future Landscape Change to Conserve and Enhance the Diversity and Quality of the Areas Landscapes**

- 56 Development proposals will be supported where they do not conflict with the aim of maintaining and enhancing the landscape qualities of Perth and Kinross and they meet the tests set out in the 7 criteria.

### **Policy EP1 - Climate Change, Carbon Reduction and Sustainable Construction**

- 57 Sustainable design and construction will be integral to new development within Perth and Kinross. Proposals for new buildings must be capable of meeting one of the standards set out in the table.

### **Policy EP2 - New Development and Flooding**

- 58 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**

- 59 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**

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

### **Policy EP5 - Nuisance from Artificial Light and Light**

- 61 Permission will not be granted for proposals where the lighting would result in obtrusive and / or intrusive effects.

### **Policy EP6 - Lunan Valley Catchment Area**

- 62 The nature conservation and landscape interest of the Lunan Valley Catchment Area will be protected and enhanced in accordance with the criteria set out. Policy RD3: Housing in the Countryside is restricted to economic need, conversions, or replacement buildings within the Lunan Valley Catchment Area.

### **Policy EP8 - Noise Pollution**

- 63 There is a presumption against the siting of proposals which will generate high levels of noise in the locality of noise sensitive uses, and the location of noise sensitive uses near to sources of noise generation.

### **Policy EP11 - Air Quality Management Areas**

- 64 Development proposals within or adjacent to designated Air Quality Management Areas which would adversely affect air quality may not be permitted.

## **Policy EP12 - Contaminated Land**

- 65 The creation of new contamination will be prevented. Consideration will be given to proposals for the development of contaminated land where it can be demonstrated that remediation measures will ensure the site / land is suitable for the proposed use.

## **Proposed Perth and Kinross Local Development Plan 2 (LDP2)**

- 66 Perth & Kinross Council is progressing with preparation of a new Local Development Plan to provide up-to-date Development Plan coverage for Perth & Kinross. When adopted, the Perth & Kinross Local Development Plan 2 (LDP2) will replace the current adopted Perth & Kinross Local Development Plan (LDP). The Proposed Local Development Plan 2 was approved at the Special Council meeting on 22 November 2017. The Proposed LDP2 sets out a clear, long-term vision and planning policies for Perth & Kinross to meet the development needs of the area up to 2028 and beyond. The Proposed LDP2 is considered consistent with the Strategic Development Plan (TAYplan) and Scottish Planning Policy (SPP) 2014.
- 67 The Proposed LDP2, as approved by Perth & Kinross Council, was subject of a 9 week period of representation, which ended on 2 February 2018. Any unresolved representation to the Proposed Plan after this period is likely to be considered at an Examination by independent Reporter(s) appointed by the Scottish Ministers. The Reporter(s) will thereafter present their conclusions and recommendations on the plan, which the Council must accept prior to adoption. It is only in exceptional circumstances that the Council can elect not to do this.
- 68 The Proposed Plan represents Perth & Kinross Council's settled view in relation to land use planning and as such it is a material consideration in the determination of planning applications. The Proposed Plan is, however, at a stage in the statutory preparation process where it may be subject to modification. As such limited weight can therefore currently be given to its content and the policies and proposals of the plan are only referred to where they would materially alter the recommendation or decision. The weight of the Proposed Plan may change following consideration of representation received during consultation, at which time the level of significance of any objection to strategy, policies or proposals within the plan will be known.

## **OTHER POLICIES**

- 69 The following supplementary guidance and documents are of particular importance in the assessment of this application;
- Developer Contributions Supplementary Guidance including Affordable Housing April 2016
  - Flood Risk and Flood Risk Assessments – Developer Guidance June 2014
  - Sustainable Design and Zero Carbon Development Supplementary Guidance May 2014

- Green Infrastructure Supplementary Guidance (Draft) July 2014
- Perth and Kinross Retail Update 2014
- Draft Perth and Kinross Retail Update 2016
- Open Space Standards (2001)

## **SITE HISTORY**

70 The following history is of relevance;

**14/00008/PAN** Mixed use development for employment use, residential use, retail use and education. Content of PAN approved 11 November 2014.

**14/01768/SCRN** EIA Screening Request for mixed use development. Screening Opinion issued 13 January 2015 – EIA required.

## **CONSULTATIONS**

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

### **EXTERNAL**

#### **Scottish Environment Protection Agency (SEPA)**

72 No objection.

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

73 No response received.

#### **Transport Scotland**

74 No objection.

#### **Scottish Water**

75 No objection.

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

76 No objection.

#### **Forestry Commission Scotland (FCS)**

77 No objection. Pleased to see the level of tree removal is outweighed by the amount of proposed planting.

#### **Sport Scotland**

78 No objection provided that acceptable sports pitch provision is provided should a new school be delivered on the site.

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

- 79 No response received.

### **Perth and Kinross Heritage Trust (PKHT)**

- 80 No objection provided a recommended condition is included with any permission as site has archaeological potential.

### **Blairgowrie and Rattray Community Council**

- 81 Neutral position. Equal level of support and objection to the proposal.

## **INTERNAL**

### **Transport Planning**

- 82 No objection.

### **Strategy and Policy**

- 83 No objection.

### **Community Greenspace**

- 84 No objection.

### **Commercial Waste**

- 85 No objection.

### **Enterprise Team**

- 86 No response received.

### **Flood Risk and Structures**

- 87 No objection.

### **Environmental Health**

- 88 No objection following submission of detailed Air Quality Impact Assessment.

### **Contributions Officer**

- 89 Due to the scale of the proposal a Section 75 Legal Agreement will be required to secure the necessary infrastructure and associated contribution payments for the following:

- Affordable Housing provision

- Primary Education provision
- Open Space provision and maintenance
- Play area provision and maintenance
- Core path provision and maintenance
- Sports pitch provision and maintenance

### **Biodiversity Officer**

90 No objections providing certain conditions are applied.

### **REPRESENTATIONS**

91 The application has attracted 78 representations objecting to the proposal. The following issues raised in the objections are addressed in the Appraisal section of this report;

- Contrary to Development Plan
- No need for additional housing
- No need for retail stores
- No need for hotel
- Adverse environmental impact
- Adverse impact on residential amenity including privacy
- Adverse impact on visual amenity
- Adverse impact on biodiversity
- Adverse impact on woodland, trees and hedges
- Adverse impact on tourism
- Adverse impact on town centre
- Adverse impact on Core Paths/Ardblair Trail
- Traffic congestion
- Traffic safety
- Impact on primary school/need for new primary school
- Excessive density
- Inappropriate land use/across road from cemetery
- Loss of open space/countryside/agricultural land
- Noise pollution
- Light pollution
- Flood risk
- Drainage concerns
- Inadequate infrastructure including medical centre
- Construction traffic impact
- Excessive height
- Loss of daylight and potential overlooking
- Car parking

92 These issues are addressed in the Appraisal section.

## 93 ADDITIONAL STATEMENTS

|                                                |                                                                                         |
|------------------------------------------------|-----------------------------------------------------------------------------------------|
| Environment Statement                          | Submitted                                                                               |
| Screening Opinion                              | Submitted                                                                               |
| Environmental Impact Assessment                | Submitted                                                                               |
| Appropriate Assessment                         | Not Required                                                                            |
| Design Statement / Design and Access Statement | Submitted                                                                               |
| Reports on Impact or Potential Impact          | Transport Assessment;<br>Retail Impact Assessment;<br>Updated Air Quality<br>Assessment |

## APPRAISAL

- 94 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.
- 95 In terms of other material considerations, this involves considerations of the Council's other approved policies and supplementary guidance, such as the Developer Contributions Supplementary Guidance including Affordable Housing April 2016 and Flood Risk and Flood Risk Assessments – Developer Guidance June 2014.

## Principle

- 96 TAYplan Policy 1 (Location Priorities) seeks to focus the majority of development in the region's principal settlements. Blairgowrie/Rattray is identified as a Tier 2 Settlement with the potential to make a major contribution to the region's economy, but will accommodate a smaller share of the additional development. The proposed development therefore complies with the objective of this policy.
- 97 The principle of large scale mixed use (residential and business) development has been established through its allocation (MU5) in the LDP. Based on site area of 25 hectares and 8 hectares required for business/education/sports pitch provision, this leaves 17 hectares for residential use. Based on an indicative number of 400 dwellings, the proposed development is a medium density proposal (23 dwellings per hectare) and this is considered suitable for edge of settlement locations in the context of national policy stating the desirability of using land efficiently.

## **LDP Site Specific Requirements**

- Development of a masterplan through consultation with the community and the Council.
- Reservation of area for educational/play provision in centre of site (4ha)
- Provision of 4ha of business land to be developed in phased manner with housing development.
- Transport Assessment.
- Wastewater network investigations may be required resulting in network improvements.
- Development to be kept below the 90m contour line to the north of the site, area above that level to be considered for community woodland or similar use.
- Protection of ancient woodland in southern part of site.
- Evaluation of archaeological potential and mitigation will be required including protection of Fir Hillock Scheduled Monument.
- Enhancement of biodiversity.
- Financial contribution to education provision in line with the Supplementary Guidance
- Flood Risk Assessment.
- Protect local footpaths and the Ardblair Trail.
- Expand woodland on west side of site.
- Layout of the development to minimise impact on residential properties.

98 The above requirements will be addressed in the following appraisal.

## **Design and Layout**

- 99 The applicant has undertaken and produced a detailed Masterplan document following a number of consultation events with the local community. The masterplan establishes the broad land use, phasing and placemaking principles for the majority of the site.
- 100 At the southern end of the site the masterplan shows a new commercial/business area consisting of retail, hotel a restaurant and a new local centre. Whilst requiring certain visibility from a commercial perspective the commercial/business units are shown to be set back off the A94 (Perth Road) and providing the potential for reasonably significant boundary planting that will assist in softening any visual impact at this location.
- 101 As you move north through the site the predominant use is residential with strategically positioned areas of open space. Located centrally with the site is 4 hectares of open space which is required to be safeguarded for either education use for a new primary school (if required) or sports pitches for use by the community.

- 102 Access to the commercial uses will be via the A94, whilst the residential areas will be accessed off Essendy and Dunkeld Road. There will be a number of pedestrian and cyclist access points via the existing residential streets off the A94 immediately east of the proposed site.
- 103 The proposed density of uses represents efficient use of the land at an edge of settlement location that helps meet the both the Scottish Government and the Councils targets in terms of delivering mixed use sites and reducing the potential need for travel by car by both existing and new residents.
- 104 The proposed masterplan document meets the first three site specific criteria contained in its allocation in the LDP. The masterplan also complies with LDP Policy PM1 – Placemaking as it strives to provide a good mix of uses without a significant adverse impact on the area and existing residents. The applicant has provided a comprehensive masterplan which details the overall concept and vision of the site and how it will integrate with Blairgowrie. Analysis of movement, landscaping and local context has been clearly addressed as well as the site specific developer requirements of the LDP. The 3D visualisation of the southern end of the site identifies the site as a gateway development with enhanced pedestrian connections to the town centre and surrounding area. The Councils Strategy and Policy team are supportive of the masterplan as it meets the LDP requirements.

### **Landscape**

- 105 Community Greenspace specified the need for good public open space (POS) including equipped play areas, sports provision, and appropriate woodland and excellent path connections for both recreation and active travel.
- 106 The masterplan refers to several community facilities including several areas of POS for a development of this scale. Community Greenspace are satisfied that the main POS constraints and opportunities have been addressed and included in the masterplan and indicative site layout plan. The structure of the POS especially woodland and path connections should be an early priority of the development. The masterplan shows significant retention of mature trees and woodland and new planting with native species and this should provide a good structure.

### **Woodland**

- 107 One of the site specific criteria requires the protection of ancient woodland in the southern part of the site. The LDP shows the woodland to be retained as greenspace. The applicant has however shown this area as residential in the masterplan and therefore conflicts with this element of the site specific criteria. The applicant has provided supporting information justifying the proposed removal of this section of woodland as it is not ancient woodland like that immediately west of the site but is actually a small area of regenerating and self-seeded vegetation.

- 108 To accommodate the proposed built forms and associated infrastructure some limited areas of vegetation will need to be removed. This includes most of the area of regenerating trees and vegetation within the north-west fringes of the southern sector, as well as small lengths of hedgerows and a few hedgerow trees along the Essendy Road and Dunkeld Road to accommodate new junctions and sightlines.
- 109 The applicant acknowledges that this results in the loss of some woodland. However, it is proposed to significantly compensate for these losses by the implementation of a comprehensive site-wide planting strategy. This will form part of a mitigation strategy to be adopted across the site and will include new woodland and structure planting, riparian planting, avenue trees, specimen trees and domestic/specimen tree/shrub planting. Some planting is proposed to be undertaken at an early stage to ensure that key landscape resources are enhanced in line with the scale and mix of development proposed.
- 110 Within the vicinity of Ardblair Wood it is proposed to include a mix of woodlands including wet woodland and woodland edge planting as well as infill planting, all of which will be native and locally indigenous species. With a minimal amount of trees and vegetation proposed to be removed, Forestry Commission Scotland are supportive of the level of new native tree planting proposed and have not raised any concern over any adverse impact on any woodland.
- 111 The proposed planting strategy will protect and enhance the ancient Ardblair Wood by expanding new woodland creation, planting native species and adding to the age diversification of tree stock. Based on the robust justification by the applicant the loss of the woodland at the southern end of the site considered to be acceptable.
- 112 One of the other site specific requirements is that development must be kept below the 90m contour line to the north of the site and the above that level should be considered for community woodland or similar use. This northern sector forms the highest part of the landholding rising to a height of approximately 93m AOD on the northern boundary. The local landform continues to uniformly rise beyond this boundary to a local ridgeline located across the summit of Knockie Hill at approximately 210m AOD. These upper slopes comprise arable fields frequently punctuated by tree belts and form an attractive backdrop to the proposed site and to Blairgowrie. The applicant respects the site specific criteria and has not proposed any development beyond the 90m AOD.

### Paths

- 113 Paths within the site should be multi use and should be surfaced and at least 3m wide (2m width stated) ideally sitting within naturalised green corridors. The masterplan shows links to the existing core paths at the northern and southern end within the site and some contribution to upgrading off site paths will be required. This contribution can be controlled via the Section 75 legal agreement as well as conditional control. (Condition 12). The provision of paths are essential to connect to key community facilities especially existing and

planned play areas and sports facilities. This provision will ensure the site specific requirement to protect the local footpaths and the Ardblair Trail is met.

#### Play Areas

- 114 A neighbourhood equipped area for play (NEAP) as detailed within the Councils Play Strategy will be required. Such a play area should be located to be overlooked and accessible to the maximum number of residents possible. The masterplan provides several areas of open space that should be suitable for the provision of a NEAP to meet the Councils Play Strategy and LDP Policy CF1B – Open Space Retention and Provision.

#### Sports Pitch Provision

- 115 The need for sports pitch and related facilities provision has been highlighted in the site specific criteria in the LDP's allocation of the site. The safeguarding of 4 hectares of land for either educational use and/or sports pitch provision should ensure this requirement can be met and to comply with LDP Policy CF1B - Open Space Retention and Provision.

#### **Residential Amenity**

- 116 The residential amenity of existing residents in Blairgowrie will change as this is a large expansion of the town and this is a concern expressed in many of the representations submitted. The change can also be a positive one as the increased population will in turn require additional and improved community facilities to be provided.
- 117 It is considered the masterplan offers the opportunity to create a new neighbourhood that provides an attractive sense of place and a welcoming environment as you enter Blairgowrie. The masterplan seeks to achieve this by guiding the layout and urban form through compatible land uses.
- 118 Overall, in terms of residential amenity the proposal complies with LDP Policy PM1 as the indicative design and siting respects the character and amenity of the surrounding properties.

#### **Visual Amenity**

- 119 The application site is located on the south western edge of Blairgowrie and a development of this scale will undoubtedly have an impact on the visual amenity of the area. A detailed Landscape and Visual Impact Assessment was submitted as part of the EIA. It is considered that much of the existing landscape framework will help absorb the impact. The existing ancient woodland immediately west of the site and the long established residential areas to the north, east and the south will help visually contain the proposed development.

- 120 The indicative proposed landscape framework will further screen/soften some of the proposed development in particular the commercial/business area at the southern edge, so that in time it will blend in with the existing urban environment of Blairgowrie and be visually acceptable to residents and visitors.

### **Roads and Access**

- 121 A detailed Transport Assessment (TA) for the whole site was submitted in support of the application. It was also considered necessary to test the proposals using the Council's Blairgowrie Traffic Model to test the impact of the proposals on the traffic network in Blairgowrie.
- 122 The applicants TA focused largely on the site access and the immediate traffic network, whilst the modelling work was carried out. The modelling work has now been completed and Transport Planning are satisfied that this provides a robust assessment of the impact of the proposals on the wider Blairgowrie traffic network.
- 123 The modelling results show that whilst there would be modest increases in traffic, this would not have a significant detrimental effect on traffic queues or journey times with the largest increase in queue lengths in the peak times predicted to be an extra 5 cars and journey times in the PM peak predicted to increase by 12 seconds.
- 124 Transport Planning are therefore satisfied that the proposal will not have a significant detrimental effect on the wider traffic network in Blairgowrie. Transport Scotland have not raised any issues regarding the proposal as it will not have an impact on their trunk road network. The proposal complies with LDP Policy TA1B - Transport Standards and Accessibility Requirements as the site is well served by all modes of transport (in particular walking, cycling and public transport) and provides safe access and appropriate car parking provision for the proposed mix of uses.

### **Drainage and Flooding**

- 125 Following submission of additional information SEPA offer no objection to the proposal under flood risk grounds. SEPA previously had concerns that a proposed cut-off drain to the north of the site may increase flood risk elsewhere through the direct discharge of flood water into an existing culvert, which ordinarily might have been attenuated naturally within the site. The updated drainage drawings now show that the cut-off drain is to be designed to run east to west and into an attenuation pond. The discharge from this will be to the small watercourse in the south of the site. The outfall from the site SUDS has been redesigned to restrict flows to compensate for the additional flows from the north catchment. SEPA are now satisfied that the proposals have been designed to prevent any increased flood risk elsewhere.
- 126 Flood Risk and Structures commented that the drainage strategy for the site is acceptable for this stage of the planning process and the detailed design is still required to be assessed when applications for the detailed phases are submitted. The detailed design must ensure possible surface water ponding at

the north east of the site will be addressed and any discharging into nearby watercourses is fully controlled. Conditions 10 and 11 will ensure this is addressed.

- 127 In terms of waste water Scottish Water has confirmed that the existing infrastructure currently has capacity for the scale of the proposed development.

### **Business Land**

- 128 The submitted masterplan shows the provision of 4 hectares of business/commercial land located at the southern end of the site. It will be accessible directly off the A94 – Perth Road. The applicant has supplied an indicative site layout and uses for the business land and includes retail, hotel, a local centre and a restaurant.
- 129 Based on the indicative layout of the business area it is likely that it will become a commercial centre with retail being the predominant use. As retail is not specified as a use for the business area in the LDP, the applicant was required to submit a detailed Retail Impact Assessment (RIA) to assess the impact it could have on the vitality and viability of Blairgowrie town centre and to ensure a sequential assessment of sites within and on the edge of the town centre is fully assessed. For the avoidance of doubt the proposed location is classed as 'out of centre'.
- 130 The proposed development is for the following indicative retail floorspace:
- Discount foodstore – 2,125 sqm gross Gross Floor Area (GFA)
  - Non-Food discount store – 1,858 sqm GFA
  - Additional non-food retail unit – 929 sqm GFA
  - Small retail unit located within the “neighbourhood centre”.
- 131 In total convenience floorspace is anticipated to be 1,388 sqm Net Floor Area (NFA) and comparison floorspace 1,879 sqm NFA. On the same part of the site additional commercial units proposed include a hotel, a drive-thru café (Class 3) and family restaurant (Class 3).
- 132 In terms of car parking, the indicative layout includes 246 parking spaces to serve the retail units plus additional parking for the Class 3 units and the proposed hotel. Provision for pedestrian, cycling and public transport access is also proposed.
- 133 The applicant has confirmed they are in advanced discussions with Lidl UK as operator for the discount foodstore unit and are expected to be the first detailed application to be submitted should this 'In Principle' application be approved.
- 134 At this stage the operator has not yet confirmed for the discount non-food retail units although the unit is expected to be suitable for a major non-food discounter such as Home Bargains, or B&M etc. The additional non-food retail

unit would suit bulky or non-bulky specialist operators such as furniture or floor coverings, pets, car accessories etc.).

- 135 In addition the proposal indicative site layout plan for the business area includes a 275 sqm “neighbourhood/local centre unit”. This is likely to be used for community/healthcare (doctors or dentist surgery) and could also include a pharmacy.

#### Retail Capacity, Turnover and Impact

- 136 The RIA is based on Perth and Kinross Councils Retail Update 2014 and Draft Update of 2016. It estimates that that expenditure capacity within the identified catchment area (15-20 minute drive time) to be in the region of £56.25 million on convenience goods and £77.24 million on comparison goods. Existing stores within the catchment area are estimated to have a turnover of £38.8 million for convenience goods and £21.58 million for comparison goods. This means that £17.45 million is being spent outwith the catchment area on convenience goods and £55.66 million on comparison goods. In 2017, there is therefore estimated to be considerable capacity for convenience and comparison retail in the area and this is estimated to be slightly higher in 2020
- 137 Based on the indicative floorspace and industry agreed average turnover rates of stores such as Lidl, Home Bargain, B&M etc. it is estimated that the turnover of the proposed units will account for £9.7 million on convenience goods and £7.04 million on comparison goods. This is therefore well within the limits of the estimated capacity identified in the RIA.
- 138 Trade diversion from existing Blairgowrie stores is predicted to be 11% for convenience goods and 6% for comparison goods and these are considered to be acceptable levels of trade diversion. The majority of any diversion is predicted to be from the existing Tesco store, which is not a town centre site.
- 139 Overall the retail impact arising from the proposed development and indicative floorspace will be reasonably modest and will not significantly affect the vitality or viability of Blairgowrie town centre.

#### Sequential Assessment

- 140 LDP Policy RC4 requires that the location of new retail development follow the Scottish Governments identified sequential approach to ensure protection of town centres. This requires that locations are considered by applicants/developers in the following order of preference:
- a. town centres (including city centres and local centres);
  - b. edge of town centre;
  - c. other commercial centres identified in the development plan; and
  - d. out-of-centre locations that are, or can be, made easily accessible by a choice of transport modes.

- 141 Planning Authorities and developers are required to be flexible and realistic in applying the sequential approach, to ensure that different uses are developed in the most appropriate locations. A key requirement of the sequential approach is the assessment of whether alternative sites are suitable or unsuitable.
- 142 The minimum requirements for the proposed development are based on the provision of a discount foodstore and non-food development separately. The food discounter requires a minimum of 1,500 sqm gross internal floor area, at ground floor on a flat and unobstructed floor area. A site/building would also require to have direct surface level access to car parking suitable for trolleys resulting in a site area of at least 0.65ha.
- 143 The non-food units have more varied requirements but the minimum requirements would be clear unobstructed floor areas of 500 sqm GFA plus direct access to surface level car parking.
- 144 The largest unit that was available at the time of the RIA is the former store at 66-68 High Street. This unit is 781 sqm GFA over two floors with 630 sqm on the ground floor. This therefore does not meet the operation requirements of a discount food retailer such as Lidl.
- 145 Whilst the unit at 66-68 High Street may be able to accommodate a non-food use they are considered to be unsuitable as it does not meet minimum requirements for the proposed development in particular with regard to direct access to surface level car parking for customers and servicing arrangements.
- 146 The current application site is an out-of-centre location in terms of the sequential approach. The applicants have considered potential alternative premises and sites in the town centre and edge of centre and identified that there are no sequentially preferable sites or premises to meet the requirements of the application site. In conclusion the proposed site satisfies the sequential approach.
- 147 To further ensure the vitality and viability of Blairgowrie town centre is protected certain floorspace restriction will be required. (Condition 27).

### **Waste Collection**

- 148 No concerns were expressed by Waste Services at this stage of the planning process. An informative (No.7) has been added to remind the applicant to contact them when at the detailed design stage to ascertain what the waste and recycling requirements will be and to incorporate them within the finalised design at the Approval of Matters Specified in Conditions (AMSC) stage.

### **Natural Heritage and Biodiversity**

- 149 The site is predominantly arable farmland with some hedgerows and trees of varying quality.

- 150 An extended Phase 1 Habitat Survey has been submitted within the EIA and the Councils Biodiversity Officer considers that ecology and biodiversity of the site has been considered to an acceptable level for an 'In Principle' application. It will be necessary to provide updated comprehensive habitat and protected species surveys with any further applications for this development, or each phase of the development, as the validity of surveys is limited by time. (Condition 18).
- 151 Any vegetation removal should be undertaken outside of the bird breeding season to avoid disturbance of breeding birds. If not possible a pre-commencement survey prior to the vegetation clearance should be carried out by a suitably qualified ecologist. (Condition 20).
- 152 Any trees on site which are scheduled to be felled should be assessed for bat roost features and the appropriate bat surveys should be undertaken prior to felling of trees. (Condition 20).
- 153 A development of this scale offers opportunities to provide suitable nest/roost sites for particular bird species and bats. It is therefore recommended that a proportion of all 2 storey properties should incorporate nest boxes and bat roosts (Condition 3(xi)).

### **Air and Noise Quality**

#### Air

- 154 Following submission of a detailed air quality assessment, which included a cumulative assessment with the other large scale housing development in the area, Environmental Health have no objection to the proposal.
- 155 The air quality at this location has been assessed against the Environment Protection Scotland/Royal Town Planning Institute document *Delivering Cleaner Air for Scotland*. The assessment shows a maximum increase in nitrogen dioxide (NO<sub>2</sub>) of 6% in the vicinity of this development. Whilst this is a relatively large increase in NO<sub>2</sub>, the current levels are well below the 40ugm<sup>-3</sup> limit, therefore this impact is designated as a slight impact. Environmental Health consider this impact to be acceptable in an area where NO<sub>2</sub> is well below the standard levels.
- 156 The increase of particulates (PM<sub>10</sub> and PM<sub>2.5</sub>) is predicted to be 2%. The significance of impact is considered negligible and thereby an acceptable increase.
- 157 An assessment of dust during the construction phase has not been presented as part of the assessment, however appropriate mitigation measures have been included in Appendix 3 of the Assessment and Environmental Health recommend a condition to reflect this included with any consent. (Condition 9).

## Noise

- 158 No significant issue is raised by Environmental Health at this stage but because the application contains provision for business land; there could be an issue with noise depending on the specific site layout.
- 159 As this application is in principle at the moment, the final layout is not known at this stage and noise will need to be assessed at any future approval of matters specified application stage. (Conditions 26 and 29).

## **Cultural Heritage**

### Scheduled Monument

- 160 Historic Environment Scotland's (HES) key interest is the potential effects on the setting of Fir Hillock scheduled monument, a burial mound 750m east of Ardblair Castle (SM 9612). HES welcome both the design of the development and the assessment of effects as it recognises the close proximity of the Scheduled Monument to the proposals and have identified that the development will have an impact on the setting of the monument.
- 161 HES are mainly content with the assessment and concur that views to the west and south west of the monument, towards other designated assets also from the prehistoric period are important characteristics of the setting of this asset. HES agree that the location of this monument on a prominent rise with panoramic views is also a key characteristic of the setting of the monument, however they consider that the importance of views to the east of the asset may have been underplayed slightly in the assessment. The location of the asset leads it to have panoramic views in all directions, including to the east in the direction of the proposed development and the presence of undesignated underground structures and pits to the north east of the scheduled monument within the boundary of the development indicates that views in this direction to other prehistoric sites may also have been important.
- 162 Whilst the presence of the existing urban development at Blairgowrie has had an impact on the setting of the monument in this direction, the currently undeveloped field to the east of the monument still allows the understanding, appreciation and experience of this site as having relatively open views in all directions. HES therefore consider that this element of the assessment has been slightly understated, however they are content that this has not affected the overall conclusions of the assessment of effects on the setting of this monument.
- 163 HES note that the indicative masterplan has been designed to take into account the setting of the Fir Hillock burial mound Scheduled Monument and that in order to minimise setting effects to this asset an area of open space has been built into the design to the east of the monument. HES are content that this mitigation by design will help to reduce the potential setting effects of the development on this asset. HES also note that the masterplan suggests that there will be a level of tree planting within this open space area, including

avenue and specimen trees along the road which runs across the open space in front of the monument. HES welcome the proposals for a heritage trail to enhance the understanding and appreciation of the asset.

- 164 No direct effects on any nationally important designated historic environment assets are predicted. The proposals would have an effect on the setting of two scheduled monuments, however, the integrity of the setting of these monuments would not be significantly affected.

#### Listed Buildings and Blairgowrie Conservation Area

- 165 My colleagues with conservation experience have considered the scope and methodology of the ES in relation to the potential impact on listed buildings in the area, Blairgowrie Conservation Area and sites on the Historic Environment Scotland Inventory of Gardens and Designed Landscapes. They are content with the ES that the proposed development is unlikely to have any significant direct or indirect impact on any listed buildings or Conservation Area within the area assessed.

#### Archaeology

- 166 PKHT confirmed that the proposed development site lies within an area that is considered to have archaeological potential given the number of pre-historic archaeological sites located in close proximity. The Archaeological Assessment submitted as part of the EIA is considered to be robust as it assessed both the direct and indirect effects of the proposed development on heritage assets, including an assessment on the setting of the scheduled monument located directly adjacent to the proposed development site.
- 167 Overall, there is considered to be a high potential for remains of prehistoric to Roman date to be present within the site. It is therefore recommended that an archaeological evaluation should take place to assess the presence/absence, character and significance of archaeological deposits on the site. The evaluation will help inform a mitigation strategy, if required, to either preserve significant deposits within the development or for further archaeological works, to consist of the excavation and post-excavation analysis of deposits. (Condition 8).

#### **Developer Contributions**

- 168 Due to the impact of the proposed development on existing facilities and infrastructure, a Section 75 Legal Agreement will be required to secure the necessary infrastructure and associated contribution payments covering the following:
- Affordable Housing provision
  - Primary Education provision
  - Open Space provision and maintenance
  - Play area provision and maintenance
  - Core path provision and maintenance

- Sports pitch provision and maintenance

### **Economic Impact**

- 169 During the construction period a high number of full time jobs will be created and this will impact on the level of in-direct jobs that the construction activity will generate from employees spending on local goods and services. The impact of the proposed retail and business development is likely to be significant as it will provide job opportunities and will retain significant expenditure within the area and reduce expenditure leakage to Perth and Dundee in particular.
- 170 New residents should also fill job vacancies and support existing employers in the local area.
- 171 The proposed development will also have a positive effect in assisting Perth and Kinross Council to achieve affordable housing land requirements.

### **Sustainability**

- 172 SEPA require substantial developments to ensure their heat demand is met from district heating, subject to the outcome of a feasibility assessment. District Heating can be achieved through onsite heat generation, co-location with an existing or proposed heat source or an existing or proposed heat network off site.
- 173 The development must enable connection to a heat network or heat producer, unless it can be demonstrated that this would not be feasible. An Energy Statement informed by a Feasibility Study should be provided at the Associated Matters Specified by Condition stage and demonstrate how the proposal will meet the requirements for providing district heating onsite. (Condition 17).

### **LEGAL AGREEMENTS**

- 174 A legal agreement is required to secure infrastructure for the area. A Draft Heads of Terms has been prepared and agreed.

### **DIRECTION BY SCOTTISH MINISTERS**

- 175 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**

- 176 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 Local Development Plan and material considerations and in this case I am content that the development proposed does not conflict with the Development Plan.

- 177 The expansion of the western edge of Blairgowrie is a longstanding proposal and is allocated in the LDP. The site is well placed to deliver a sustainable community, serving as a well-connected suburb of Blairgowrie. The proposal will provide a significant contribution toward meeting the projected population growth of Perth and Kinross. It will also help assist funding of significant community infrastructure improvements that will benefit Blairgowrie and the wider area.
- 178 The proposed development is considered to primarily accord with the Development Plan, will lead to the creation of new homes to meet the predicted population growth, retain local expenditure, jobs both during the construction period and afterwards, enhanced community facilities, which will significantly assist in meeting local and national targets in a sustainable and measured fashion.
- 179 Accordingly the proposal is recommended for approval subject to the following conditions.

## **RECOMMENDATION**

### **Approve the application**

#### **Direction**

Perth and Kinross Council direct that sub-sections (2)(a)(i) and (3) of Section 59 of the Town and Country Planning (Scotland) Act 1997 apply with respect to the in Principle Permission (17/00939/IPM) with the substitution of the period of 3 years referred to in each of those subsections, with the period of 16 years.

#### **Conditions and Reasons for Recommendation**

- 1 Application for the approval required by a condition imposed on this Planning Permission in Principle shall conform with the requirements of Regulation 12 of the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013 and of Section 59 (2) and (3) of the Town and Country Planning (Scotland) Act 1997 as amended by Section 21 of the Planning etc. (Scotland) Act 2006 and, in particular, must be made before whichever is the latest of the following:
- (i) the expiration of 6 months from the date on which an earlier application for the requisite approval was refused, or
  - (ii) the expiration of 6 months from the date on which an appeal against such refusal was dismissed.

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

- 2 The submitted masterplan, site layout plan and indicated scale of development, of up to 400 dwellings and 4 hectares of business land, are purely indicative and are hereby not approved.

Reason: The application is for planning permission in principle only at this stage and an appropriate level of development, layout and design shall be determined through applications for the Approval of Matters Specified in Conditions.

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

- (i) a detailed phasing plan;
- (ii) a detailed levels survey (existing and proposed) and cross sections showing proposed finished ground and floor levels of all buildings forming part of the development phase, relative to existing ground levels and a fixed datum point;
- (iii) the siting, design, height and external materials of all buildings or structures;
- (iv) the details of all roads, footpaths, cycleways, core path connections throughout the development;
- (v) details of any screen walls/fencing to be provided (including any acoustic barriers);
- (vi) measures to maximise environmental sustainability through design, orientation and planting or any other means;
- (vi) details of all landscaping, structure planting and screening associated with the development of each site;
- (vii) the lighting of all streets and footpaths;
- (viii) the layout of play areas and the equipment to be installed;
- (ix) full details of the proposed means of disposal of foul and surface water from the development;
- (x) details of car charging points to be provided within the development; and
- (xi) A minimum 40% of dwellings shall incorporate swift bricks and bat roost bricks at eaves height.
- (xii) no development above 90 metres AOD.

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

- 4 No work shall start on the relevant parts of the site unless the trees to be retained as identified in the submitted surveys have been protected by suitable fencing in accordance with BS5837 2012 (Trees in Relation to Construction). The details of the protective fencing and its location shall be first submitted to and agreed in writing by the Planning Authority.

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

- 5 All existing rights of way, core paths within or adjacent to the completed development shall at all times be protected and remain operational during the construction phases.

Reason: In the interest of sustainable transportation.

- 6 Prior to the commencement of development of each phase a 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.

- 7 The times of construction should be limited to Monday to Friday 07.00 to 19.00, Saturday 08.00 to 13.00 with no noise generating work on a Sunday.

Reason: In the interests of residential amenity.

- 8 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: In the interest of protecting archaeological interest within the site.

- 9 Dust control measures as outlined in Appendix 3 of the Air Quality Impact Assessment dated 19 December 2017 shall but put in place throughout the construction of this development.

Reason: In the interests of residential amenity

- 10 Development shall not commence on site until a detailed sustainable urban drainage system (SUDS) has been submitted for the further written agreement of the Council as Planning Authority, in consultation with SEPA where necessary. The scheme shall be developed in accordance with the technical guidance contained in The SUDS Manual (C753) and the Council's Flood Risk and Flood Risk Assessments Developer Guidance, and shall incorporate source control. All works shall be carried out in accordance with the agreed scheme and be operational prior to the bringing into use of the development

Reason: To prevent flood risk; to ensure that the efficiency of the existing drainage network is not affected.

- 11 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 unless otherwise agreed in writing by the Council as Planning Authority.

Reason: To prevent flood risk; to ensure that the efficiency of the existing drainage network is not affected.

- 12 As part of any application for the Approval of Matters Specified in Condition, all schemes of hard and soft landscaping works shall be submitted to the Local Planning Authority.

Details of the schemes shall include:

- (i) existing and proposed finished ground levels relative to a fixed datum point;
- (ii) existing landscape features and vegetation to be retained;
- (iii) existing and proposed services including cables, pipelines and substations;
- (iv) the location of new trees, shrubs, hedges, grassed areas and water features;
- (iv) a schedule of plants to comprise species, plant sizes and proposed numbers and density;
- (vi) the location, design and materials of all hard landscaping works including, footpaths, walls, fences, gates, any other means of enclosure, street furniture and play equipment;
- (vii) an indication of existing trees, shrubs and hedges to be removed;
- (viii) a programme for the completion and subsequent maintenance of the proposed landscaping;
- (ix) a woodland management plan;
- (x) separation distances between residential buildings and edge trees;
- (xi) separation distances between residential buildings and existing woodland.

All soft and hard landscaping proposals shall be carried out in accordance with the approved scheme and shall be completed during the planting season immediately following the commencement of the development on that part of the site, or such other date as may be agreed in writing with the Planning Authority.

Reason: To ensure the implementation of satisfactory schemes of landscaping which will help to integrate the proposed development into the local landscape in the interests of the visual amenity of the area.

- 13 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: To ensure the implementation of satisfactory schemes of landscaping which will help to integrate the proposed development into the local landscape in the interests of the visual amenity of the area.

- 14 Prior to the occupation of the first dwelling all matters regarding access, car parking, public transport facilities, walking and cycling facilities, the 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 (as detailed in the National Roads Development Guide) and to the satisfaction of the Planning Authority.

Reason: In the interests of road safety; to ensure that a satisfactory standard of road and footpath is provided timeously in the interest of the amenity of the residents.

- 15 No part of the development shall be occupied until a Travel Plan (TP), aimed to encourage more sustainable means of travel, has been submitted and approved in writing by the Council. The TP 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: To be consistent with the requirements of Scottish Planning Policy (SPP) and PAN 75 Planning for Transport.

- 16 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.

- 17 As part of the first application for the Approval of Matters Specified in Condition an updated District Heating Feasibility Study for the whole site shall be submitted in writing for the approval of the Planning Authority to assess the technical feasibility and financial viability of heat network/district heating for this site, identifying all available sources of heat (either within the site or offsite) and other factors such as where land will be safeguarded for future district heating infrastructure.

The accompanying Design and Access Statement or other document as agreed by the Council should show/demonstrate how the findings of the feasibility study has been incorporated into the finalised design and layout of the proposal.

Reason: To identify future district heating opportunities for the development.

- 18 A detailed Protected Species Survey, including breeding birds and ecological surveys, shall be submitted as part of any application for approval of Matters Specified by Condition submitted for approval under Condition 3 of this permission. The surveys shall include appropriate mitigation to protect identified species.

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).

- 19 The conclusions and recommended action points within the supporting Environmental Impact Assessment (EIA) and hereby approved shall be fully adhered to, respected and undertaken as part of the construction phase of development.

Reason: In the interests of employing best practice ecology and to ensure there is no adverse impact on any protected species.

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

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

- 21 All road gullies within 500m of a waterbody or SuDS pond shall have wildlife kerbs installed adjacent to the gully.

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

- 22 A scheme detailing measures to protect animals from being trapped in open excavations and/or pipe and culverts shall be submitted for the written approval of the Planning Authority. 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. Thereafter, the approved scheme shall be implemented for the duration of the construction works of the development hereby approved.

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

- 23 Where it is intended to create semi-natural habitats, all species used in the planting proposals shall be locally native species of local provenance unless otherwise agreed in writing with the local planning authority.

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

- 24 The development shall be in accordance with the requirements of Development Plan policy and Perth & Kinross Council's Supplementary Guidance in relation to affordable housing.

Reason: To ensure that the development approved makes a contribution towards provision of affordable housing, in accordance with Development Plan policy and Supplementary Guidance.

- 25 The development shall be in accordance with the requirements of Development Plan policy and Perth & Kinross Council's Supplementary Guidance in relation to primary education infrastructure.

Reason: To ensure that the development approved makes a contribution towards increasing primary school provision, in accordance with Development Plan policy and Supplementary Guidance.

- 26 As part of any application for Approval of Matters Specified in Conditions, as set out in Condition 3, a noise assessment shall be submitted to demonstrate acceptable internal noise levels of 35 dB within all dwellings taking into account any acoustic mitigation proposed.

Reason: In the interests of residential amenity.

- 27 The net sales floor area of any Food Retail Unit shall not exceed 1,900 sqm and shall be a minimum of 70% for convenience goods and a maximum of 30% for the sale of comparison goods; the net sales floor area of any Non-Food Retail Unit shall not exceed 1,500 sqm and shall be a minimum of 60% for comparison goods and a maximum of 40% for the sale of convenience goods.

Reason: To control the potential impact on the vitality and viability of Crieff town centre.

- 28 All deliveries to any retail/commercial unit must be within the hours of 0700 and 2300 Monday to Saturday. Sunday deliveries must be within the hours of 0900 and 1700 hours.

Reason: To safeguard the amenity of neighbouring residential properties.

- 29 All fixed plant and equipment at the retail/business site shall be so enclosed, attenuated and/or maintained such that any noise therefrom shall not exceed a noise rating level of 35dB LAeq, 15 mins during the night time period when measured 1 metre from the window of the closest noise sensitive receptors and should not exceed a rating level of 40dB LAeq, 1 hr when measured at the closest noise sensitive receptor during the daytime period.

Reason: To safeguard the amenity of neighbouring residential properties.

## **B JUSTIFICATION**

- 180 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**

- 181 Consent shall not to be issued until the Section 75 Agreement relating to transport infrastructure contributions has been completed and signed to reflect the current planning reference 17/00939/IPM.

- 182 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 will result in the planning application having to be re-assessed through failing to comply with the associated developer contributions policy and may ultimately be recommended for refusal under delegated powers.

## **D INFORMATIVES**

- 1 The applicant is advised that to enable some of the negative suspensive conditions to be fulfilled works which are operational development may have to be undertaken outwith the application site. These works themselves may require the submission of a planning application.
- 2 The applicant is advised that in terms of Section 56 of the Roads (Scotland) Act 1984 he must obtain from the Council as Roads Authority consent to open an existing road or footway prior to the commencement of works. Advice on the disposal of surface water must be sought at the initial stages of design from Scottish Water and the Scottish Environment Protection Agency.
- 3 The applicant is advised that in terms of Section 21 of the Roads (Scotland) Act 1984 they must obtain from the Council as Roads Authority consent to construct a new road prior to the commencement of roadworks. Advice on the disposal of surface water must be sought at the initial stages of design from Scottish Water and the Scottish Environment Protection Agency.
- 4 The applicants are advised that they must apply to the Roads Authority for construction consent to form a new street. Please contact The Construction and Maintenance Manager, The Environment Service, Perth and Kinross Council, Pullar House, Perth.
- 5 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.
- 6 The applicant is advised that the works may need a license under the Water (Controlled Activities) Regulations 2005 (CAR). The applicant should contact SEPA's Perth Environmental Protection and Improvement Team (Tel: 01738 627989) in regard to this. The applicant should ensure that all works on site comply with the best practice guidelines laid out in SEPA's published Pollution Prevention Guidance, found at [www.sepa.org.uk](http://www.sepa.org.uk)
- 7 The Council's Community Waste Adviser in the Environment Service should be contacted to clarify the bin storage and recycling requirements for the development.

- 8 The applicant is reminded that, under the Wildlife and Countryside Act 1981, as amended, it is an offence to remove, damage or destroy the nest of any wild birds while that nest is in use or being built. Planning consent for a development does not provide a defence against prosecution under this act.
- 9 The applicant is reminded that, should any protected species be present a licence may be required from Scottish Natural Heritage to disturb a protected species. Failure to obtain a licence may constitute a criminal act under the Habitats Regulations and penalties are severe for non-compliance.
- 10 The Council shall be immediately notified in writing if any ground contamination is found during construction of the development, and thereafter a scheme to deal with the contamination shall be submitted to, and agreed in writing by, the Council as Planning Authority.
- 11 The developer is advised to contact Mr David Strachan, Archaeologist to discuss terms of reference for work required Tel 01738 477080.
- 12 For guidance on cycle paths please see Sustrans Design Manual Handbook for cycle-friendly design (drawings on P21-22).
- 13 Please consult the Street Naming and Numbering Officer, The Environment Service, Perth and Kinross Council, Pullar House, 35 Kinnoull Street, Perth PH1 5GD.
- 14 Any structures & all walls/embankments that act singly or together to support a carriageway or footpath & retain over 1.5m fill will require Technical Approval.
- 15 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.

## **E ENVIRONMENTAL IMPACT ASSESSMENT (EIA) DECISION**

The proposed development was determined by Perth & Kinross Council under the provisions of the Town and Country Planning (Environmental Impact Assessment) (Scotland) Regulations 2017 to be EIA development. In accordance with Regulation 29, notice of this decision is hereby given in respect of the following:

- a) Mixed use development comprising residential development, business, education/recreation/community facilities, infrastructure including roads, footpaths, landscaping, drainage, open space and associated works at land west of Blairgowrie and Rattray Cottage Hospital, Perth Road, Blairgowrie
- b) Approval 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.
- c) The expansion of the western edge of Blairgowrie is a longstanding proposal and is allocated in the LDP. The site is well placed to deliver a

sustainable community, serving as a well-connected suburb of Blairgowrie. The proposal will provide a significant contribution toward meeting the projected population growth of Perth and Kinross. It will also help assist funding of significant community infrastructure improvements that will benefit Blairgowrie and the wider area.

- d) Pre-application consultation with the local community was undertaken locally on 24 and 25 November 2014 with a follow up public exhibition held on 2 March 2017.
- e) The following environmental constraints that have been taken into consideration:
  - Ancient woodland
  - Archaeology including Scheduled Monument of Fir Hillock burial mound
  - Site of Special Scientific Interest (SSSI) known as Ardblair and Myreside Fens
  - Existing Core Paths Network;
  - Topography (regarding visual impact).
  - Ecological protection and biodiversity enhancement
- f)
  - i) Please see above Direction and Conditions associated with the recommendation of approval.
  - ii) The impact of the development on the environmental designations in the area is not considered to be significant and can be mitigated.
  - iii) Perth & Kinross Council is satisfied that the reasoned conclusion provided is accurate and remains current.
  - iv) Please see above Conditions associated with the recommendation of approval that will help mitigate any environmental impact.
  - v) Environmental monitoring of site by the Council will be facilitated by the required Construction and Environmental Management Plan (CEMP) (Condition 6).

Background Papers: 78 letters of representation  
 Contact Officer: Steve Callan 01738 475337  
 Date: 1 March 2018

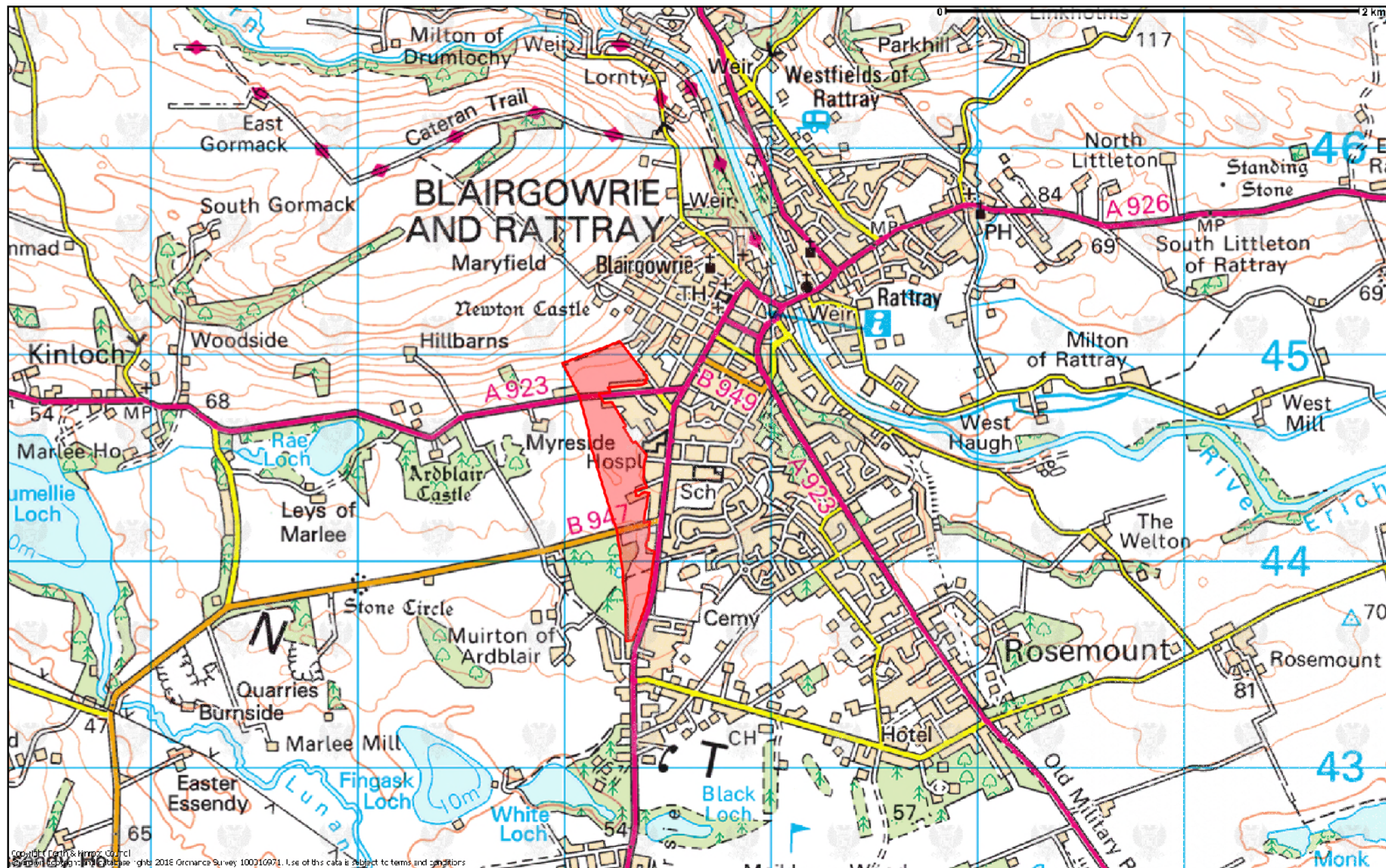
**ANNE CONDLIFFE**  
**INTERIM DEVELOPMENT QUALITY MANAGER**

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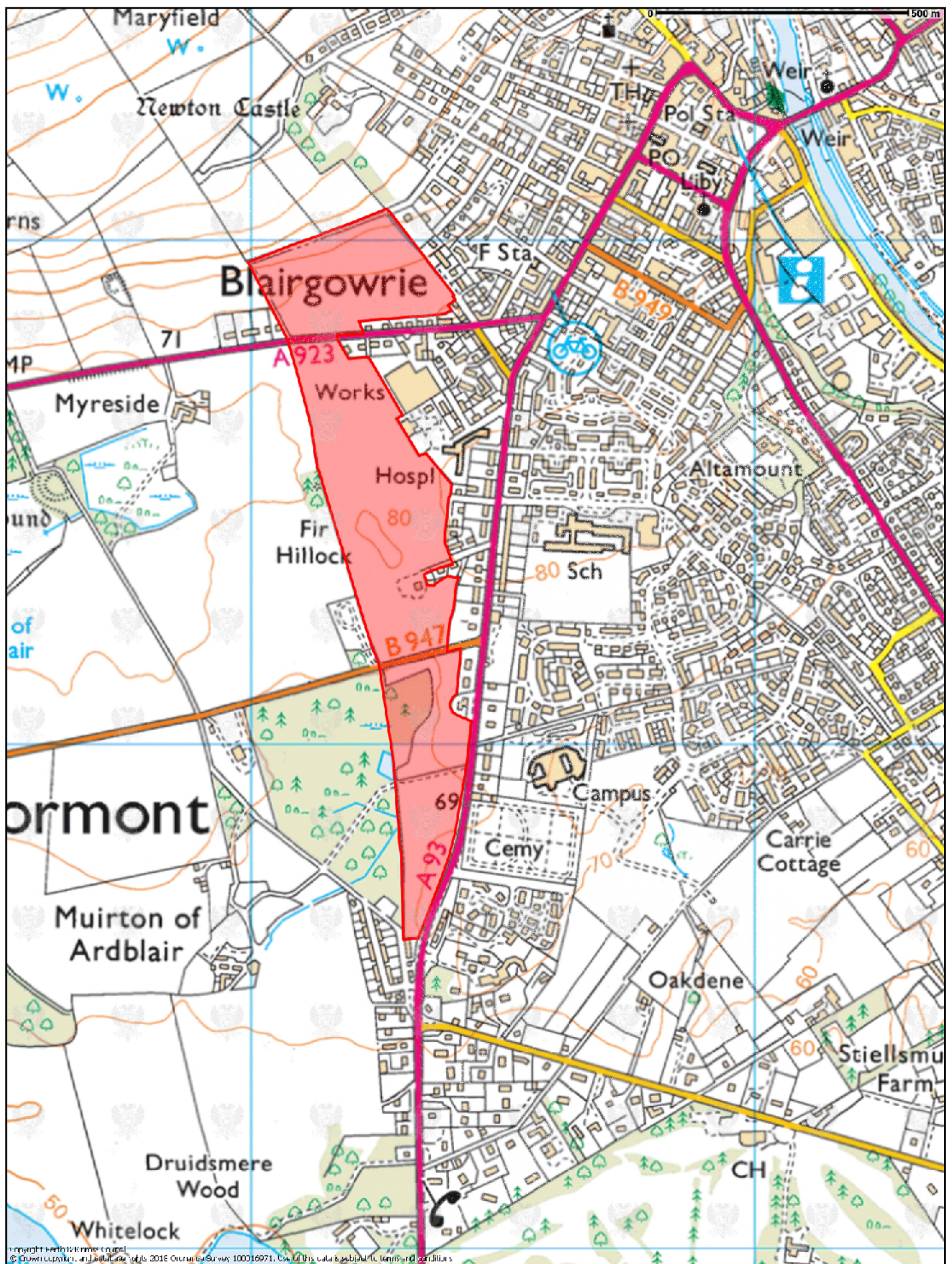


17/00939/IPM

Mixed use development comprising residential development, employment land, education/recreation/community facilities, infrastructure including roads, footpaths, landscaping, drainage, open space and associated works, land west of Blairgowrie & Rattray Cottage Hospital, Perth Road Blairgowrie







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17/00939/IPM

Mixed use development comprising residential development, employment land, education/recreation/community facilities, infrastructure including roads, footpaths, landscaping, drainage, open space and associated works, land west of Blairgowrie & Rattray Cottage Hospital, Perth Road' Blairgowrie





Perth and Kinross Council  
Planning & Development Management Committee – 14 March 2018  
Report of Handling by Interim Development Quality Manager

**PROPOSAL:** Application under Section 42 of the Town and Country Planning (Scotland) Act 1997 to develop land without complying with Condition 2 (period of extraction) of planning permission 04/01322/MW (extraction and processing of sand and gravel)

**LOCATION:** Balado Quarry Balado

Ref. No: 17/01441/MWM  
Ward No: P8- Kinross-shire

**Summary**

This report recommends **approval** of this application to extend the time to extract the mineral resource and undertake site restoration at Balado Quarry. If works proceed in accordance with the recommendations of the Environmental Statement (ES), supporting information and planning conditions the proposal will comply with the Development Plan and National Planning Policy and there are no material considerations which are considered to outweigh the Development Plan. The proposals are recommended for approval, subject to conditions, including associated conclusion of a legal agreement to ensure satisfactory restoration measures are secured.

**BACKGROUND AND DESCRIPTION OF PROPOSAL**

- 1 This application relates to Balado Quarry which is located at Balado Home Farm, 2km to the west of Kinross. The southern boundary is adjacent to the A977 and the small settlements of Balado and Balado Crossroads are located on the other side of this road. The site is within the Loch Leven Catchment, the River South Queich located along the northern boundary of the site flows into Loch Leven.
- 2 The quarrying of sand and gravel at the site has been undertaken under planning consent 04/01322/MW granted in August 2006. The operations involve wet processing under a closed system involving the use of storage ponds which contain silt. The planning permission area associated with the 2006 consent to quarry at Balado extends to some 36.4 hectares of which some 24.2ha is consented for sand and gravel extraction.
- 3 The agent has confirmed that there are still some 10 years of aggregate reserves within the planning permission area that remain to be extracted. This is partially due to an over estimation of the potential market demand prior to submission of the application in 2004 and partially due to the economic

recession which saw a significant downturn in demand between 2008 and 2014.

- 4 This section 42 application therefore seeks an extension in the duration of operations at Balado Quarry to provide sufficient time to allow the extraction of the full consented mineral reserve. The proposal if approved would allow the extraction of the remaining reserve, the continued processing of sand and gravel and the final restoration of the site.
- 5 No operational changes are proposed to the existing consented operations. At the time of submission the agent has confirmed that the landuse at the quarry can be split into the following categories:-
  - land retained in agriculture (13.0ha);
  - Phase 1 waterbody (5.7ha);
  - ongoing Phase 2 excavation dry working (1.0ha);
  - ongoing Phase 2 excavation wet working/waterbody (3.0ha);
  - site compound, processing and stocking areas, access routes, soil mounds and land under reinstatement (11.7ha)
  - and mixed woodland (2.0ha).
- 6 A reserve of approximately 1.1 million tonnes of sand and gravel remains. This application seeks approval to extract that the remaining reserve at a rate of 110,000 tonnes per annum over a period of 10 years with a further year required to complete restoration.

## **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 An Environmental Statement has been submitted with the proposal following a scoping exercise 16/01815/SCOP. The content and the associated background information of the ES are considered to meet the requirements of the associated Regulations.

## **PRE-APPLICATION CONSULTATION**

- 10 Due to the size of the application site, which is over 2 hectares, this proposal is classed as a Major Application as defined in the Town and Country Planning (Hierarchy of Development) (Scotland) Regulations 2009. The amended Regulations, which came into force on the 30 June 2013, removes the requirement for Pre-application Consultation for Section 42 applications (which relates to a 'major planning application') made on, or after the 3 February 2013. Accordingly there is not a requirement to carry out a pre-application public consultation on this major application due to the inclusion of Regulation 49(5) in the above Regulations.

## **NATIONAL POLICY AND GUIDANCE**

- 11 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**

- 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 SPP was published on 23 June 2014. It 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.
  - The determination of planning applications and appeals.
- 14 Of relevance to this application are;
- Paragraphs 24 – 35: Sustainability
  - Paragraphs 36 – 57: Placemaking

- 15 A Successful, Sustainable Place:
- Paragraphs 92- 108 Supporting Business and Employment
- 16 A Natural, Resilient Place:
- Paragraphs 193 – 218 The Natural Environment
  - Paragraphs 219 – 233 Maximising the Benefits of Green Infrastructure
  - Paragraphs 254 – 268 Managing Flood Risk & Drainage
- 17 The following Scottish Government Planning Advice Notes (PAN) are also of interest:
- Air Quality and Land Use Planning (2004)
  - PAN 1/2011 Planning and Noise
  - PAN 2/2011 Planning and Archaeology
  - PAN 3/2010 Community Engagement
  - PAN 1/2013 Environmental Impact Assessment
  - PAN 40 Development Management
  - PAN 50 Controlling the Environmental Effects of Surface Mineral Workings
  - PAN 51 Planning, Environmental Protection and Regulation
  - PAN 60 Planning for Natural Heritage
  - PAN 61 Planning and Sustainable Urban Drainage Systems
  - PAN 64 Reclamation of Surface Mineral Workings
  - PAN 75 Planning for Transport
  - PAN 79 Water and Drainage
  - PAN 81 Community Engagement: Planning with People

### **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 7: Energy, Waste and Resources**

- 23 Seeks to deliver a low/zero carbon future. Development proposals should ensure all areas of search, sites and routes for energy, waste and resource management infrastructure have been justified against a series of considerations including: the specific land take requirements, the proximity of resources, the sensitivity of the surrounding environment, health and safety considerations, cumulative impacts, strategic cross-boundary impacts, and consistency with the National Planning Framework.

### **Policy 9: Managing TAYplans Assets**

- 24 Seeks to ensure responsible management of TAYplan’s assets by: using the locational priorities of the Plan to identify and protect finite resources (mineral deposits and important soils); Protecting Natura 2000 sites; and 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**

- 25 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.
- 26 The principal policies are, in summary:

### **Policy PM1A - Placemaking**

- 27 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 TA1B - Transport Standards and Accessibility Requirements**

- 28 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 CF2 - Public Access**

- 29 Developments will not be allowed if they have an adverse impact on any core path, disused railway line, asserted right of way or other well used route, unless impacts are addressed and suitable alternative provision is made.

#### **Policy HE1A - Scheduled Monuments and Non Designated Archaeology**

- 30 There is a presumption against development which would have an adverse effect on the integrity of a Scheduled Monument and its setting, unless there are exceptional circumstances.

#### **Policy NE1A - International Nature Conservation Sites**

- 31 Development which could have a significant effect on a site designated or proposed as a Special Area of Conservation, Special Protection Area or Ramsar site will only be permitted where an Appropriate Assessment shows that the integrity of the site will not be adversely affected, there are no alternative solutions and there are imperative reasons of overriding public interest.

#### **Policy NE1B - National Designations**

- 32 Development which would affect a National Park, National Scenic Area, Site of Special Scientific Interest or National Nature Reserve will only be permitted where the integrity of the area or the qualities for which it has been designated are not adversely affected or any adverse impacts are clearly outweighed by benefits of national importance.

#### **Policy NE1C - Local Designations**

- 33 Development which would affect an area designated as being of local nature conservation or geological interest will only be permitted where the integrity of the area or the qualities for which it has been designated are not adversely affected or any adverse impacts are clearly outweighed by benefits of local importance.

#### **Policy NE2A - Forestry, Woodland and Trees**

- 34 Support will be given to proposals which meet the six criteria in particular where forests, woodland and trees are protected, where woodland areas are expanded and where new areas of woodland are delivered, securing establishment in advance of major development where practicable.

### **Policy NE2B - Forestry, Woodland and Trees**

- 35 Where there are existing trees on a development site, any application should be accompanied by a tree survey. There is a presumption in favour of protecting woodland resources. In exceptional circumstances where the loss of individual trees or woodland cover is unavoidable, mitigation measures will be required.

### **Policy NE3 - Biodiversity**

- 36 All wildlife and wildlife habitats, whether formally designated or not should be protected and enhanced in accordance with the criteria set out. Planning permission will not be granted for development likely to have an adverse effect on protected species.

### **Policy ER3A - Minerals and Other Extractive Activities**

- 37 Development which would sterilise important economically workable mineral deposits will not be allowed unless there is an overriding need for the development and prior extraction of the mineral cannot reasonably be undertaken; or extraction of the mineral is unlikely to be practicable or environmentally acceptable.

### **Policy ER3B - Minerals and Other Extractive Activities**

- 38 The extraction of proven mineral deposits in advance of other planned development will be permitted provided that it accords with the criteria set out.

### **Policy ER4A - Minerals and Other Extractive Activities**

- 39 Favourable consideration will be given to proposals for the extraction of minerals where they are in accordance with the criteria set out and where they do not have an adverse effect on local communities and the environment.

### **Policy ER4B - Minerals and Other Extractive Activities**

- 40 Restoration, after use and aftercare proposals will require to be agreed in advance of mineral and other extractive operations. Financial bonds for restoration will be required.

### **Policy ER4C - Minerals and Other Extractive Activities**

- 41 Greater efficiency in the use of primary mineral resources is encouraged.

### **Policy ER5 - Prime Agricultural Land**

- 42 Development on prime agricultural land will not be permitted unless it is necessary to meet a specific established need such as a major infrastructure proposal, there is no other suitable site available on non prime land or it is small scale development (generally single buildings) linked to rural business.

### **Policy EP3A - Water, Environment and Drainage**

- 43 Proposals which do not accord with the Scotland River Basin Management Plan and any relevant associated Area Management Plans will be refused unless they are considered to be of significant specified benefit to society and / or the wider environment.

### **Policy EP3B - Water, Environment and Drainage**

- 44 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**

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

### **Policy EP5 - Nuisance from Artificial Light and Light**

- 46 Consent will not be granted for proposals where the lighting would result in obtrusive and / or intrusive effects.

### **Policy EP8 - Noise Pollution**

- 47 There is a presumption against the siting of proposals which will generate high levels of noise in the locality of noise sensitive uses, and the location of noise sensitive uses near to sources of noise generation.

### **Policy EP12 - Contaminated Land**

- 48 The creation of new contamination will be prevented. Consideration will be given to proposals for the development of contaminated land where it can be demonstrated that remediation measures will ensure the site / land is suitable for the proposed use.

### **Proposed Perth and Kinross Local Development Plan 2 (LDP2)**

- 49 Perth & Kinross Council is progressing with preparation of a new Local Development Plan to provide up-to-date Development Plan coverage for Perth & Kinross. When adopted, the Perth & Kinross Local Development Plan 2 (LDP2) will replace the current adopted Perth & Kinross Local Development Plan (LDP). The Proposed Local Development Plan 2 was approved, subject to amendments, at the Special Council meeting on 22 November 2017. The Proposed LDP2 sets out a clear, long-term vision and planning policies for Perth & Kinross to meet the development needs of the area up to 2028 and

beyond. The Proposed LDP2 is considered consistent with the Strategic Development Plan (TAYplan) and Scottish Planning Policy (SPP) 2014.

- 50 The Proposed LDP2, as approved by Perth & Kinross Council, was subject of a 9 week period of representation, which ended on 2 February 2018. Any unresolved representation to the Proposed Plan after this period is likely to be considered at an Examination by independent Reporter(s) appointed by the Scottish Ministers. The Reporter(s) will thereafter present their conclusions and recommendations on the plan, which the Council must accept prior to adoption. It is only in exceptional circumstances that the Council can elect not to do this.
- 51 The Proposed Plan represents Perth & Kinross Council's settled view in relation to land use planning and as such it is a material consideration in the determination of planning applications. The Proposed Plan is, however, at a stage in the statutory preparation process where it may be subject to modification. As such limited weight can therefore currently be given to its content and the policies and proposals of the plan are only referred to where they would materially alter the recommendation or decision. The weight of the Proposed Plan may change following consideration of representation received during consultation, at which time the level of significance of any objection to strategy, policies or proposals within the plan will be known.

## **OTHER POLICIES**

### **Perth & Kinross Corporate Plan 2013-2018**

- 52 Corporate Plan Vision includes – Promoting a prosperous, inclusive and sustainable economy. Creating safe and sustainable places for future generations.
- 53 The following supplementary guidance and documents are of particular importance in the assessment of this application:
- Tayside Landscape Character Assessment (TLCA)
  - Flood Risk and Flood Risk Assessments – Developer Guidance (June 2014)
  - Green Infrastructure Supplementary Guidance (Draft) (July 2014)
  - BS 4142: 2014 Methods for rating and assessing industrial and commercial sound

## **SITE HISTORY**

- 54 91/02150/FUL Leisure & Residential development (in principle) Application Refused under Delegated Powers 6 August 1992
- 55 92/01764/FUL Leisure & Residential development (in principle) Application Refused under Delegated Powers 10 August 1995
- 56 03/01143/MW Extraction and processing of sand and gravel on Application Withdrawn 10 March 2004

- 57 04/01322/MW Extraction and processing of sand and gravel. Application Approved by committee on 10 March 2004. Decision issued on 23 August 2006 after completion of Section 75 Agreement with regard to restoration.
- 58 08/01648/FLL Modification of condition 10 (hours of operation) of previous consent (04/01322/MW) Application Withdrawn 24 February 2010
- 59 11/00001/WMP Extractive Waste Management Plan Application Approved under Delegated Powers 10 October 2011
- 60 16/01815/SCOP Request to extend the operational life of the quarry to allow extraction of remaining consented reserves - Section 42 application to vary Condition 2, Scoping Opinion Issued on 13 March 2017.

## **CONSULTATIONS**

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

### **EXTERNAL**

#### **Scottish Environment Protection Agency (SEPA)**

- 62 No objection to the application. Advice provided on pollution prevention and site drainage, the groundwater environment, flood risk as well as regulatory advice for the applicant.

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

- 63 No objection. The application is for an extension of the working period of an existing consented sand and gravel quarry, where the current method of operation will continue. This ensures that there is no discharge from the quarry operations to the South Queich or the Killoch Burn. Therefore there is no pathway which could link the operations at the quarry with the features of Loch Leven SPA.

#### **Health and Safety Executive (HSE)**

- 64 No response within consultation period.

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

- 65 We have considered the information received and do not have any comments to make on the proposals. You should also seek advice from your archaeology and conservation service for matters including unscheduled archaeology and category B and C-listed buildings.

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

- 66 No response within consultation period.

### **Scottish Water**

- 67 No objection.

### **National Grid Plant Protection Team**

- 68 No response within consultation period.

### **BP Consultations**

- 69 The safety and integrity of the BP Forties Pipeline will not be affected.

### **Kinross Community Council**

- 70 No objection.

### **INTERNAL**

### **Local Flood Prevention Authority**

- 71 No objection. However clarification regarding the restoration of the site is required as the SEPA fluvial flood maps indicate that the northern part of the site is part of the floodplain (1:200 year event). As such land should not be raised as part of any restoration measures to avoid transferring flood risk elsewhere.

### **Transport Planning**

- 72 No objection.

### **Biodiversity Officer**

- 73 An extended Phase 1 Ecological Survey has been provided to support the application. A number of recommendations are made in the survey report which should be conditions of any approval.

### **Environmental Health**

- 74 No adverse comments. Reference made to conditional control on previous application which related to dust and noise.

### **Strategy and Policy**

- 75 No response within consultation period.

### **REPRESENTATIONS**

- 76 One letter of support has been received however no detailed reasons are provided.

## 77 ADDITIONAL STATEMENTS

|                                                |              |
|------------------------------------------------|--------------|
| Environment Statement                          | Submitted    |
| Screening Opinion                              | ES Submitted |
| Environmental Impact Assessment                | Required     |
| Appropriate Assessment                         | Not Required |
| Design Statement / Design and Access Statement | Submitted    |
| Reports on Impact or Potential Impact          | Submitted    |

### APPRAISAL

- 78 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.
- 79 In this case I consider the main issues to be assessed are need, traffic, noise, lighting, air quality and dust, hydrology, ecology as well as landscape and visual impact.

### Requirement for the Proposal

- 80 The Strategic Development Plan recognises the importance of resources and assets with potential to support economic growth. The Plan highlights that development and growth in the economy should occur in a way that does not place unacceptable burdens on environmental capacity and should not increase the exposure of users or inhabitants to risks. Policy 9: Managing Tayplan's Assets deals with finite resources and specifically refers to mineral deposits of economic importance; while emphasising the protection of prime agricultural land, forestry areas and carbon rich soils.
- 81 Perth and Kinross Local Development Plan Policy ER4 applies to proposals for the extraction of minerals. It gives support for the proposed development, provided the proposal complies with the criteria in the policy; and with other national, strategic and local planning policy.
- 82 The earlier application at the site accepted the need to work the mineral reserve at Balado. The agent notes that Balado has consistently served a local and wider market for sand and gravel over the last 11 years. The site forms part of the consented sand and gravel reserves within the current Perth and Kinross and TAYplan landbank and there has been a significant depletion of the sand and gravel landbank over the last 11 years within Perth and Kinross (both through usage and through the refusal to continue the permission at Glendevon which removed some 3.5 million tonnes from the landbank).

- 83 The agent notes there have been no significant additions to the landbank with the sand and gravel permissions that have been granted being small scale and generally dedicated to specific engineering projects. Having regard to existing consented reserves in the wider area, I agree with the agent that a demand within this market area will continue and this can be supplied by allowing an extension in time to extract the material at Balado.

### **Traffic and Transport**

- 84 Paragraph 271 of SPP 2014 requires Development Plans and development management decisions to take account of the implications of development proposals on traffic, patterns of travel and on road safety. PAN 50 Controlling the Environmental Effects of Surface Mineral Workings is also relevant, providing good practice advice, including the assessment of traffic at mineral working sites, which has been reflected in the ES. While Policy TA1B of the LDP requires the impact of the development to pedestrian and traffic safety to be assessed.
- 85 Traffic and transport was previously assessed under application 04/01322/MW as being acceptable due to its direct connection to the major road network. This resulted in conditional control to deal with road access construction, geometry, gradient, visibility splays, turning facilities and the instillation of wheel wash facilities at the exit. There is a need to maintain safe access and egress to the site accordingly conditional control should be updated to ensure the measures previously secured by condition and installed are maintained to enable compliance with the SPP, the PAN and Policy TA1B (See conditions 18-22).

### **Noise**

- 86 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.
- 87 Under the earlier application there was a significant concern about the proximity of the quarry to houses at Balado Cross Roads and Balado. This resulted in a wider buffer being proposed between locations of extraction and processing as well as higher bunds and the testing of reversing alarms. This resulted in the removal of the of Environmental Health's earlier objection
- 88 The case officer's assessment also concluded that with the majority of the houses located to the south of the quarry and close to noise generated by the A977 this resulted in compliance with noise criterion contained within Government's PAN 50 Controlling the Environmental Effects of Surface Mineral Workings. The zoning of housing development at Balado (reference H51) in the Local Development Plan does not alter the acceptability of the quarry, it should be noted that there is a site specific requirement for the H51 zoning requires to take account of noise generation from external sources.

- 89 The houses around Balado Home farm were noted to have a quieter background noise environment but this still did not warrant refusal of the earlier application. A number of noise conditions were attached to the 2004 application and there is still a need to maintain conditional control on noise to ensure compliance with the SPP, the PANs and Policy EP8 (See conditions 9-14 and 17).

### **External Lighting**

- 90 Policy EP5 of the LDP relates to light pollution, seeking to prevent statutory nuisance from occurring due to artificial lighting. Conditional control was previously utilised to minimise light spillage beyond the boundaries of the site. This conditional control is still required (see condition 15).

### **Air Quality and Dust**

- 91 The site has previously been subject to Environmental Impact Assessment and all aspects of dust/air quality have been fully addressed. The site currently operates under the Site Dust Management Strategy which was approved as part of the 2004 application.
- 92 There have been changes to the Air Quality Objectives in recent years. The ES has reviewed this focusing on fine airborne dust particles, especially the smaller size fractions e.g. PM<sub>10</sub> and PM<sub>2.5</sub> (small particles, 10 microns and less in diameter) and vehicle emissions in the form of nitrogen oxide (NO<sub>2</sub>). The review has confirmed that the existing quarry is operating comfortably within the Air Quality Objectives and that operations can continue without any significant reduction in air quality. Environmental Health has no objection subject to the operation continuing in compliance with the approved Dust Management Strategy for the site (see condition 16).

### **Hydrology**

- 93 The works will continue to be wet-working. Mains water will be used as washing and processing water. It will then be treated and recycled on site by settling ponds in closed circuit system. Sediment will settle out naturally with no chemicals used. The runoff from plant processing is connected to settling ponds. The pumping of groundwater into the nearby watercourse will not take place.
- 94 The agent has confirmed that the operations on site will continue to adhere to the approved Site Water Management Plan which was required by planning condition on the earlier consent to ensure that there are no surface or ground water issues.
- 95 SEPA has reviewed the drainage maps, waste water layout and restoration including buffers and bunds and has offered no objection. Taking this into account there are no concerns associated with the pollution prevention measures, flood risk or site drainage measures deployed at the site. However there is a requirement to ensure conditional control is applied to secure

adherence to the Site Water Management Plan as well as associated monitoring and surface water management (see conditions 25-27).

### **Ecology**

- 96 Loch Leven, which is 2.5km to the east is a Site of Special Scientific Interest (SSSI), a Special Protection Area (SPA) and a Ramsar site. As there is no discharge from the site into the South Queich, there is no potential for impact on Loch Leven and its designations.
- 97 With the implementation of the earlier application the central section of the site is now an active sand and gravel quarry. The eastern section is the former extraction area which was 'wet worked' leaving a waterbody. The north- west and west parts of the site are still arable farmland, currently growing cereal crops. There are a number of semi-mature trees and scattered trees around the boundaries of the site. The southern parts within the site boundary have grassed earth screening mounds and this boundary has young trees and scrub along the whole length.
- 98 In support of the application Habitat and Species surveys have been undertaken. While badger dung was found at one location within the site no badger setts were present. There is evidence that otters use the land adjacent to the South Queich Burn outwith the site boundary however this area will remain unaffected by the existing operations at the site. There was no indication of water vole being present within the survey area. The agent notes that the habitats within the survey area offer good foraging, nesting and roosting opportunities for a variety of bird species. There is also an abundant amount of suitable habitat immediately adjacent the survey area.
- 99 Due to the small-scale loss of habitat, no significant effects are predicted on protected species however mitigation measures are proposed in the ES and where necessary these have been integrated into conditional control (see 15, 26, 28 and 29).

### **Landscape, visual impact and restoration**

- 100 Scotland's landscape is one of its most valuable assets it is therefore essential that this quality is maintained and enhanced. 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, as detailed in policy ER6. The site is located within the Loch Leven Lowland Basin character unit of the Tayside Landscape Character Assessment.
- 101 Loch Leven was formed at the end of the last Ice Age as retreating icesheets, which had scoured a hollow between the Lomonds, Cleish Hills and the Ochils, deposited a mass of sand and gravel, impounding a shallow loch surrounded by extensive areas of marsh and wetland. The overall impression is of a very broad, shallow basin within which, particularly at the eastern end, water and sky, together with the enclosing hills are the dominant landscape element.

- 102 The earlier assessment confirmed that during the operational period the quarry operations and equipment will be hidden from close public views with the provision of bunding. It acknowledged that the bunding would appear as a strident and alien feature in the flat arable landscape of the Lowland Basin.
- 103 This bunding has now been formed along the A977 with the associated offset and landscaping. This has reduced the landscape impact. As works proceed into the second phase there is the requirement to install further bunding (see condition 17).
- 104 While there has been a change to landscape character associated with the operation of the quarry contrary to ER6 I agree with the earlier assessment that the restoration of the site has the opportunity to provide a net benefit to the countryside by enhancing the interest of the landscape, increasing bio-diversity and taking advantage of public and recreation opportunities at the site. The restoration plans will also need to take account of potential future footpath links as well as the Flooding Team's commentary on the re-contouring of the site. Conditional control will be applied to this permission to retain these long-term benefits associated with restoration and aftercare to comply with Policy ER6 and ER4B, see conditions 4, 5 and 6.

#### **Developer Contributions**

- 105 The Developer Contributions Guidance is not applicable to this application and therefore no contributions are required in this instance.

#### **Economic Impact**

- 106 There will be a positive economic impact associated with the extraction of minerals from the quarry through the continuation of employment at the site as well as supplying the local market leading to a reduction in transport mileage.

#### **LEGAL AGREEMENTS**

- 107 It is anticipated that a Section 75 will be required in order to adequately secure the terms of the bond or financial instrument associated with required site decommissioning, restoration and aftercare over the lifetime of the development and beyond.

#### **DIRECTION BY SCOTTISH MINISTERS**

- 108 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**

- 109 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 Local Development Plan and material considerations and in this case I am content that the development proposed does not conflict with the Development Plan.
- 110 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 the development is carried out in accordance with the approved drawings and documents.

- 2 All sand and gravel extraction within the site shall be completed within ten years of the date of this Decision Notice.

Reason - In accordance with the terms of the application and in order for the Planning Authority to maintain control of the period of application in the interests of visual and residential amenity.

- 3 The extraction of sand and gravel shall commence and proceed only in accordance with the submitted details of phasing, direction and depth of working, as shown on the plans herewith approved. No deviations from the phasing plan shall be permitted. No more than one phase shall be worked at any one time. The land awaiting extraction shall remain in agricultural use.

Reason - In the interests of visual and residential amenity.

- 4 Restoration shall be fully implemented within twelve months of the completion of extraction and shall be phased in accordance with the restoration scheme to be approved under condition 5 below and shall thereafter be maintained to the satisfaction of the Planning Authority.

Reason - In the interests of visual amenity, landscape quality and ecological interest and diversity.

- 5 A progressive phasing plan shall be submitted within 6 months of the date of this consent to the Planning Authority illustrating how the restoration scheme shall be implemented at the site. No more than one phase or sub-phase shall

be worked at any one time and restoration of each phase and sub-phase shall take place as soon as is practical.

Reason - In the interests of visual amenity, landscape quality and ecological interest and diversity.

- 6 Prior to the commencement of the final restoration of the site associated with this consent a detailed scheme with final contours and an updated restoration plan and an updated aftercare plan for the site shall be submitted to and require the approval of the Planning Authority. The restoration and aftercare scheme shall set out the means of reinstating the site following the removal of components of the development. Thereafter the approved restoration and aftercare scheme shall be implemented.

Reason - To ensure that final contours, an updated restoration plan and an updated aftercare plan for the site are adopted prior to the site ceasing operation thereby ensuring the site is capable of beneficial afteruse and to minimise adverse impacts on the landscape, nature conservation and amenity of the surrounding area (due to the intervening time period).

- 7 Topsoil stripping shall only be carried out when the soil is reasonably dry and friable (usually May to September), and shall not take place during or immediately after periods of heavy rain.

Reason - In order to aid the restoration of the site in the interests of visual amenity, landscape quality and ecological interest and diversity.

- 8 Topsoil shall not be stripped by bulldozer, but by means of boxscraper, towed scraper or excavator. The applicant shall give at least 7 days notice to the planning authority before topsoil is to be stripped, and the planning authority reserves the right to suspend operations during adverse weather conditions, or to impose such conditions as it sees fit for the safe keeping of the topsoil.

Reason - In order to aid the restoration of the site in the interests of visual amenity, landscape quality and ecological interest and diversity.

- 9 Mineral extraction and processing and the movement of vehicles shall only be carried out at the site between the hours of 0800-1800 Mondays to Fridays and 0800-1300 hours on Saturdays. However, in addition, between the hours of 0630-0800 Mondays to Saturdays operations associated with loading and dispatch only may take place. Only essential maintenance work shall be carried out on Saturday afternoons and Sundays.

Reason - In the interests of residential amenity.

- 10 Only the plant machinery and equipment specified in the Planning and Environmental Statement submitted with the application (or similar plant which generates no greater sound power levels) shall be used and all plant shall be operated and maintained in accordance with the manufacturer's instructions.

This shall include servicing and the provision of suitable exhaust systems to minimise noise emissions.

Reason - In the interests of residential amenity.

- 11 Should any aspect of the proposed operations result in justified nuisance complaints the applicant shall – if required by the planning authority – have recognised consultants carry out monitoring for noise or dust and provide reports to the planning authority. The applicant shall be required to take any reasonable remedial measures recommended in such reports.

Reason - In the interests of residential amenity.

- 12 Noise levels measured at 3.5m from the façade of noise sensitive properties shall not exceed the following limits during the specified times (except during temporary operations - see condition 14):

Between the hours of 0630-0800 Monday to Saturday:

At all noise sensitive properties – 45dB LAeq, 1 hour (free field);

Between the hours of 0800-1800 Monday to Friday and 0800-1300 on Saturdays:

At Balado Home Farm Cottages - 50dB LAeq, 1 hour (free field);

At all other noise sensitive properties – 55dB LAeq, 1 hour (free field).

Reason - In the interests of residential amenity.

- 13 To allow for temporary operations such as soil stripping, removing soil heaps, creating earth bunds, crushing operations and restoration, noise levels measures at 3.5m from the façade of any noise sensitive dwelling shall not exceed 70dB LAeq, 1 hour (free field) for more than 8 weeks in any one year.

Reason - In the interests of residential amenity.

- 14 Audible vehicle reversing alarms fitted to vehicles operating within the extraction area shall be Brigade Electronics BBS-97 type or have a similar specification.

Reason - In the interests of residential amenity.

- 15 All external lighting to be installed shall be sufficiently screened and aligned so as to ensure that there is no direct illumination of neighboring land and ecologically sensitive habitats and that light spillage beyond the boundaries of the site is minimised.

Reason - In the interests of residential and visual amenity.

- 16 The existing Dust Management Strategy for the site shall be submitted to the Planning Authority within 14 days of this decision notice and thereafter implemented in full throughout the duration of the development.

Reason - In the interests of residential amenity.

- 17 The height of the soil mound between the farm road and Phase 2A shall be increased from 4 metres to 5 metres and the section to the north of this from 3 metres to 4 metres.

Reason - In the interests of residential amenity.

- 18 Wheel cleaning facilities shall be maintained at the exits from the site until the restoration of the site has been complete. All vehicles leaving the site will be required to use these facilities.

Reason - In the interests of pedestrian and traffic safety and in the interests of free traffic flow.

- 19 The vehicular access at the site entrance shall be maintained in accordance with the 'Design Manual for Roads and Bridges, Volume 6, Section 2, Figure 1/2: Ghost Island Junction' together with appropriate signing all to the satisfaction of the Council as Planning Authority.

Reason - In the interests of pedestrian and traffic safety and in the interests of free traffic flow.

- 20 The gradient of the access shall not exceed 3% for the first 15.00 metres measured back from the edge of the carriageway and the access shall be constructed and maintained so that no surface water is discharged to the public highway.

Reason - In the interests of road safety; to ensure the provision of an adequate gradient of the access.

- 21 Turning facilities shall be retained within the site to enable all vehicles to enter and leave in a forward gear to the satisfaction of the Council as Planning Authority.

Reason - In the interests of road safety; to ensure the provision of acceptable manoeuvring space within the curtilage of the site to enable a vehicle to enter and leave the site in forward gear.

- 22 Visibility splays of 6.00 metres by 215.00 metres measured from the centre line of the new access shall be maintained in both directions along the nearside channel of the A977 and free from any obstruction of a height exceeding 1.05 metres above the adjacent road channel level.

Reason - In the interests of road safety; to ensure the provision of adequate visibility of the vehicular access.

- 23 There shall be at all times an adequate unexcavated corridor between the toe of the bund and the proposed workings, to the satisfaction of the planning authority in consultation with SEPA, in order to reduce the risk of lateral erosion.

Reason - In order to protect watercourses and water quality in accordance with the advice of SEPA.

- 24 The existing approved closed drainage system details shall be submitted to the Planning Authority within 14 days of this decision notice and thereafter implemented in full throughout the duration of the development.

Reason - In order to protect watercourses and water quality in accordance with the advice of SEPA.

- 25 The existing approved water quality and quantity monitoring programme covering the operation and restoration phases of the development site shall be submitted to the Planning Authority within 14 days of this decision notice and thereafter implemented in full throughout the duration of the development.

Reason - In order to protect watercourses and water quality in accordance with the advice of SEPA.

- 26 There shall be at all times a buffer strip of at least 25m between any watercourses and the site operations.

Reason - In order to protect watercourses and water quality in accordance with the advice of SEPA.

- 27 The proposed car park surfacing will be suitable to provide infiltration, in accordance with the principles of Sustainable Urban Drainage System (SUDS).

Reason - In order to protect watercourses and water quality in accordance with the advice of SEPA.

- 28 All trenches and excavations on the site shall be fitted with measures to prevent animals from being trapped. This can include the creation of sloping escape ramps or by using planks within the excavations to allow animals to escape.

Reason – In order to prevent animals being trapped in open excavations.

- 29 Should any soil stripping works be proposed during the bird nesting season a suitable qualified and experienced person at the developers' expense shall check the area to be worked for nesting birds immediately before works begin with the demarcation of areas which should not be disturbed. The suitably qualified and experienced person will have the ability to stop operations, make changes to demarcated areas and working practices as necessary.

Reason – To take account of the bio-diversity resource on the site.

## **B JUSTIFICATION**

- 111 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**

- 112 Consent shall not to be issued until a Section 75 Agreement to secure the terms of the bond or financial instrument associated with required site decommissioning, restoration and aftercare over the lifetime of the development and beyond has been completed and signed. 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 will 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.

## **D INFORMATIVES**

- 1 This planning permission will last only for three years from the date of this decision notice, unless the development has been started within that period (see section 58(1) of the Town and Country Planning (Scotland) Act 1997 (as amended)).
- 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 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.
- 4 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.

Background Papers: 1 letter of representation  
Contact Officer: John Russell 01738 475346  
Date: 1 March 2018

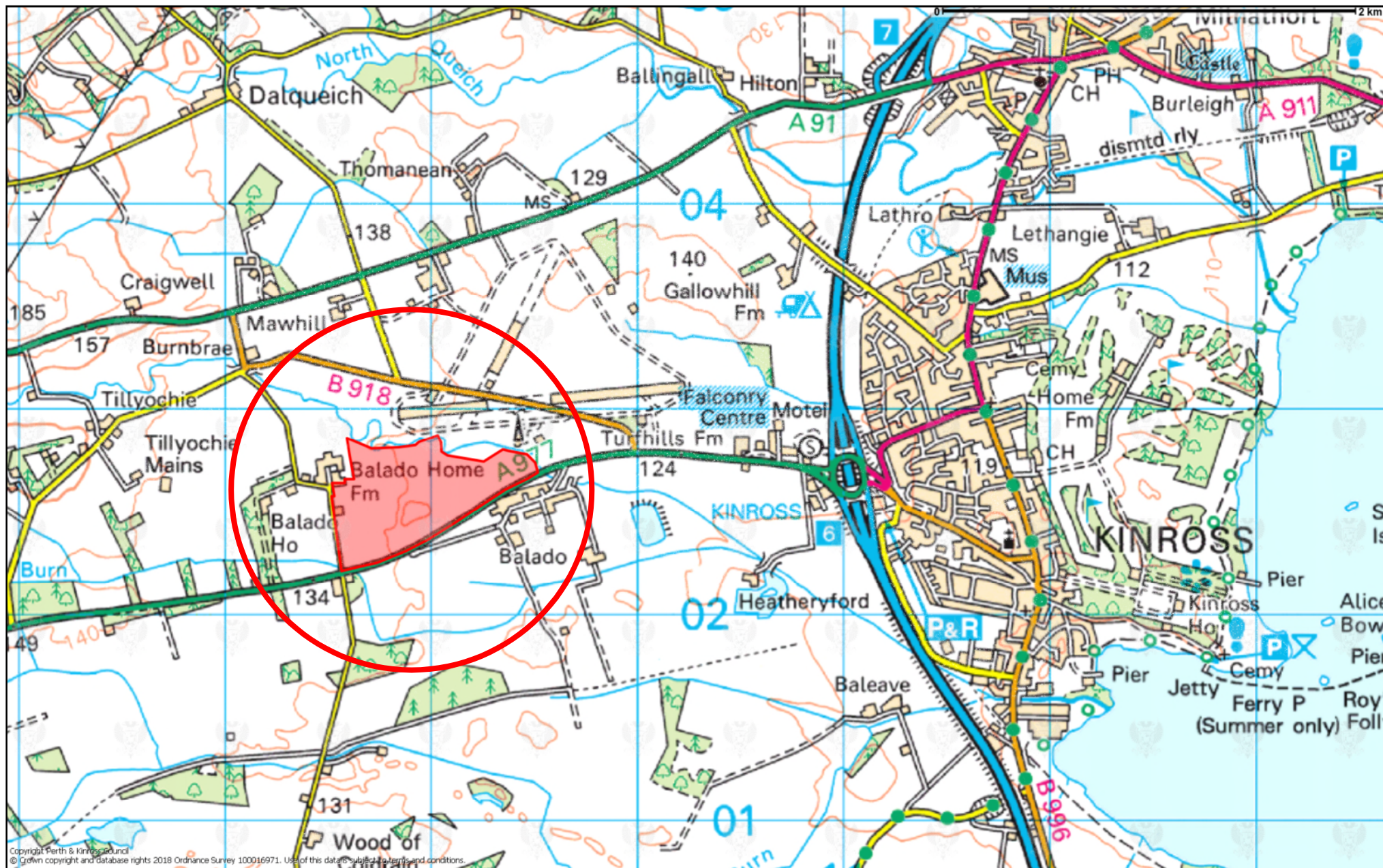
**ANNE CONDLIFFE**  
**INTERIM DEVELOPMENT QUALITY MANAGER**

|                                                                                                                                                                                                                                                                    |
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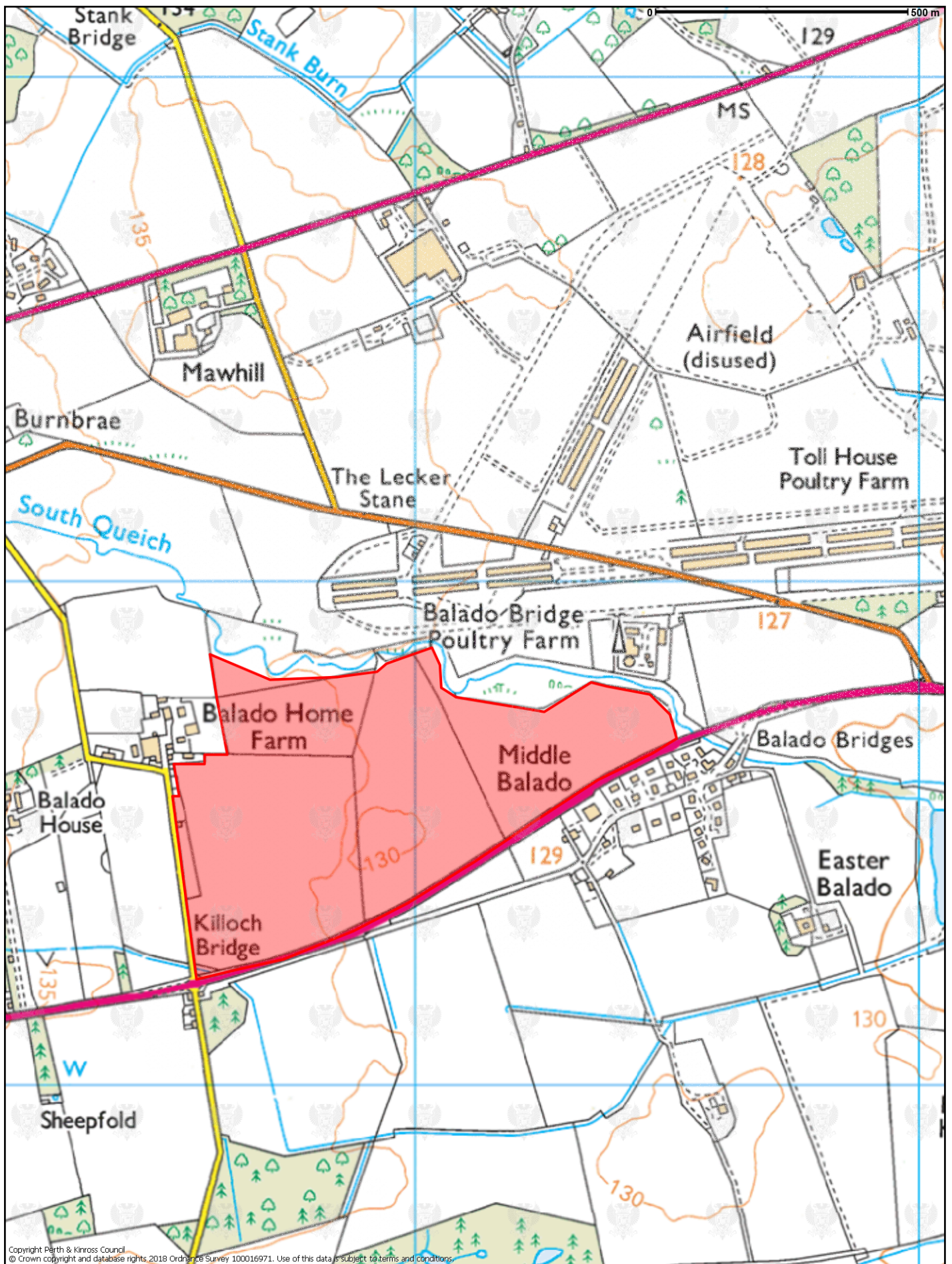


17/01441/MWM

Application under Sec 42 of the Town and Country Planning (Scotland) Act 1997 to develop land without complying with Condition 2 (period of extraction) of planning permission 04/01322/MW (extraction & processing of sand and gravel) Balado Quarry, Balado







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Scale 1:10000

17/01441/MWM

Application under Sec 42 of the Town and Country Planning (Scotland) Act 1997 to develop land without complying with Condition 2 (period of extraction) of planning permission 04/01322/MW (extraction & processing of sand and gravel) Balado Quarry, Balado





Perth and Kinross Council  
Planning & Development Management Committee – 14 March 2017  
Report of Handling by Interim Development Quality Manager

|                  |                                                                                                              |
|------------------|--------------------------------------------------------------------------------------------------------------|
| <b>PROPOSAL:</b> | Erection of 66 dwellinghouses, formation of SUDS pond, landscaping and associated works (allocated site H24) |
| <b>LOCATION:</b> | Land South West of Moncur Farm, Moncur Road, Inchtute                                                        |

Ref. No: 17/02159/FLM  
Ward No: P1- Carse of Gowrie

**Summary**

This report recommends refusal of the application for a development comprising the erection of 66 dwellinghouses, landscape buffer and associated open space on land south west of Moncur Farm Road, Inchtute. The site is allocated for housing within the Perth and Kinross Local Development Plan 2014 (LDP) under site reference H24.

The development is considered to be contrary to the relevant provisions of the Development Plan and there are no material considerations apparent which justify setting aside the Development Plan.

**BACKGROUND AND DESCRIPTION OF PROPOSAL**

- 1 Full detailed Planning Permission is sought for the erection of 66 dwellinghouses, including the formation of landscaping, tree planting, play area, open space and associated infrastructure works. The site is allocated for housing within the LDP under site reference H24 – Moncur Farm Road, Milnathort.
- 2 The site is situated on the north eastern edge of the village of Inchtute, extending to 3.6 Ha, with 2.0 Ha identified for residential development, as set out by site criteria of the H24 Local Development Plan (LDP) allocation. The site can be described as roughly triangular in shape, bounded and sandwiched on its two longest sides by Moncur road and the A90. The shortest western boundary is bounded by designated open space and is on the edge of Inchtute Conservation Area. The site is currently unmanaged and relatively flat, characterised as poor quality agricultural land.
- 3 The open site is characterised by self-seeded trees along the southern, eastern and western edges and a high level boundary wall on the southern edge. It is evident from walking the site that it is currently well used for informal amenity, with trodden paths and trails cutting through thicker unmanaged vegetation. A high level natural stone wall exists along much of the southern boundary, bounding Moncur Road.

- 4 The proposed development layout indicates a single vehicular access from Moncur Road, leading into the site, branching off into secondary residential streets and courtyard areas.
- 5 Of the 66 houses proposed, the open market units include 10 detached properties, with another 38 semi-detached private dwellings. The remaining 16 units are proposed to be affordable, including two and three bedroom terraced properties, with 2, two bed cottage flats. In all, 8 different house types are proposed, two-storey in form. The finish material palette is simple, consisting of grey concrete roof tile, grey upvc window and door frames, off white render and facing brick
- 6 At the pre-application and Proposal of Application Notice (PoAN) stages the requirement for supporting information was identified. The current application is supported by the following documents, the assessment of which will be addressed in the Appraisal section:
  - Pre-Application Consultation (PAC) Report;
  - Design and Access Statement;
  - Flood Risk Assessment and Drainage Strategy;
  - Noise Impact Assessment;
  - Archaeological Investigation Report;
  - Landscape Strategy;
  - Transport Statement;
  - Arboricultural Report.
  - Site Investigation Report

## **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 Planning application 17/00943/FLM (74 dwellings) was never formally screened for EIA, with the application ultimately withdrawn. A screening determination (18/00232/SCRN) was undertaken by the case officer in 2018, where it was established that EIA was not required in this instance by virtue that the proposals would not have significant effects on the environment having regard to its location, size, nature and character of development.

## **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. This sets out that there is a statutory requirement imposed on the applicant to undertake pre-application consultation activity with the local community.
- 11 A Proposal of Application Notice (PoAN) (reference 17/00003/PAN) was submitted on 1 March 2017 initially in support of an earlier application, which was withdrawn (17/00943/FLM). Inchtute Community Council and the ward Councillors were all notified at the time through this process. The results of the community consultation have been submitted with the application as part of the Pre-application (PAC) Report.

## **NATIONAL POLICY AND GUIDANCE**

- 12 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**

- 13 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**

- 14 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.
- 15 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

16 Specific detailed topic area paragraphs include:

A successful Sustainable Place

- Paragraphs 123 – 125 Maintaining a 5-year Effective Land Supply
- Paragraphs 126 – 131 Affordable Housing
- Paragraphs 135 – 151 Valuing the Historic Environment

17 A Natural, Resilient Place

- Paragraphs 202 – 218 Valuing the Natural Environment
- Paragraphs 230 – 233 Maximising the Benefits of Green Infrastructure
- Paragraphs 254 – 268 Managing Flood Risk & Drainage

18 A Connected Place

- Paragraphs 286 – 291 Promoting Sustainable Transport and Active Travel
- Annex B – Parking Policies and Standards

**Planning Advice Notes**

19 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 1/2011 Planning and Noise
- 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**

20 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**

21 Designing Streets is the first policy statement in Scotland for street design and marks a change in the emphasis of guidance on street design towards place-making and away from a system focused upon the dominance of motor vehicles. It has been created to support the Scottish Government's place-making agenda, alongside Creating Places, which sets out Government aspirations for design and the role of the planning system in delivering these.

## **National Roads Development Guide 2014**

- 22 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**

- 23 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**

- 24 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:
- 25 *“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.”*
- 26 The following sections of the TAYplan 2016 are of particular importance in the assessment of this application.

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

- 27 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**

- 28 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**

- 29 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

- 30 Seeks to protect and enhance green and blue networks by ensuring that:
- development does not lead to the fragmentation of existing green networks;
  - 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,
  - 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

- 31 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

- 32 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. The principal relevant policies are, in summary:

## Housing Land Allocation H24 – Inchture

- 33 Identifies a residential site allocation for an indicative number of 16 residential units on a developable area of 2.0 ha with a number of site specific developer requirements outlined as follows:

| Ref                                                                                                                                    | Location         | Size                       | Number |
|----------------------------------------------------------------------------------------------------------------------------------------|------------------|----------------------------|--------|
| H24                                                                                                                                    | Moncur Farm Road | 3.6 ha<br>(2.0 ha housing) | 16     |
| <b>Site Specific Developer Requirements</b>                                                                                            |                  |                            |        |
| ⇒ Noise attenuation measures along A90.                                                                                                |                  |                            |        |
| ⇒ Provision of public space and paths in green area. The first 40 metres to be planted with Scots Pine Birch Ash Lime Oak and Aspen.   |                  |                            |        |
| ⇒ Existing stone wall to be reused to provide boundary treatment for properties bounding Moncur Farm Road.                             |                  |                            |        |
| ⇒ The creation of an avenue of trees in the front gardens in the properties bounding Moncur Farm Road to mitigate impact of tree loss. |                  |                            |        |
| ⇒ Incorporation of core path into layout.                                                                                              |                  |                            |        |

### **Policy PM1A - Placemaking**

- 34 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**

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

### **Policy PM1C - Placemaking**

- 36 Proposals of more than 200 houses or 10 ha should create a sustainable neighbourhood and seek to meet the key needs of residents or businesses either within or adjacent to the development. A masterplan will be required in most cases.

### **Policy PM2 - Design Statements**

- 37 Design Statements should normally accompany a planning application if the development comprises 5 or more dwellings, is a non-residential use which exceeds 0.5 ha or if the development affects the character or appearance of a Conservation Area, Historic Garden, Designed Landscape or the setting of a Listed Building or Scheduled Monument.

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

- 38 Where new developments (either alone or cumulatively) exacerbate a current or generate a need for additional infrastructure provision or community facilities, planning permission will only be granted where contributions which are reasonably related to the scale and nature of the proposed development are secured.

### **Policy RD1 - Residential Areas**

- 39 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**

- 40 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**

- 41 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**

- 42 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 HE3A - Conservation Areas**

- 43 Development within a Conservation Area must preserve or enhance its character or appearance. The design, materials, scale and siting of a new development within a Conservation Area, and development outwith an area that will impact upon its special qualities should be appropriate to its appearance, character and setting. Where a Conservation Area Appraisal has been undertaken the details should be used to guide the form and design of new development proposals.

### **Policy HE1A - Scheduled Monuments and Non Designated Archaeology**

- 44 There is a presumption against development which would have an adverse effect on the integrity of a Scheduled Monument and its setting, unless there are exceptional circumstances.

### **Policy HE1B - Scheduled Monuments and Non Designated Archaeology**

- 45 Areas or sites of known archaeological interest and their settings will be protected and there will be a strong presumption in favour of preservation in situ. If not possible provision will be required for survey, excavation, recording and analysis.

### **Policy NE2B - Forestry, Woodland and Trees**

- 46 Where there are existing trees on a development site, any application should be accompanied by a tree survey. There is a presumption in favour of protecting woodland resources. In exceptional circumstances where the loss of individual trees or woodland cover is unavoidable, mitigation measures will be required.

### **Policy NE3 - Biodiversity**

- 47 All wildlife and wildlife habitats, whether formally designated or not should be protected and enhanced in accordance with the criteria set out. Planning permission will not be granted for development likely to have an adverse effect on protected species.

### **Policy NE4 - Green Infrastructure**

- 48 Development should contribute to the creation, protection, enhancement and management of green infrastructure, in accordance with the criteria set out.

### **Policy ER6 - Managing Future Landscape Change to Conserve and Enhance the Diversity and Quality of the Areas Landscapes**

- 49 Development proposals will be supported where they do not conflict with the aim of maintaining and enhancing the landscape qualities of Perth and Kinross and they meet the tests set out in the 7 criteria.

### **Policy EP2 - New Development and Flooding**

- 50 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**

- 51 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**

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

### **Policy EP5 - Nuisance from Artificial Light and Light**

- 53 Permission will not be granted for proposals where the lighting would result in obtrusive and / or intrusive effects.

### **Policy EP8 - Noise Pollution**

- 54 There is a presumption against the siting of proposals which will generate high levels of noise in the locality of noise sensitive uses, and the location of noise sensitive uses near to sources of noise generation.

### **Policy EP12 - Contaminated Land**

- 55 The creation of new contamination will be prevented. Consideration will be given to proposals for the development of contaminated land where it can be demonstrated that remediation measures will ensure the site / land is suitable for the proposed use.

### **Policy EP13 - Airfield Safeguarding**

- 56 Developments will be refused if they are likely to have an unacceptable impact on the safe operation of aircraft from listed airfields.

### **OTHER POLICIES**

- 57 The following supplementary guidance and documents are of particular importance in the assessment of this application;
- Developer Contributions Supplementary Guidance including Affordable Housing April 2016
  - Flood Risk and Flood Risk Assessments – Developer Guidance June 2014
  - Green Infrastructure Supplementary Guidance (Draft) July 2014
  - Open Space Standards (2001)

### **Proposed Perth and Kinross Local Development Plan 2 (LDP2)**

- 58 Perth & Kinross Council is progressing with preparation of a new Local Development Plan to provide up-to-date Development Plan coverage for Perth & Kinross. When adopted, the Perth & Kinross Local Development Plan 2 (LDP2) will replace the current adopted Perth & Kinross Local Development Plan (LDP). The Proposed Local Development Plan 2 was approved at the Special Council meeting on 22 November 2017. The Proposed LDP2 sets out a clear, long-term vision and planning policies for Perth & Kinross to meet the development needs of the area up to 2028 and beyond. The Proposed LDP2 is considered consistent with the Strategic Development Plan (TAYplan) and Scottish Planning Policy (SPP) 2014.
- 59 The Proposed LDP2, as approved by Perth & Kinross Council, was subject of a 9 week period of representation, which ended on 2 February 2018. Any unresolved representation to the Proposed Plan after this period is likely to be considered at an Examination by independent Reporter(s) appointed by the Scottish Ministers. The Reporter(s) will thereafter present their conclusions and recommendations on the plan, which the Council must accept prior to adoption. It is only in exceptional circumstances that the Council can elect not to do this.

- 60 The Proposed Plan represents Perth & Kinross Council's settled view in relation to land use planning and as such it is a material consideration in the determination of planning applications. The Proposed Plan is, however, at a stage in the statutory preparation process where it may be subject to modification. As such limited weight can therefore currently be given to its content and the policies and proposals of the plan are only referred to where they would materially alter the recommendation or decision. The weight of the Proposed Plan may change following consideration of representation received during consultation, at which time the level of significance of any objection to strategy, policies or proposals within the plan will be known.

## **SITE HISTORY**

- 61 **17/00003/PAN** Residential development at LDP site H24 reported to DMC 12 April 2017.

**17/00943/FLM** Erection of 74no. dwellinghouses, formation of a SUDS pond, landscaping and associated works (allocated site H24) Application Withdrawn. 28 September 2017

**18/00232/SCRN** EIA screening determination undertaken by the case officer following receipt of the application submission. – No EIA required.

## **CONSULTATIONS**

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

### **EXTERNAL**

#### **Dundee Airport Ltd**

- 63 No objection on grounds of operational impact with the proposed position and height of structures not infringing the safeguarding surfaces.

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

- 64 No objection. Whilst the proposals sit in the vicinity of several SAMs and an historic and designed landscape, it does not raise historic environment issues of national significance.

#### **Inchture Community Council**

- 65 Object to the proposal on the following grounds:

- Adverse effect on visual amenity
- Contrary to Development Plan Policy
- Flooding risk
- Inappropriate Housing Density
- Inappropriate Land Use
- Lack or loss Of car parking

- Loss of open space
- Loss of trees
- Out of character with the area
- Over intensive development
- Road safety concerns

### **Perth and Kinross Heritage Trust (PKHT)**

- 66 PKHT advised that the proposed development site lies within an area that is considered to be archaeologically sensitive. PKHT concur with the consultant archaeologist findings and go onto recommend that a programme of archaeological works be carried out, the scope and timescale of which to be agreed with PKHT as set out by condition.

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

- 67 No response was received.

### **Scottish Environment Protection Agency (SEPA)**

- 68 Have no objection to the application. SEPA assessed the proposal in respect of flood risk and protection of the water environment (waste water and surface water drainage). They note the risk identified at this site is from surface water flooding only and as per drawing **J3669-021**, Post Development Overland Flow Paths, indicates that these depressions have been removed and any overland flow will be contained within the roads including during surface water drainage failure.

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

- 69 Response confirmed no comments to make with no designated sites affected.

### **Scottish Water**

- 70 No objection, confirming there is currently sufficient capacity in both the Clatto Water Treatment Works and the Hatton PFI Waste Water Treatment Works.

### **Transport Scotland**

- 71 No objection to the proposals with regards to impact on the trunk road network, subject to a suspensive condition regarding proposed footpath detailing as identified in plan 17/02159/24.

## INTERNAL

### Biodiversity Officer

- 72 The information submitted to assess the possible presence of protected species was considered inadequate through this submission, largely due to the time elapsed between ecological survey (February 2016) and the subsequent submission in December 2017. PKC biodiversity officer states his opinion of there being an impact on the biological features on site due to the lack of an up to date survey, volume of tree loss and a lack of breeding bird survey. In addition he comments that no thought to the use of the site by amphibians has been given in the Ecological report, despite there being a pond and wetland habitat 50m south of the site.
- 73 Consideration for a further revised layout is recommended, which seeks to reduce the associated impact on woodland habitats along the eastern boundary, along with an updated ecological survey and full breeding birdy survey.

### Community Greenspace (CG)

- 74 CG commented on the proposed public open space (POS), paths, play areas and flora species. CG reviewed the landscape strategy (17/02159/33) which provides proposals only. CG have stated they would require a detailed landscape plan and play park layout prior to providing detailed comment in relation to areas of POS for Council adoption.
- 75 The indicative POS layout is considered acceptable. The play area will need to comply with Council standards and should be fenced with gates for both pedestrian and maintenance machinery. Paths and tree planting indicated are appropriate.
- 76 The illustrative planting schedule is considered generally acceptable with the exception of the following species: *Allium giganteum*, *Hosta crispula*, *Briza media*, *Echinacea purpurea* 'White Swan'. These species are judged to require higher maintenance and would not be acceptable for Council adoption.
- 77 It is noted that other planting is assumed to be attached to private ground and not within areas to be adopted as POS.
- 78 A detailed landscape plan which will illustrate accurate locations and species for all planting, detailed design for play areas, a maintenance schedule and clearly show areas of public open space for adoption must be provided for Council approval.

### **Community Waste Advisor - Environment Service**

- 79 Advised that households within the development would be on a three bin system for waste and recycling collection. The response also requested that it was checked there was no operational impact on service vehicle access.

### **Development Contributions Officer**

- 80 No objection, subject to developer contribution requirements being secured for affordable housing, education and transport infrastructure.

### **Environmental Health**

- 81 The proposal has fundamentally been assessed in respect of noise impacts and with regard to a supporting Noise Impact Assessment (NIA). The internal review of the NIA has concluded that overall the proposed development could not be supported in its current format as it has been judged to result in an adverse impact on proposed residential amenity as a result of existing neighbouring land uses and conversely, there is also a subsequent risk to the ongoing operations of an neighbouring land use if the current scale and situation of residential development was supported at this location (Guidelines set out in PAN 1/2011 Planning and Noise Technical Advice Note).
- 82 In respect of private water impacts, the application states that Public Mains water will be used, with an understanding that no existing private water supplies will be affected by the proposed activities, which is considered satisfactory.

### **Flood Risk and Structures (FRS)**

- 83 Following the early submission of additional information, FRS team confirmed no objection to the proposal on grounds of flood risk or drainage, simply recommending that cognisance is applied to Perth and Kinross Council – Flooding and Flood Risk Guidance Document (2014).

### **Strategy and Policy**

- 84 The response covered the general Development Plan policy context for the assessment with some site specific comments on the following topic areas:
- Density
  - Connectivity
  - Hydrology, landscaping and open space
  - Noise attenuation
- 85 The response did not object to the proposal and in general terms the proposal was considered to comply with key LDP policy in terms of design, layout, open space and associated site development requirements. The comments were however caveated regarding the understood concerns regarding impact from noise receptors and loss of trees, where it was stated input from relevant specialists would be appropriate.

## Transport Planning

- 86 The comments summarised that the Transport Statement in support of the application was sufficient and gave appropriate weight and justification to satisfy that there would not be significant detriment to the local road network as a result of the proposals. No objection is raised on this basis, subject to applying a condition relating to confirmation of roads and drainage arrangements prior to the commencement of development. Public Transport section have requested a dedicated bus turning facility either within the site or at the boundary of the site, with a bus shelter, suitable road markings and links to pedestrian footways, in order that public transport can adequately service this area. Transport Planning agree, suggesting this would be a useful addition to the transport infrastructure in this area.

## REPRESENTATIONS

- 87 The application has attracted 57 letters of representation, of which all are in objection to the proposal. This includes comment from Inchtute Community Council (as set out above) and Councillor Bailey. Comments were made under the following subject headings:

- Placemaking and Local Needs
- Roads and Motorised Vehicles
- Flood risk and Drainage
- Residential Amenity
- Development Plan Designation
- Ecology, Landscape/Visual Impact and Recreation Opportunities

- 88 The material planning concerns raised are addressed in the Appraisal section of this report.

## 89 ADDITIONAL STATEMENTS

|                                                |              |
|------------------------------------------------|--------------|
| Environment Report                             | Not Required |
| Screening Opinion                              | 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

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

### Principle

- 91 The application site is allocated in the LDP for residential development through Site H24 in Inchtute, which identifies an indicative number of 16 residential units within a total developable area of approximately 2.0 Ha. It is considered appropriate to clarify at this stage that the housing numbers reflected in the site allocation is purely an indicative figure, originally identified to satisfy housing land supply requirements for the housing market area and the wider LDP housing numbers. This number does not necessarily reflect a fixed or upper site capacity; the assessment of the site in terms of scale and density of development is borne out of detailed site layout designs, landscape capacity studies and wider site context appraisals, including environmental constraints such as noise impact. Fundamentally, the intended outcome is to seek a high standard of development, influenced by detailed site assessments and design input, rather than being constrained by a specific housing number.

### Site Specific Developer Requirements

- 92 As previously advised, the LDP allocation for the site sets out a number of specifics requirements that require more detailed consideration as part of the detailed assessment of the proposal.

| Ref                                                                                                                                    | Location         | Size                          | Number |
|----------------------------------------------------------------------------------------------------------------------------------------|------------------|-------------------------------|--------|
| H24                                                                                                                                    | Moncur Farm Road | 3.6 ha<br>(2.0 ha<br>housing) | 16     |
| <b>Site Specific Developer Requirements</b>                                                                                            |                  |                               |        |
| ⇒ Noise attenuation measures along A90.                                                                                                |                  |                               |        |
| ⇒ Provision of public space and paths in green area. The first 40 metres to be planted with Scots Pine Birch Ash Lime Oak and Aspen.   |                  |                               |        |
| ⇒ Existing stone wall to be reused to provide boundary treatment for properties bounding Moncur Farm Road.                             |                  |                               |        |
| ⇒ The creation of an avenue of trees in the front gardens in the properties bounding Moncur Farm Road to mitigate impact of tree loss. |                  |                               |        |
| ⇒ Incorporation of core path into layout.                                                                                              |                  |                               |        |

## **Particular Needs Housing**

- 93 One of the representations made reference to the lack of specialist needs housing in the village. In referring to Policy RD6, the principle of some form of specialist needs housing would be acceptable on this site. This is not however a policy requirement of the site and it is appropriate to assess and determine the proposal on the merits of what has been submitted. A good range of house types have been proposed, providing potential for a range of end users. A single storey house type would have been welcomed, but it is accepted that this element was not pursued by PKC at the pre-application stage.

## **Prejudicing other housing sites within Inchtute**

- 94 In respect of the representation made regarding prejudicing other sites by looking to support a higher number of units on this site, this is not considered to be a material consideration. The assessment is being made in respect of the current LDP and the current allocated site, with the position of review on the numbers set out in the earlier paragraphs. This is not therefore considered to be a material consideration in regard to the assessment of this application.

## **Design and Layout**

- 95 Policies PM1A and PM1B set out the objectives is seeking to achieve good placemaking in respect of the immediate and wider site context. These considerations are interrelated and are supported by some of the site specific requirements for allocation H24 and associated LDP policies, which feed into the key tests for successful placemaking, including landscaping, working with existing features and amenity.
- 96 As acknowledged in the comments from the development plan section, there has been considerable dialogue between the developer and the Planning Authority regarding the layout and density of this site. It is considered that the applicant has demonstrated that the site could accommodate a higher density than is stated in the current adopted LDP in pure layout grounds, notwithstanding the acknowledged impact on existing established tree-scape. It was originally allocated for 16 units but through further discussions, the LDP team were comfortable for this to be reviewed to be raised to approximately 50-60 units as the developable area within the site is defined as being up to 2ha, which would give an average density of 25-30 units per Ha. The previous number of 16 did not necessarily reflect the physical capacity of the site and was not based on a detailed assessment. The current proposals reflect a density of 33 units per Ha, based on the developable area and 18 units per Ha when considered as part of the wider site area encompassing the associated open space. This would compare reasonably comfortably to the rest of the village of Inchtute (old and new housing combined), which has been identified in the background submission papers to be approximately 16 units per Ha.
- 97 The current layout was also amended to ensure that a reasonable distance and depth of landscape buffer to the north was achieved. The current submission has looked to achieve an average depth of 35m undeveloped area across the

site bounding the A90, which is more generous than the original submission (Ref 17/00943/FLM) and reflecting the LDP developer requirements. The designed acoustic attenuation solution for the A90 in the form of a planted bund and 2 metre fence are considered to provide an appropriate landscape and visual solution

- 98 The proposed development is considered in layout terms to reflect a welcoming, identifiable extension of the existing settlement of Inchtute, taking some influences and design cues from the surrounding building styles and material palette. A good range of house types have been proposed to meet a wider range of market needs within the village context.
- 99 Overall, it has been assessed that the proposed layout and design is generally considered appropriate in terms of meeting placemaking objectives within the LDP and national guidance, with the potential to provide a positive contribution to the quality of the surrounding built and natural environment.

### **Landscape, Visual Impact and Open Spaces**

- 100 LDP Policy ER6 seeks to ensure development proposals have a good landscape framework within which the development can be set and, if necessary, can be screened.
- 101 The proposed strategic planting and landscape buffer on the northern extents of the site as required by the LDP site allocation, will in time allow for a suitable integration of the development with the wider landscape setting and its situation with the A90. It will also provide a dedicated public benefit, which independent comments provided have identified to be lacking within the village. There is acknowledged to be an associated visual impact from a development of this type and scale. It is however considered that this could be acceptable through seeking early planting of the structural landscaping elements as mentioned. The acoustic fence arrangement has been identified as inappropriate through representations received, with heights of 4 metres mentioned. Through pre-application discussions, the height of any acoustic fence element was debated in relation to its fit within the wider landscape and associated visual impacts. The acoustic fence and earth bund arrangement proposed is amended from that originally proposed in application 17/00943/FLM and has significantly reduced in height to 2 metres.
- 102 The identified public open spaces proposed are considered to provide sufficient amenity space for both recreation and leisure for both existing and new residents using the site, fulfilling LDP Policy CF1 requirements. Operationally, the SUDS pond feature is not designed or anticipated to regularly fill up with surface water to a level presenting a significant risk to safety. Whilst the loss of informal open space is acknowledged, the creation of more formal open space, with associated planting and path network exceeding 1Ha is considered appropriate mitigation to off-set any loss of the currently unmanaged informal open space.

- 103 The identified SUDS is proposed in an area currently planted with self-seeded trees, and will require their removal. The developer has sought to assure PKC that this is due to the hydrology of the site and was recommended by their experts to provide the most efficient SUDS.
- 104 If well designed, the SUDS created could form part of an attractive open space, used by the local neighbourhood. It is still a concern that a number of mature trees will be lost through the development of this site and there should be compensatory planting to ensure that the site continues the rural context of Inchtute and does not create a harder urban edge to the village. The large landscape buffer should be planted attractively and should minimise the visual impact of the acoustic walls. Furthermore, this landscaping should create an attractive route through the site for recreational uses.
- 105 Policy NE2B - Forestry, Woodland and Trees, states that where there are existing trees on a development site, any application should be accompanied by a tree survey. There is a presumption in favour of protecting woodland resources. In exceptional circumstances where the loss of individual trees or woodland cover is unavoidable, mitigation measures will be required.
- 106 The application was accompanied by a tree survey (albeit in the first instance this was found to be flawed with incorrect information, requiring the survey to be resubmitted with the correct information). It is set out in the tree survey that a substantial amount of trees, which are identified to be felled, are of value and should be ideally retained.
- 107 The justification for the tree loss is considered to be lacking in parts, particularly in respect of clearly setting out the appropriate mitigation for the losses being experienced in this context and whilst not constituting a material reason for refusal on its own right, compounds deficiencies in the detail of this submission in respect of impact on trees and biodiversity.
- 108 Whilst significant tree loss is identified, the principle of potential tree loss has however been acknowledged in the site developer requirements with the caveat of suitable mitigation and replacement trees being identified and is therefore considered to go far enough to satisfy LDP Policy NE2B.
- 109 Overall, the proposed landscaping and open space approach proposed is considered both reasonable and proportionate, satisfying the requirements of LDP Policy ER6. It is considered that the landscape strategy gives comfort that the associated replacement and mitigation proposals have gone far enough in this regard. Substantial long term landscape enhancement would be secured, particularly around the peripheral northern edge of the site, providing a reasonable landscape buffer with the A90 interface, benefitting the wider amenity of the village as well as the site itself. If the proposals were being recommended for approval, it would be appropriate to seek that the peripheral landscape framework planting is introduced and established at the earliest juncture, controlled through suspensive condition in respect of detailed site phasing.

## Natural Heritage and Biodiversity

- 110 When applying the tests of the LDP in terms of Policy NE3 Biodiversity, the Council has an obligation to protect and enhance all wildlife and wildlife habitats and consider whether the development would be likely to have an adverse effect on protected species
- 111 The Ecological survey was undertaken in February 2016, almost 2 years ago, and not the ideal time for an extended phase 1 survey of grassland, which would normally be undertaken between April and October as it would otherwise be difficult to identify species present. With a full year elapsing between the original survey and submission of this application, it is the opinion of PKC biodiversity officer that there was ample opportunity to complete surveys at the appropriate time as recommended in the **JNCC handbook for Phase 1 Habitat survey**.
- 112 The survey was also not updated to include a breeding bird survey when there was deemed to be ample time between the original survey in February 2016 and the publication of the report in March 2017, particularly as the report mentions *“Evidence of old bird’s nests were frequently recorded within crevices of the stone wall which borders the Ecology Survey Area and within the willow tree in the western section of the Ecology Survey Area”*.
- 113 The general professional ecological standard adopted suggests ecological survey data has a time limit of 18 months (SNH advice). The field survey dated 27 February 2016 was undertaken almost 22 months before the current application was validated and is therefore deemed out of date. The opinion of PKC biodiversity officer was that there is unlikely to be great deal of change with nothing happening on the site in the intervening period. The elapsed timeframe would have however allowed the applicant to update the surveys with the information identified as requiring further surveys, for example:
- surveying the trees identified as having moderate bat roost potential,
  - confirmation of reptile hibernacula and
  - breeding bird surveys,
- all of which are mentioned as potential constraints in the ecological report, but which have not been followed up.
- 114 In summary, the policy requirements of LDP Policy NE3 are not considered to be fully satisfied due to the time lapsed from the point of the original survey and associated survey information, which was not undertaken in the intervening period in advance of the current planning submission.

## Affordable Housing

- 115 LDP policy RD4 requires that 25% of the total dwelling houses on a site, above a threshold of 5 units, for which planning consent is being sought, to be provided in the form of affordable housing. The application proposed the provision of 16 affordable units on site, which is 0.5 unit equivalent shortfall for

the required 25%. It is considered appropriate to secure the shortfall through a commuted sum payment. The associated contribution can be secured through a Section 75 Obligation, allowing for the policy requirements of Policy RD4 to be fully met.

- 116 In respect of the proposed location of the affordable housing and 'clumping' of the affordable housing within the site, the identified location of affordable housing in relation to wider site/services etc is not considered inappropriate in this context and does not require to be amended, responding to the wider site characteristics. The affordable housing element is comfortably within walking distance of local services and through the overall site size, concentrating 16 affordable dwellings together are not considered to result in any adverse impact.

### **Amenity and Local Services**

- 117 In reviewing both existing and proposed residential amenity, the site is assessed as follows. The representations made in respect of impact on existing residential amenity have been carefully considered. The proposals are not however considered to result in any direct adverse amenity impact on existing residential amenity. The associated distances, scale, height and volume is considered to fit comfortably within the site and would not cause unnecessary impacts on immediate or wider residential properties within the village.
- 118 The amenity level of the proposed properties is also considered acceptable with respect to overlooking and lighting considerations. The private amenity space afforded to each property is considered to be proportionate to the proposed dwelling house, meeting minimum private open space standards expected for private use for leisure, clothes airing, recycling and waste storage requirements. In addition, the generous wider open recreation space being provided within the north of the site is considered beneficial both to new and existing residents within Inchtute.
- 119 A number of wider amenity issues have been expressed in the associated representations about the perceived impacts from the development, including the impact that the volume of new properties would have on the primary school. In this regard, the Education department for PKC have confirmed that with appropriate site phasing, the site can be accommodated.
- 120 The impact of artificial light being introduced to this site is not considered to be either adverse or insurmountable. Lighting specifications to external street lighting would be controlled through PKC lighting specifications and conditional controls could be applied to ensure no external flood lighting on individual properties, which would generally be resisted and consistent with LDP Policy EP5 requirements.
- 121 The development of this proposal is not deemed to compromise the existing village character and appeal. The site is not extending out into the wider open Carse landscape, suitably contained on the edge of the village and naturally reads as part of the village settlement. The introduction of residential

development to this site provides the potential to get an improved long term landscape setting from the east, securing the wall on Moncur road for the future and supporting local services through additional footfall. The original historic conservation core of the village is also not assessed to be compromised as a result of the proposals subject to this application.

- 122 Where the proposals are considered to currently fail the key tests of LDP Policy RD1 is its overall compatibility with the amenity of the area, through the associated neighbouring land use noise generator impacts, which would be experienced on proposed residential amenity. This will be discussed in more detail under the noise heading below.
- 123 Overall therefore, the policy criterion for Policy RD1 is not considered to be fully satisfied as a result of the proposals.

### **Noise**

- 124 LDP Policy EP8 states that there is a presumption against the siting of proposals, which will generate high levels of noise in the locality of noise sensitive uses, and the location of noise sensitive uses near to sources of noise generation.
- 125 Due to the situation of the site, a Noise Impact Assessment (NIA) was submitted, assessing noise from the A90 and from the adjacent neighbouring land operator (potato processor). The current NIA incorporates a response to comments made by the EH officer to application 17/00943/FLM.
- 126 The assessment undertaken through application 17/00943/FLM modelled the noise parameters without a survey and presented the results as a series of noise contour maps. These showed predicted noise levels in bands of 5dBA, with the most exposed properties showing noise levels of 55-60dBA during the day and similar at night.
- 127 A 24 hour noise survey was carried out for the updated NIA; identifying a daytime level of 75dBA with 68dBA at night, which was used to adjust the noise model calculated for the site. The most exposed properties see an almost 10dBA exceedance of the 55dBA target specified in PAN1/2011. This results in a large number of the gardens (29 out of 66) designated as moderate adverse rather than minor, with a couple on the spectrum scale of major adverse (as set out in PAN 1/2011).
- 128 Significant mitigation are considered to have been incorporated into the predictions with little scope for any further external mitigation, resulting in road noise being an important consideration for 29 of the proposed properties. With these garden areas not realistically able to meet a reasonable level of residential amenity, the applicants focused on achieving suitable internal levels. 35dBA has been proposed as part of the submission as an internal night time standard, but with windows closed rather than open, which is contrary to EH officer recommendations and as set out in PAN 1/2011. If glazing is to be relied upon for satisfactory internal levels, the EH officer clarifies that there would be

an expected target of 30dBA to be achieved through the specification of glazing proposed.

- 129 Similarly for daytime levels PAN 1/2011 sets a target of 35dBA; the target applied in the NIA is 40dBA, with a number of properties falling above 35dBA with windows closed. Again it is expected that 35dBA should not be exceeded (as a minimum) for internal daytime noise, with a higher specification of glazing if necessary.
- 130 Prompting even more of a concern to the EH team is the noise arising from the operations of the neighbouring land use, directly affecting proposed properties to the south of the site. Whilst the constant road traffic noise remains an important consideration and potentially affects proposed future residents; anyone moving in should be aware of this background noise, with the Environmental Protection Act precluding traffic noise from being classified as a statutory nuisance. Whilst the noise arising from the potato processor is not as constant, it can however be significant at times giving rise to a potential statutory nuisance in the future (transitory noise sources such as parked refrigerator Lorries). Fundamentally, this means future residents of the affected properties could reasonably complain to PKC EH team about noise from the operator. This may oblige the EH team to seek its abatement, with potential adverse impact on the established business, despite the business predating any proposed residential dwellings currently under consideration.
- 131 In light of this, the EH officer specifically requested that this noise source was considered as part of the NIA, which was undertaken. The neighbouring potato processing operator (IPL) commissioned their own NIA as a counter to the application, with the EH officer considering both of these as well as the applicants follow up response to the IPL NIA.
- 132 In reviewing all elements in the whole, it was identified and concluded that the overall outcomes displayed a moderate/large significance (assessed against 'Significance of Effects' table extracted from PAN 1/2011), with some of the properties almost at the major level having a difference of +9.6 dB. On this basis, the EH officer considered a large significance conclusion as the most appropriate in this regard.
- 133 In light of the original assessment by PKC EH officer, the applicant wished to respond to the points through their appointed noise consultant, making specific comment on the following areas:
- Proximity to Noise Sources
  - PAN 1/2011 and Technical Advice Note (TAN)
  - External Noise Levels
  - Internal Noise Levels
  - Appropriate Internal Criteria
  - Potential Nuisance from Taypack IPL
  - The IPL Noise Report

- 134 The additional information has been formally assessed and reviewed in advance of this Committee, with fundamentally no change to the conclusions in respect of the anticipated adverse impact experienced to proposed residential amenity as a result of this development.
- 135 Due to the noise issues affecting both sides of this site therefore, the proposed layout, situation and dwelling numbers cannot be supported in its current form.
- 136 In light of the aforementioned, the proposed development is assessed to fail the key policy objectives of Policy EP8 – Noise Pollution and cannot be supported on this basis.

### **Roads and Access**

- 137 LDP Policy TA1 requires that local road networks be capable of absorbing any additional traffic generated by the development and ensuring that a satisfactory access to the network will be provided.
- 138 The application submission includes a Transport Statement (TS), which considers the site, its context and layout and test the proposals against accessibility requirements for non-vehicular movement as well as vehicular accessibility.
- 139 Only one vehicular access is proposed to the site but this is due to the limitation on the road network. The road leading up to the factory premises is privately owned and therefore access cannot be taken off it. This therefore limits access to one entrance onto the site.
- 140 The proposed access is considered to be satisfactory for a development of this type with visibility splays being considered as part of the proposed entrance feature. Parking provision is considered to be satisfactory with the proposed amount of parking complying with the provisions contained within the National Roads Development Guide.
- 141 Waste Services colleagues raised concerns that the swept path analysis for refuse vehicles appears to be tight in places. From the drawings supplied, it was agreed that whilst the minimum swept path provision has been allowed for, there is the possibility that the swept path analysis shown may prove to be insufficient in places. Transport colleagues advised that this could be adequately addressed through the RCC process. If the proposals were being recommended for approval however, I consider it would be appropriate to see this detail satisfied at the planning consideration stages, to ensure that the layout would not need to be further reviewed accordingly.
- 142 Public Transport colleagues have also indicated that they would wish to see a dedicated bus turning facility either within the site or at the boundary of the site, with a bus shelter, suitable road markings and links to pedestrian footways, in order that public transport can adequately service this area.

- 143 With regards to traffic movements, colleagues were satisfied that the figures laterally provided, represented a robust assessment of the likely trip generation at both the AM and PM peaks.
- 144 Overall, the increase in traffic in both the AM peak (32 movements) and PM peak (30 movements) is a very modest increase in traffic and the Council is satisfied that the local road network can satisfactorily accommodate this level and type of traffic.
- 145 In summary therefore, the proposed development is considered to comply with the associated requirements of LDP policies TA1A and TA1B.

### **Core Paths, Pedestrians and Cycle Routes**

- 146 The site is very close to the school and other village amenities. School aged children will have the opportunity to walk to school through the allocated open space adjacent to the site boundary, through the landmark avenue of Giant Redwoods. It is considered that the developer has proposed good pedestrian access throughout the site. These proposed paths should be able to accommodate both walkers and cyclists as they connect to core paths through Inchtute. Core path ITUR/157 was carefully considered through pre-application discussions to ensure that it was accommodated and suitably re-routed within the site. Provision of a whin dust path between the Giant Redwood tree avenue would be considered reasonable and proportionate to seek in terms of planning gain should the application be supported for approval.
- 147 The identified provision and route options are considered to fully satisfy the site specific requirements in relation to public access and remain consistent with the objectives of LDP Policy TA1B and CF2 in this regard.

### **Drainage and Flooding**

- 148 LDP policy EP2 sets out that there will be a 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.
- 149 A number of representations including Inchtute Community Council have identified the site to be a potential flood risk, both to proposed and existing residential properties.
- 150 SEPA and our FRS Team are comfortable with the flood risk and drainage background information submitted, with no additional suspensive conditions proposed.
- 151 Policy EP3C requires all new development to employ SUDS measures. When a development exceeds 50 residential units, a minimum of two levels of SUDS treatment is required, which can be provided in a variety of formats. In this case, both on-site and off-site secondary treatment measures have been proposed, including the beneficial upgrade of an existing Perth and Kinross Council SUDS pond, which serves existing neighbouring development.

- 152 With both SEPA and PKC FRS Team are satisfied with the details provided in relation to drainage and flooding, it is considered that there are no conflicts with LDP Policy EP2 and EP3C.

### **Waste Collection**

- 153 Waste collection is considered to be appropriately addressed through the provision and access to individual properties. The vehicle access provision was originally questioned, but the adequacy of this has been further clarified by transport planning colleagues who confirm that the swept path designed would accommodate the Council waste vehicles.

### **Cultural Heritage**

- 154 There has been no objection from HES as there is no impact of national significance. No concerns were raised regarding any visual impact from the surrounding Scheduled Ancient Monuments or Historic Garden and Designed Landscape (HGDL).
- 155 The impact on the edge of Inchtute Conservation Area has been reviewed as a part of the wider assessment. Whilst some self-seeded trees will be lost in and around the edge of the Conservation Area, overall the proposed planting strategy, development situation and securing of the Moncur Road natural stone wall are all considered to offset any associated impact on the setting of the Conservation Area. Overall, I am satisfied that there is no adverse impact on the setting of the Conservation Area, with the proposals satisfying policy criteria of LDP Policy HE3.
- 156 PKHT recommends that a condition for a programme of archaeological works be attached to any consent to ensure compliance with LDP Policy HE1B – Non-Designated Archaeology Archaeological works are recommended to be secured through suspensive condition.
- 157 In summary, the proposed development will have no significant direct or indirect impact on any Conservation Areas or gardens and designed landscapes within the area assessed. The proposal is considered to accord with LDP Policies HE3 Conservation Areas; and HE4 – Gardens and Designed Landscapes.

### **Developer Contributions**

- 158 Due to the impact of the proposed development on existing facilities and infrastructure, a Section 75 Legal Agreement will be required to secure the necessary infrastructure and associated contribution payments covering the following:
- 159 Affordable Housing Policy RD4 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.

- 160 The Affordable Housing requirement is 16.5 units ( $66 \times 0.25$ ). The proposal includes the provision of 16 affordable units onsite. The remaining 0.5 unit requirement should be provided as a commuted sum payment. The commuted sum for the Perth HMA is £26,500 per unit. The total commuted sum is £13,250 ( $£26,500 \times 0.5$ ).
- 161 A financial contribution is sought 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.
- 162 This proposal is within the catchment of Inchtute Primary School.
- 163 Primary Education contributions are not required from the identified affordable units. The contribution requirement will be calculated on 49.5 units ( $66 - 16.5$ ). The education contribution has been calculated to be £319,770 ( $49.5 \times £6,460$ ).
- 164 A financial contribution is applied towards the cost of delivering the transport infrastructure improvements, which are required for the release of all development sites in and around Perth.
- 165 The Open Market Unit contribution will be £130,630.50 ( $49.5 \times £2,639$ ).
- 166 The Affordable Unit contribution will be £21,763.50 ( $16.5 \times £1,319$ ).
- 167 Associated elements requiring to be secured:
- Open space provision and maintenance
  - Play area provision and maintenance
  - Core path provision and maintenance
  - Public transport infrastructure provision

### **Economic Impact**

- 168 During the construction period a high number of full time jobs will be created and this will impact on the level of in-direct jobs that the construction activity will generate from employees spending on local goods and services. New residents should also fill job vacancies and support existing employers in the local area.
- 169 The proposed development will also have a positive effect in assisting Perth and Kinross Council to achieve affordable housing land requirements. Conversely however, the existing operational impact on the neighbouring economic employer if current operations could potentially be compromised through complaints from proposed future residents.

### **LEGAL AGREEMENTS**

- 170 Not required.

## **DIRECTION BY SCOTTISH MINISTERS**

- 171 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**

- 172 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 Local Development Plan and material considerations and in this case I am of the view that due to the potential harm to proposed residents as a result of noise from the neighbouring road and commercial business, I cannot support the current layout. I am of the view that the site can be developed for residential purposes but not in the form submitted. Consequently, I consider the proposal conflicts with the Development Plan.
- 173 Accordingly, the proposal is recommended for refusal on the grounds identified below.

## **RECOMMENDATION**

### **Refuse the application**

- 1 The proposal is contrary to the Perth and Kinross Local Development Plan 2014, Policy RD1 Residential Areas, as the proposed development is considered to be an overdevelopment of the site and would result in an adverse impact on proposed residential amenity of new occupiers.
- 2 The proposal is contrary to the Perth and Kinross Local Development Plan 2014, Policy EP8 Noise Pollution, PAN 1/2011 Planning and Noise and PAN51 Planning, Environmental Protection and Regulation as the proposed development has failed to successfully demonstrate that noise mitigation and attenuation can be adequately achieved on this site for the benefit of proposed residents and in respect of providing adequate amenity, whilst not restricting existing consented neighbouring business operations.
- 3 The proposal is contrary to the Perth and Kinross Local Development Plan 2014, Policy NE3 Biodiversity in failing to provide a suitably up to date ecological assessment with associated breeding bird survey and survey of impacted tree loss.

## **B JUSTIFICATION**

The proposal fails to fully accord with the Development Plan and there are no material reasons which justify departing from the Development Plan.

**C PROCEDURAL NOTES**

None.

**D INFORMATIVES**

None.

Background Papers: 57 letters of representation  
Contact Officer: Callum Petrie 01738 475353  
Date: 1 March 2018

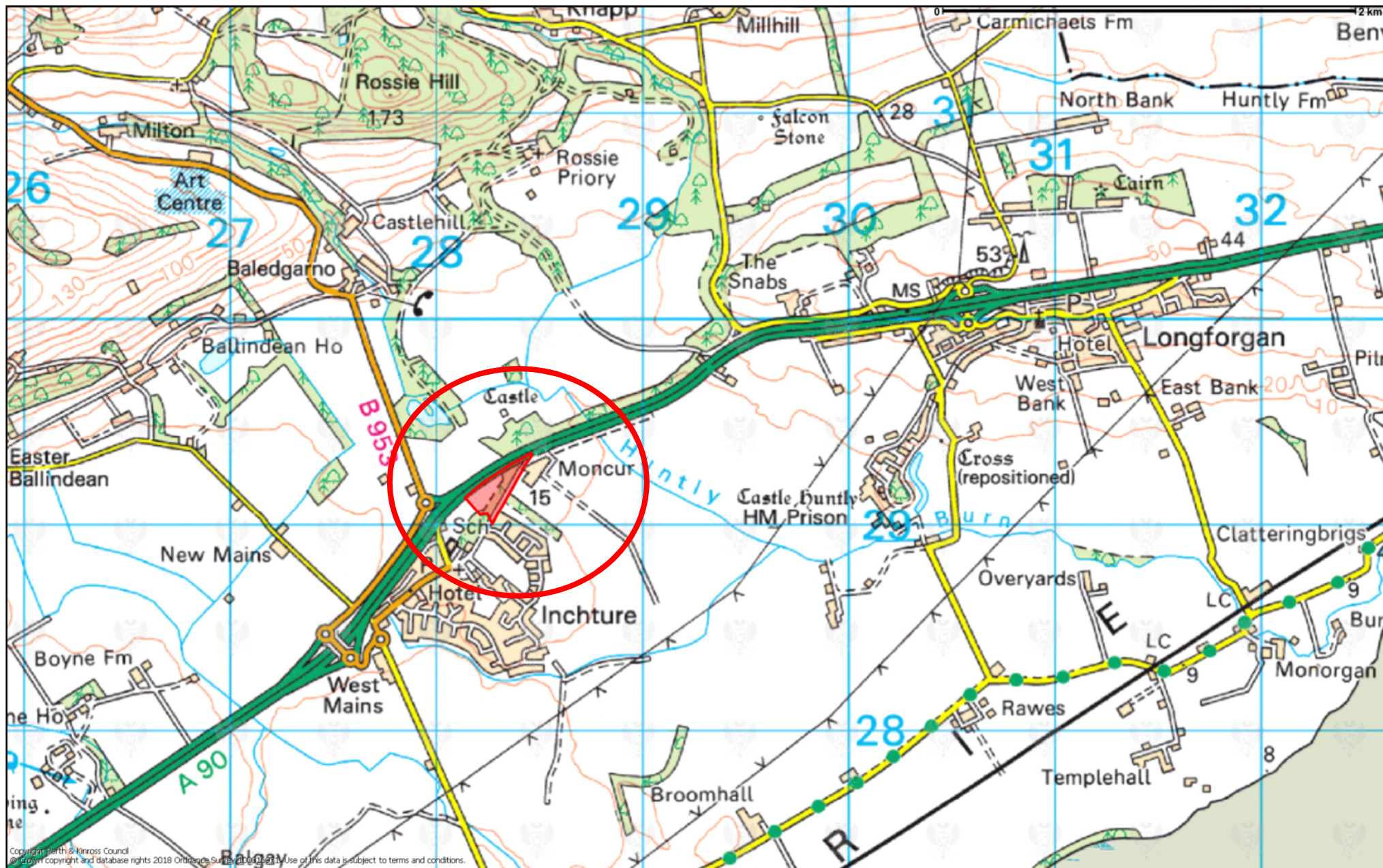
**ANNE CONDLIFFE**  
**INTERIM DEVELOPMENT QUALITY MANAGER**

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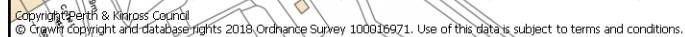


17/02159/FLM

Erection of 66 dwellinghouses, formation of SUDS pond, landscaping and associated works land SW of Moncur Farm, Moncur Road, Inchtuthie







PERTH & KINROSS  
COUNCIL



Perth and Kinross Council  
Planning & Development Management Committee – 14 March 2018  
Report of Handling by Interim Development Quality Manager

**PROPOSAL:** Erection of 2 dwellinghouses

**LOCATION:** Land east of Abbeyhill, Precinct Street, Coupar Angus

Ref. No: 17/01260/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 This planning application seeks to obtain a detailed planning consent for the erection of two detached dwellings on a site located within the settlement boundary of Coupar Angus, and within the towns Conservation Area. The site is also immediately adjacent to the residential property named Abbeyhill, which is a category B listed building.
- 2 The site is sandwiched between Precinct Street (to the north) and Abbey Road (to the south). The shape of the site roughly resembles hour glass shape - ranging in its width from 30m at the Precinct Street end, to 17m across the middle to approx. 27m at the Abbey Road end. The length of the site (north to south) is approx. 75m.
- 3 The area is residential in character, with residential properties surrounding the site on all sides. The site largely laid to grass, with an existing outbuilding at the north eastern corner. There are several existing trees/bushes on the site (most ornamental), with a more substantial tree at the northern end of the site. Along the western and eastern boundaries with the neighbouring properties is existing hedging.
- 4 The proposal is to divide the site into two plots, roughly across the centre. The northern plot would have its own access directly onto Precinct Street using the existing access, whilst a second new access onto Precinct Street is proposed to give the southern plot its own private access.
- 5 Both the dwellings are of the same house type, which is a traditionally designed house type with accommodation provided within the roofspace via the use of dormers. The external finishes are stated as being natural slates on the roof, and a smooth render wall finish. The existing outbuilding is included within the

curtilage of the northern plot, and is proposed to be used as a domestic store/garage.

- 6 A planning in principle consent currently exists on the site for a residential development, and the site has benefited from various other planning in principle consents since 2006.

### **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 An Environmental Statement was not required to be submitted with the proposal as the scale of development falls below the EIA thresholds.

### **NATIONAL POLICY AND GUIDANCE**

- 10 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**

- 11 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**

- 12 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.

13 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**

14 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**

15 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**

16 Designing Streets is the first policy statement in Scotland for street design and marks a change in the emphasis of guidance on street design towards place-making and away from a system focused upon the dominance of motor vehicles. It has been created to support the Scottish Government's place-making agenda, alongside Creating Places, which sets out Government aspirations for design and the role of the planning system in delivering these.

### **National Roads Development Guide 2014**

17 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.

## **Historic Environment Scotland Policy Statement 2016**

- 18 This document sets out how Historic Environment Scotland fulfils its regulatory and advisory roles and how it expects others to interpret and implement Scottish Planning Policy.

### **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 policies of the TAYplan 2017 are of particular importance in the assessment of this application.

### **Policy 6 - Developer Contributions**

- 23 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 9 - Managing TAYplans Assets**

- 24 Seeks to ensure responsible management of TAYplan’s assets by: using the locational priorities of the Plan to identify and protect finite resources (mineral deposits and important soils); Protecting Natura 2000 sites; and 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**

- 25 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.
- 26 The site lies within the settlement boundary of Coupar Angus, within the towns Conservation Area and within the setting of a Listed Building. To this end, the principal relevant policies are,

### **Policy HE2 - Listed Buildings**

- 27 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 HE3A: New Development in Conservation Areas**

- 28 Development within a Conservation Area must preserve or enhance its character or appearance. The design, materials, scale and siting of new development within a conservation area, and development outwith an area that will impact upon its special qualities should be appropriate to its appearance, character and setting.

### **Policy PM1A - Placemaking**

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

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

- 30 Where new developments (either alone or cumulatively) exacerbate a current or generate a need for additional infrastructure provision or community facilities, planning permission will only be granted where contributions which are reasonably related to the scale and nature of the proposed development are secured.

### **Policy RD1 - Residential Areas**

- 31 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.

### **Proposed Perth and Kinross Local Development Plan 2 (LDP2)**

- 32 Perth & Kinross Council is progressing with preparation of a new Local Development Plan to provide up-to-date Development Plan coverage for Perth & Kinross. When adopted, the Perth & Kinross Local Development Plan 2 (LDP2) will replace the current adopted Perth & Kinross Local Development Plan (LDP). The Proposed Local Development Plan 2 was approved at the Special Council meeting on 22 November 2017. The Proposed LDP2 sets out a clear, long-term vision and planning policies for Perth & Kinross to meet the development needs of the area up to 2028 and beyond. The Proposed LDP2 is considered consistent with the Strategic Development Plan (TAYplan) and Scottish Planning Policy (SPP) 2014.
- 33 The Proposed LDP2, as approved by Perth & Kinross Council, was subject of a 9 week period of representation, which ended on 2 February 2018. Any unresolved representation to the Proposed Plan after this period is likely to be considered at an Examination by independent Reporter(s) appointed by the Scottish Ministers. The Reporter(s) will thereafter present their conclusions and recommendations on the plan, which the Council must accept prior to adoption. It is only in exceptional circumstances that the Council can elect not to do this.
- 34 The Proposed Plan represents Perth & Kinross Council's settled view in relation to land use planning and as such it is a material consideration in the determination of planning applications. The Proposed Plan is, however, at a stage in the statutory preparation process where it may be subject to modification. As such limited weight can therefore currently be given to its content and the policies and proposals of the plan are only referred to where they would materially alter the recommendation or decision. The weight of the Proposed Plan may change following consideration of representation received during consultation, at which time the level of significance of any objection to strategy, policies or proposals within the plan will be known.

### **OTHER COUNCIL POLICIES**

#### **Developer Contributions and Affordable Housing 2016**

- 35 This policy outlines the Council's position in relation to Developer Contributions in relation to Primary Education, A9 upgrades and Transport Infrastructure as well as Affordable Housing provision.

### **SITE HISTORY**

- 36 Planning consent has existed on the site since 2006 when an outline (now planning in principle) consent was granted (06/02505/OUT) for a residential development. That consent was renewed in 2010 (10/00113/IPL), in 2013 (13/00309/IPL) and then again in 2016 (16/00187/IPL).

- 37 The 2016 consent still remains valid (until 9 March 2019) however the planning application currently under consideration is not an application for approval of matters specified, as the applicant has chosen to apply for a detailed planning application.

## **CONSULTATIONS**

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

### **External**

- 39 **Scottish Water** – No objection to the proposal in terms of capacity issues.

### **Internal**

- 40 **Structures and Flooding** – No objection to the proposal in terms of flood risk or surface water drainage issues.
- 41 **Transport Planning** – No objection to the proposal in terms of traffic volumes, access matters or parking provision.
- 42 **Development Negotiations Officer** – Confirmation that there is no requirement for any Developer Contributions.
- 43 **Perth And Kinross Area Archaeologist** – No objection to the proposal, but has recommend a condition requiring an evaluation of the site to be undertaken.

## **REPRESENTATIONS**

- 44 13 letters of representations have been received, all of which are objecting to the proposal. The main issues raised within the letters of representations are,
- Contrary to the Local Development Plan
  - Adverse Impact on Conservation Area
  - Adverse Impact on setting Listed Building
  - Impact on existing boundary wall
  - Impact on a tree outwith the site
  - Parking Issues
  - Increase in Traffic Volumes
  - General Road safety issues
  - Impact on residential amenity
  - Impact on visual amenity
- 45 These issues are addressed in the Appraisal section of the appraisal.

## ADDITIONAL STATEMENTS

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

## APPRAISAL

- 46 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.
- 47 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 site's previous planning history, the Council's other approved policies and supplementary guidance, namely the Developer Contributions and Affordable Housing 2016 document.

### Principle

- 48 Within the adopted LDP, the application site lies within the settlement boundary of Coupar Angus where Policy RD1 is directly applicable. This policy states that within settlement boundaries, infill residential developments are generally encouraged by the LDP providing that the density proposed represents the most efficient use of the site and that the development respects the surrounding environs. As the surrounding land uses are largely residential, in land use terms only I consider the proposed residential use to be entirely compatible with the existing uses, and this echoes the position taken during the consideration of the previous planning in principle/outline consents.
- 49 I consider the key land use issues for this detailed proposal to be whether or not the proposed layout and design is acceptable in the context of protecting the existing character and amenity (visual and residential) of the area, and whether or not the proposal is acceptable within its historic setting. For reasons stated below, I consider the proposal to be acceptable on both fronts.

### Residential Amenity

- 50 In terms of the impact on existing residential amenity, I have no concerns. Both the dwellings have been designed with the principal windows facing north and south, to avoid unnecessary window to window interaction with existing properties. The closest interaction occurs with the southern dwelling, which has a pair of patio doors approx. 5m from each of its side boundaries towards the

neighbouring properties rear garden areas. Whilst there are existing boundary treatments on both sides which provide a degree of protection for the existing properties, I intend to seek further landscaping / boundary treatments along these edges to ensure that the existing residential amenity of the adjacent properties are sufficiently protected (conditions 3, 6).

- 51 No regular windows are proposed at first floor level facing either east or west but rooflights are proposed on these elevations, and I note that this has been raised within the representations as an area of concern. However these roof lights serve a ground floor, double height void room with no first floor accommodation so direct overlooking is unlikely to occur as a result of these particular rooflights.
- 52 In terms of the internal interaction, the two dwellings are located approx. 18m apart and would be separated by new boundary treatments / landscaping. In addition to this, both the proposed plots provide a suitable level of usable private amenity space for the size of dwellings proposed. I am conscious of the fact that the northern plots rear (south) garden depth is slightly less than the recommended 9m at 7m, but I nevertheless consider this arrangement to be acceptable.
- 53 As well as its rear amenity area, the northern plot also has a usable area to the north which collectively gives it more than 100 sq m of usable space. It would also be the case that if the dwelling was moved further forward to achieve the 9m, then an existing tree, which is proposed to be retained would be jeopardised. To this end, I consider the 7m depth of the garden of the northern plot to be acceptable, and collectively I have no concerns in terms of residential amenity issues in relation to the impact on the existing (neighbouring) dwellings or the proposed.

#### **Impact on Conservation Area / Setting of a Listed Building**

- 54 The site is located within the Conservation Area of Coupar Angus, and within the setting of Abbeyhill, a category B listed house which is located immediately to the west. Conservation advice has been sought internally which raised no concerns regarding the impact on either the Conservation Area or the setting of the listed building. I acknowledge the comments and concerns raised within some of the representations regarding the appropriateness of the house type, however I do not agree that the design or scale of the dwellings are inappropriate for this historically sensitive area, nor do I agree that the proposed finishes are unacceptable and would out of character with the surrounding area. I do however intend to seek further clarification of the new boundary treatments both internally (condition 3), details of the gate pillar/gate features relation to the accesses (condition 8), as well as details of the external finishes (condition 4). Subject to these requirements, I have no concerns in terms of the impact on the cultural assets of the area.

## **Design, Layout and Visual Amenity**

- 55 As stated above, I consider the design and scale of the proposed dwellings to be acceptable and complimentary to the Conservation Area, and the adjacent listed building. In terms of the impact on the more general visual amenity of the area, the development will inevitably change the appearance of the site when viewed from both Precinct Street and Abbey Road. However, a change in the way that a site looks should not necessarily render a proposal unacceptable. What must be considered is whether or not the resultant visual change is acceptable in its own right, and in the context of its surroundings. In this case, I consider the proposed location of the dwellings on the plots and their design and appearance to be acceptable, and would not result in a visual change that could be considered incongruous. To this end, I consider the design and layout of the proposal, and its resultant visual impact to be acceptable.

## **Roads and Access**

- 56 Within the letters of representations a significant number of concerns have been raised regarding traffic and parking issues. The scale of this development means that the level of additional vehicular movements directly associated with the development would be relevantly low, and would not have an impact on the local road network. In terms of the proposed accesses, these have been considered by my colleagues in Transport Planning, and subject to the new access being formed in accordance with the relevant access detail they have no objection to the proposed access arrangements from Precinct Street.
- 57 It is acknowledged that the new access is close to an existing private access which already serves Abbeyhill, and that visibility to the west is restricted, however the presence of a pavement, the existing access and its associated bellmouth area all helps the visibility which is already restricted by the curvature of the road on the other side of the neighbour's existing access. No changes to the height of the wall are proposed, however as the location of the wall is set back approx. 2.9m from the kerb of the road it is not considered necessary to seek the reduction in the height of the wall to improve visibility. On street parking issues have also been raised within the letters of representation, however as off street parking for at least two cars is proposed for both dwellings, it is unlikely that this development will contribute to any existing on street parking issues.

## **Drainage and Flooding**

- 58 The proposal raises no issues in terms of either drainage or flooding matters. I do however note that a concern has been raised within the letters of representation in relation to flood risk. My colleagues in the Structures and Flooding team have reviewed the proposal, and have no concerns in relation to flood risk either onsite or off site as a result of the development. In terms of the disposal of surface water, this will be via a soakaway system which will ensure that surface water from the site does not spill onto neighbouring land.

## **Waste Collection**

- 59 The collection of waste and recycling will be from Precinct Street, which I have no objection to.

## **Natural Heritage and Biodiversity**

- 60 There are no known protected species or local wildlife within the site.

## **Archaeology**

- 61 Within the letters of representations some concerns regarding archaeology have been raised. PKHT have commented on the planning application, and have confirmed that the site is within an area that is considered to be archaeologically sensitive, and that the precinct boundary of the medieval Cistercian Abbey is thought to run through the development site. In February 2008, Scotia Archaeology carried out an archaeological evaluation within the northern half of the site on the footprint of the proposed northern dwelling, and no archaeological remains were encountered. However, trial excavation in 1999 in a garden to the immediate south of the southern half of the development revealed archaeological deposits associated with the monastery. To this end, it is recommended that a further archaeological evaluation should take place to assess the presence / absence, character and significance of archaeological deposits on the site. A compliance condition is therefore recommended to be attached to any permission to ensure that this evaluation takes place (condition 2).

## **Impact on Trees**

- 62 Within the site there are a number of existing bushes and ornamental trees, with one larger tree located within the northern part of the site – as well as existing hedging along the side boundaries. Whilst some of the smaller bushes/trees are to be removed, all of the noteworthy trees are to be retained as part of the development and this is shown on the submitted plans. Suitable conditions are proposed to ensure this (condition 7), and to ensure that adequate protection measures are in place to protect the trees during the construction phase. A concern has also been raised within a letter of representation that the development may affect a large oak tree, which is located at the southern end of the western neighbour's garden. Whilst the branches of this tree do overhang the planning site, the canopy of the tree is a significant distance away from principal area subject to development. However, this tree would be subject to the standard tree protection condition (condition 7) to ensure that the root protection area of this tree is not unnecessarily damaged during the construction phase, and that no onsite storage / construction activities take place within the trees root protection area or under the canopy - which will cross over onto the application site.

### **Existing Outbuilding**

- 63 Within the letters of representation a concern has been raised that the approval of this development could put at risk the existing outbuilding which is located at the north eastern corner of the site within the curtilage of the northern plot. This building is protected by virtue of being within the Conservation Area and any proposals for its demolition would require Conservation Area Consent. Any such application would require relevant supporting evidence to justify the demolition in line with the guidance required by Historic Environment Scotland. In any event, I do not consider this development would compromise or jeopardise the existing building and ultimately it is shown as being retained (and used) as part of this proposal.

### **Previous 2016 Consent**

- 64 Within the letters of representations a concern has been raised that the 2016 planning permission should not have been granted, and should have been refused on the basis that the proposal did not include full details of the proposed development. It is the case that there was a material change in Council policy between the 2013 consent and the 2016 application being considered, insofar as the new Local Development Plan (under Policy HE3A) specifically stated that applications for planning permission in principle in Conservation Areas would not be considered acceptable without detailed plans, including elevations, which show the development in its setting.
- 65 In light of this and bearing in mind the planning history of the site, the Council took the view that the 2016 proposal was contrary to the Development Plan, but there was material reasons (the site history) which justified the approval of the planning application. To highlight this, the following informative note was attached to the permission which made it clear that any further renewals would not be accepted in the absence of details:
- 66 *"The applicant should be fully aware that the submission, as lodged, is contrary to Perth and Kinross Council's Local Development Plan 2014 Policy HE3A insofar as detailed plans, including elevations have not been lodged as part of the formal planning application. In the event that of a future planning in principle permission being submitted, any such application which does not include detailed plans (including elevations) will be refused on the basis of non-compliance with Policy HE3A of Perth and Kinross Council's Local Development Plan 2014"*

### **Existing Boundary Wall**

- 67 A concern has been raised within the representations in relation to works to the existing boundary wall with Precinct Street. The initial plans submitted indicated the wall being 1.5m in height which would suggest a reduction from its current height of approx. 1.9m from its base. The submitted design statement however alluded to the retention (and repair) of the wall, with the only change being the required opening for the new access. The applicant has clarified the position

and submitted an amended plan which shows retention of the wall at its current height.

### **Developer Contributions**

#### Primary Education

- 68 The local primary is not operating at over 80% capacity. To this end, there is no requirement for a Developer Contribution in relation to Primary Education

#### Transport Infrastructure

- 69 The site is located outwith the catchment area for Transport Infrastructure contributions.

#### A9 Junction Improvements

- 70 The site is located outwith the catchment area for A9 Junction Improvement contributions.

#### Affordable Housing

- 71 As this development is for less than 5 dwellings there is no requirement for any Affordable Housing requirements.

### **Economic Impact**

- 72 The economic impact of the proposal is likely to be minimal and limited to the construction phase of the development.

### **LEGAL AGREEMENTS**

- 73 None required.

### **DIRECTION BY SCOTTISH MINISTERS**

- 74 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**

- 75 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 Local Development Plan and material considerations and in this case I am content that the development proposed does not conflict with the Development Plan.

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

## **RECOMMENDATION**

### **Approve the planning application subject to the following conditions,**

- 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 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 - To ensure a programme of archaeological works is carried out to safeguard and record any archaeological remains within the development area

- 3 Prior to the commencement of the development hereby approved, details of the proposed boundary treatments for the site shall be submitted for the further written agreement of the Council as Planning Authority. The scheme as subsequently agreed shall be implemented prior to the completion or bringing into use of the development, whichever is the earlier.

Reason – In order to protect the historic character of the area, and to protect existing residential amenity.

- 4 Prior to the commencement of the development hereby approved, details of the specification and colour of the proposed external finishing materials to be used shall be submitted to and agreed in writing by the Council as Planning Authority. The scheme as agreed shall be implemented prior to the completion or bringing into use of the development, whichever is the earlier.

Reason – In order to protect the historic character of the area.

- 5 The rooflight(s) hereby approved shall be installed using recessed flashings (for example, EDN or EKN by Velux or equivalent).

Reason – In order to protect the historic character of the area.

- 6 Prior to the commencement of the development hereby approved, a detailed landscaping and planting scheme for the site shall be submitted for the further written agreement of the Council as Planning Authority. The scheme shall include details of the height and slopes of any mounding or recontouring of the site, full details of all hard landscaping proposals including materials and installation methods and, species, height, size and density of trees and shrubs to be planted. The scheme as subsequently approved shall be carried out and completed within the first available planting season (October to March) after the completion or bringing into use of the development, whichever is the earlier, and the date of Practical Completion of the landscaping scheme shall be supplied in writing to the Council as Planning Authority within 7 days of that date. The scheme as agreed and implemented shall thereafter be maintained.

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

- 7 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. Under no circumstances should any activities (including the storage of materials) encourage into the root protection areas or under the canopy of the adjacent oak tree.

Reason – In order to protect the existing trees from unnecessary damage

- 8 Prior to the occupation of each dwelling, both vehicular accesses shall be formed (and thereafter retained) in accordance with Perth & Kinross Council's Road Development Guide Type B, Figure 5.6 access detail. Precise details of the associated gate pillars at either side of the access(es) and / or any proposed gate feature shall be submitted for the approval in writing by the Council as Planning Authority. The approved details shall thereafter be implemented in full.

Reason – In the interest of protecting road and pedestrian safety.

## **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.

## **D INFORMATIVES**

- 1 This planning permission will last only for three years from the date of this decision notice, unless the development has been started within that period (*see section 58(1) of the Town and Country Planning (Scotland) Act 1997 (as amended)*).
- 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 No work shall be commenced until an application for building warrant has been submitted and approved.
- 5 The applicant should be advised that in terms of Section 56 of the Roads (Scotland) Act 1984 he must obtain from the Council as Roads Authority consent to open an existing road or footway prior to the commencement of works. 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.

Background Papers: 13 letters of representation

Contact Officer: Andy Baxter, 01738 475339

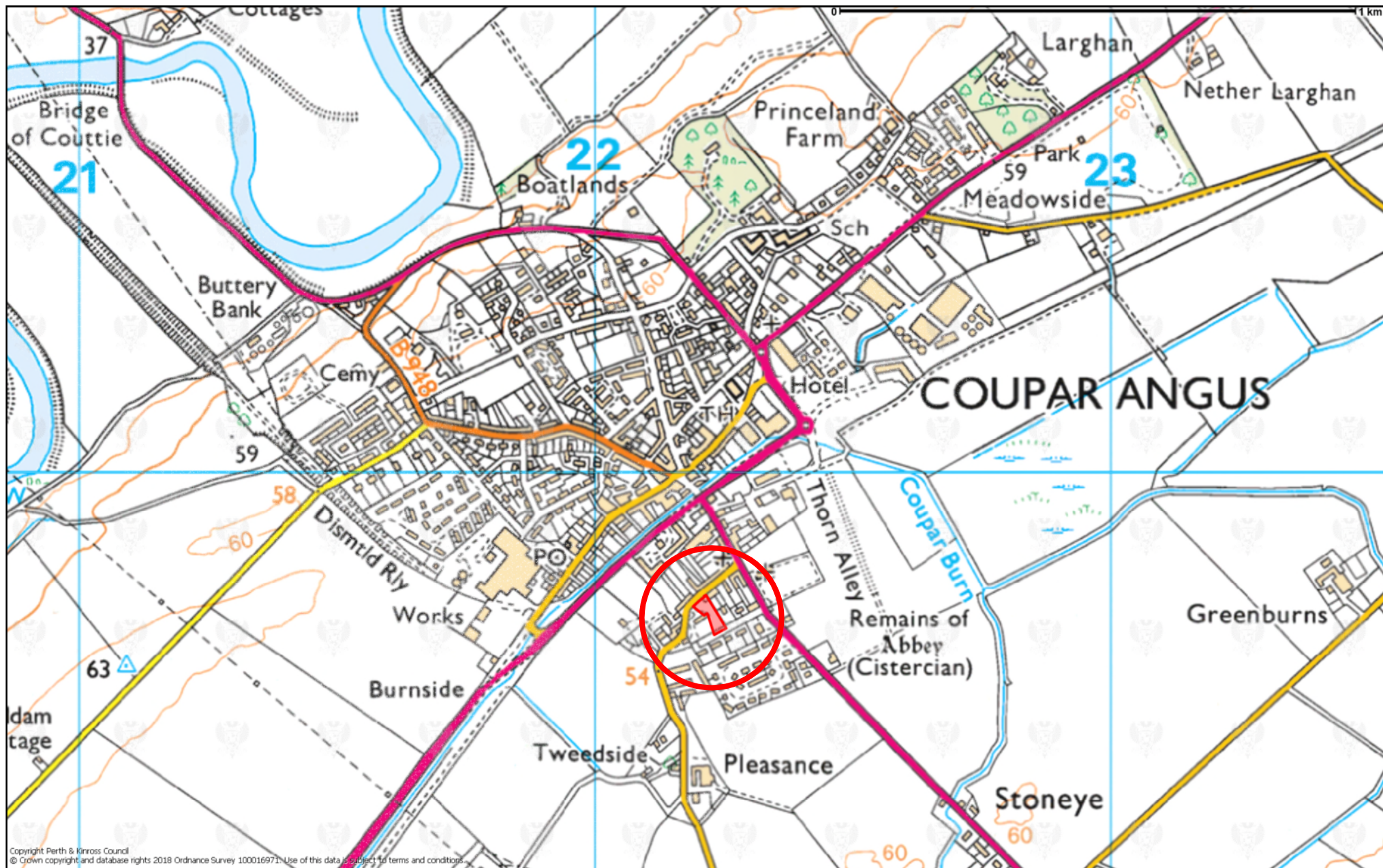
Date: 1 March 2018

**ANNE CONDLIFFE**  
**INTERIM DEVELOPMENT QUALITY MANAGER**

|                                                                                                                                                                                                                                                             |
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Scale 1:10000



17/01260/FLL

Erection of 2 dwellinghouses land east of Abbeyhill, Precinct Street, Coupar Angus







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Scale 1:1250

17/01260/FLL

Erection of 2 dwellinghouses land east of Abbeyhill, Precinct Street, Coupar Angus





Perth and Kinross Council  
Planning & Development Management Committee – 14 March 2018  
Report of Handling by Interim Development Quality Manager

**PROPOSAL:** Residential development (in principle)

**LOCATION:** Land north of Morvich House, Golf Course Road, Blairgowrie

Ref. No: 17/02057/IPL  
Ward No: P3- Blairgowrie & Glens

**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 This planning application seeks to obtain a planning in principle consent for a small residential development on a former small holding located within the settlement boundary of Blairgowrie, in the area locally referred to as 'Rosemount'. The site is *broadly* rectangular in its shape with a length ranging from 120m-140m (east to west) and a width (north to south) of approx. 55m.
- 2 The site is surrounded by existing residential curtilages to the north, south and east. To the north of the site is a private access to a residential property, whilst to the west is Woodlands Road, a narrow but adopted public road. Further to the west are undeveloped paddock areas.
- 3 Vehicular access to the site would be directly off Woodland Road, and this would most likely (based on the width and shape of the site) be a single access which would then serve the proposed dwellings. An existing field access already exists at the southern end of the road side frontage.
- 4 The site is currently occupied by rough grass and is generally flat across the majority of the site, with a scattering of small trees inside the boundaries. Along the boundaries is mix of mature hedging and larger trees, with the hedge boundary along the western edge (alongside Woodlands Road) being particularly impressive.
- 5 An indicative layout has been submitted by the applicant that shows a four plot development served by one principal vehicular access taken from Woodlands Road, with separate individual accesses then taken from that one new internal vehicular access that is indicatively shown along the southern part of the site. Any proposed layout at this stage is indicative only and would not form part of any approved plans.

## **ENVIRONMENTAL IMPACT ASSESSMENT (EIA)**

- 6 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.
- 7 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.
- 8 An Environmental Statement was not required to be submitted with the proposal as the scale of development falls below the EIA thresholds.

## **NATIONAL POLICY AND GUIDANCE**

- 9 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**

- 10 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**

- 11 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.

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**

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

- PAN 40 Development Management
- PAN 61 Planning and Sustainable Urban Drainage Systems
- PAN 68 Design Statements
- PAN 75 Planning for Transport
- PAN 77 Designing Safer Places

### **Creating Places**

- 13 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**

- 14 Designing Streets is the first policy statement in Scotland for street design and marks a change in the emphasis of guidance on street design towards place-making and away from a system focused upon the dominance of motor vehicles. It has been created to support the Scottish Government's place-making agenda, alongside Creating Places, which sets out Government aspirations for design and the role of the planning system in delivering these.

### **National Roads Development Guide 2014**

- 15 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.

### **Historic Environment Scotland Policy Statement 2016**

- 16 This document sets out how Historic Environment Scotland fulfils its regulatory and advisory roles and how it expects others to interpret and implement Scottish Planning Policy.

## **DEVELOPMENT PLAN**

- 17 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**

- 18 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:
- 19 *“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.”*
- 20 The following policies of the TAYplan 2017 are of particular importance in the assessment of this application.

### **Policy 6 - Developer Contributions**

- 21 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

### **Perth and Kinross Local Development Plan 2014**

- 22 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.
- 23 Within the LDP, the site lies within the settlement boundary of Blairgowrie. To this end, the principal relevant policies which are applicable to this proposal are,

### **Policy PM1A - Placemaking**

- 24 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 PM3 - Infrastructure Contributions**

- 25 Where new developments (either alone or cumulatively) exacerbate a current or generate a need for additional infrastructure provision or community facilities, planning permission will only be granted where contributions which are reasonably related to the scale and nature of the proposed development are secured.

### **Policy RD1 - Residential Areas**

- 26 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**

- 27 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 NE3 - Biodiversity**

- 28 All wildlife and wildlife habitats, whether formally designated or not should be protected and enhanced in accordance with the criteria set out. Planning permission will not be granted for development likely to have an adverse effect on protected species.

### **Policy CF1A – Open Space Retention and Provision**

- 29 The Plan identifies Sports Pitches, Parks and Open Space. These are areas of land which have value to the community for either recreational or amenity purposes. Development proposals resulting in the loss of these areas will not be permitted, except in certain circumstances.

### **Policy HE2 - Listed Buildings**

- 30 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.

## **Proposed Perth and Kinross Local Development Plan 2 (LDP2)**

- 31 Perth & Kinross Council is progressing with preparation of a new Local Development Plan to provide up-to-date Development Plan coverage for Perth & Kinross. When adopted, the Perth & Kinross Local Development Plan 2 (LDP2) will replace the current adopted Perth & Kinross Local Development Plan (LDP). The Proposed Local Development Plan 2 was approved at the Special Council meeting on 22 November 2017. The Proposed LDP2 sets out a clear, long-term vision and planning policies for Perth & Kinross to meet the development needs of the area up to 2028 and beyond. The Proposed LDP2 is considered consistent with the Strategic Development Plan (TAYplan) and Scottish Planning Policy (SPP) 2014.
- 32 The Proposed LDP2, as approved by Perth & Kinross Council, was subject of a 9 week period of representation, which ended on 2 February 2018. Any unresolved representation to the Proposed Plan after this period is likely to be considered at an Examination by independent Reporter(s) appointed by the Scottish Ministers. The Reporter(s) will thereafter present their conclusions and recommendations on the plan, which the Council must accept prior to adoption. It is only in exceptional circumstances that the Council can elect not to do this.
- 33 The Proposed Plan represents Perth & Kinross Council's settled view in relation to land use planning and as such it is a material consideration in the determination of planning applications. The Proposed Plan is, however, at a stage in the statutory preparation process where it may be subject to modification. As such limited weight can therefore currently be given to its content and the policies and proposals of the plan are only referred to where they would materially alter the recommendation or decision. The weight of the Proposed Plan may change following consideration of representation received during consultation, at which time the level of significance of any objection to strategy, policies or proposals within the plan will be known.

## **OTHER COUNCIL POLICIES**

### **Developer Contributions and Affordable Housing 2016**

- 34 This policy outlines the Council's position in relation to Developer Contributions in relation to Primary Education, A9 upgrades and Transport Infrastructure as well as Affordable Housing provision.

## **SITE HISTORY**

- 35 There has been no previous planning history on this site.

## **CONSULTATIONS**

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

## **External**

- 37 **Scottish Water** – No objection to the proposal in terms of foul or water capacity.

## **Internal**

- 38 **Transport Planning** – Have commented on the proposal, and confirmed that the planning application has been discussed with the road safety team. At this stage, they have no objections to the proposal and consider the existing junction at Woodlands Road/Golf Course Road to be capable of accommodating the extra vehicular movements that this development may generate.
- 39 **Development Negotiations Officer** – A standard compliance condition should be placed on any consent in relation to Primary Education.
- 40 **Environmental Health** – No objection to the proposal in terms of contaminated land issues. .

## **REPRESENTATIONS**

- 41 23 letters of representations have been received, of which 3 are offering support for the proposal and 20 are raising an objection to the proposal.
- 42 The main issues raised by the objectors are,
- Inappropriate Land use
  - Contrary to the Local Development Plan
  - Contrary to previous Local Plan (Eastern Area Local Plan 1998)
  - Visual impact
  - Impact on Residential Amenity
  - Impact on Visual amenity of the Area
  - Loss of Open Space
  - Impact on Trees
  - Impact on Wildlife
  - Impact on Roads safety issues
- 43 The main point raised within the letters of support is that additional traffic which may be generated by this development would be low, and would not impact on the local road network.
- 44 These issues are addressed in the Appraisal section of the appraisal.

## 45 ADDITIONAL STATEMENTS

|                                                |                           |
|------------------------------------------------|---------------------------|
| Environment Statement                          | Not Required              |
| Screening Opinion                              | Not Required              |
| Environmental Impact Assessment                | Not Required              |
| Appropriate Assessment                         | Not Required              |
| Design Statement / Design and Access Statement | Not submitted             |
| Reports on Impact or Potential Impact          | Planning Statement Lodged |

## APPRAISAL

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

### Principle

- 47 The application site lies within the settlement boundary of Blairgowrie in the adopted LDP, where Policy RD1 is directly applicable. This policy states that within settlement boundaries, infill residential developments are generally encouraged by the LDP providing that the density proposed represents the most efficient use of the site and that the development respects the surrounding environs. As the surrounding land uses are largely residential, in land use terms only, I consider the proposed residential use to be entirely compatible with the existing uses purely from a compatible uses point of view.
- 48 Policies RD1 and PM1A of the LDP both seek to restrict new development when it would adversely affect the density, character or amenity of the area concerned. To this end, I consider the key test of the acceptability (or otherwise) of this proposal in land use terms to be whether or not a residential development on this site would have an adverse impact on the character, density or amenity (residential and visual) of the area.
- 49 In terms of the impact on the character of the area, as the site is surrounded by existing housing, the general character of the surrounding area is clearly a residential one. A suitably designed residential development on this site, reflecting the surrounding house types, layout and densities, would in my view, be perfectly in keeping with the existing, surrounding character of the area and would not in my opinion have an adverse impact on the general character of the surrounding area.

- 50 However, I note that within the representations some concerns have been raised regarding impact that the proposal would have on the visual amenity value associated with the existing openness of the site, which is considered by some objectors to be a key characteristic of the local area, and that the permanent loss would be to the detriment to the general amenity of the area.
- 51 The adopted LDP identifies areas that have an amenity value to the community for either recreational or amenity purposes (both within private and public ownership), and *Policy CF1A* of the LDP specifically seeks to protect these areas from being lost. This site has not been identified with the adopted LDP as such an area
- 52 Notwithstanding this position, Policy RD1 of the LDP does seek to offer protection to other, unidentified smaller areas of open space if such areas are considered to have a high recreational or amenity value that is worth protecting.
- 53 I do appreciate the concerns of some of the local residents and their anxiety about the loss of this 'green' area, however the site is within private ownership, and is not currently operating as a functional area of open space for recreational or community uses. Whilst the historic openness and 'green' appearance of the site may give it a degree of visual amenity value for the neighbouring residents who overlook it, I do not consider the area to be of such visual importance that it requires protection. I am also of the view that the lack of a functional, recreational or community purpose for the site make it extremely difficult to make a valid argument for its retention as a private area of open space. The site has not been specifically identified in the adopted LDP as an area of open space retention whilst other parts of Rosemount have been so designated.
- 54 In terms of the impact on the density and residential amenity, as this is a planning in principle application no numbers or layout are to be approved as part of this permission. Nevertheless, I am satisfied that a suitably designed development can be achieved which would be in-keeping with the existing surrounding building pattern and density, whilst not adversely affecting the residential amenity presently enjoyed by neighbouring residents.

### **Design and Layout**

- 55 This is a planning in principle application only. No details of the design, layout, orientation or numbers of dwellings are under consideration at this stage. However, I note that the applicant has suggested an indicative number of 4. Whilst it is not my intention to limit, or specifically approve a particular number or density, I would suggest at this stage that a proposal for 4 detached dwellings is unlikely to gain my support as it will not accord with the surrounding building pattern.

### **Residential Amenity**

- 56 In terms of the potential direct impact on existing residential amenity i.e. overlooking or loss of privacy, I am confident that an appropriately designed development can be accommodated on this site which will not compromise

existing residential amenity, and which would be line with the Councils standards in terms of separation distances, depth of rear gardens etc.

- 57 In terms of being able to provide a suitable level of residential amenity for future occupiers, subject to appropriate density and layout being brought forward at the approval of matters specified stage, I see no reason why a suitable level of residential amenity cannot be delivered for the future residents of the development.

### **Visual Amenity**

- 58 As stated previously, the development will have an impact on the visual amenity of the area as it will result in the removal of an existing area of open space. However, a change in the appearance of a site is not a reason for rendering it unacceptable. What is important is whether or not the likely change is acceptable in its own right. Subject to a suitability designed detailed submission (which includes the retention of the existing trees/hedges where it is reasonable to do so), I am confident that the development would be visually compatible with the existing surrounding area, and would not be incongruous.

### **Roads and Access**

- 59 I note that within the representations, considerable concerns have been raised regarding the potential increase in traffic movements that this proposal would generate on the local roads. In addition to this, the suitability of Woodlands Road / Golf Course Road junction to accommodate the development has also been raised as an area of specific concern.
- 60 Whilst this is a planning in principle application, bearing in mind the character of the area and the size of the adjacent residential plots, an acceptable development is not likely to exceed any more than 3 residential units, with 2 more likely to be acceptable. In light of this, the number of additional vehicular movements that are likely to be generated would be extremely low in actual numbers and in the context of the existing usage. It is the view of my Transport Planning colleagues that the level of movements would not exceed a typical daily variance in movements in the area.
- 61 It is therefore my view that the surrounding local road network is capable of accommodating the vehicular movements associated with a small residential development, without jeopardising road or pedestrian safety.
- 62 In terms of the existing junction between Woodlands Road and Golf Course road, the acceptability of this junction to accommodate more vehicular movements has been raised within the majority of objections as an area of concern. Visibility when leaving and entering Woodlands Road is restricted in both directions due to high hedges. It is the case that the applicant owns land to the east of the junction and therefore if required, adjustments could be made which are in the applicants control.

- 63 As stated above, the level of additional vehicular movements generated by this development that would be using the local road network and the junction - both in actual numbers, and as a proportion of the existing traffic, would be low.
- 64 Based on the above, and after discussions with the Road Safety Team, Transport Planning are satisfied that the existing junction arrangement is satisfactory, and I therefore do not propose any off site mitigation at the Woodlands Road / Golf Course Road junction as part of this planning application.
- 65 With regards to the vehicular access from Woodlands Road into the site, I also have no objections. Precise details of the point of access, and suitable visibility splays will be required as part of the application for approval of matters specified.

### **Drainage**

- 66 The site lies within a publicly sewered area and to this end the development would be connected to the public system for foul drainage. A SUDS scheme will be required for the disposal of surface water

### **Flooding**

- 67 The site has no known flooding issues. The disposal of surface water from hard surfaces will be via a SUDS system, which will ensure that neighbour properties are not affected by runoff.

### **Loss of Agricultural Land**

- 68 The site is currently used for rough grassing, and I understand that it has been used for horses in the past. Bearing in mind its current use and its physical size, its potential permanent loss would not compromise the function ability of agricultural operations in the area.

### **Impact on Trees**

- 69 Although the majority of the site is grassed, there are a number of trees which align the sites boundaries. It is expected that the applicant will seek to remove some of these for creating the access point and perhaps an internal access. However, I see no reason why the majority of the trees cannot be retained. Whilst I acknowledge that the trees may not be prime examples of specimen trees, collectively, they nevertheless have a visual amenity value which should be retained and incorporated into a detailed scheme. A condition (2) has been recommended to this effect.

### **Waste Collection**

- 70 This is a planning in principle application so precise details regarding the means of storage of waste and recycling bins and / or communal areas will be addressed at the approval of matters specified stage.

## **Natural Heritage and Biodiversity**

- 71 There are no known protected species within the site, or within the immediate area. However, as the Rosemount area has a reputation for squirrels, I recommend that a habitat survey of the trees/hedges shall be undertaken to ensure that no local wildlife is adversely affected by the proposal, particularly if some trees / hedges are proposed for removal as part of an application for approval of matters specified (condition 3).

## **Impact on Listed Building**

- 72 To the north of the site is the property named 'Shian', which is a category B listed Arts and Crafts villa. Whilst this does not preclude the development of the site, protecting and respecting the setting of this property should be taken into account when considering the acceptability of an application for the approval of matters specified.

## **Access to further Development**

- 73 Within the letters of representation a concern has been raised regarding the possibility of this development providing access to other potential sites, such as the area at 'Stonefield' behind the existing care home. If a proposal was to be brought forward that proposed to access another site via this site, the suitability of such a proposal would be fully considered in its own right through the submission of a separate formal application for planning consent.

## **Eastern Area Local Plan 1998**

- 74 Within some of the letters of representations, concerns have been raised that a proposed residential development on this site would be contrary to the Eastern Area Local Plan, which was adopted by the Council in 1998. Whilst the adoption of the current Local Development Plan supersedes the 1998 plan, I consider it worthwhile to respond to this specific point which has been raised within the letters of representation.
- 75 Within the 1998 plan the site was located within a residential area where new residential proposals were supported provided that certain site specific criteria could be met. It is suggested within some of the objections that the 1998 plan provided an outright ban on new (residential) proposals that used Woodlands Road as a means of access. Within the Strategy and Justification section of the 1998 plan, it was stated that *'Inadequate road access is a severe constraint on the availability of sites particularly in the Woodlands Road and Brucefield areas'*.
- 76 This reference was highlighting a potential issue for the Council with identifying new housing sites of a scale that would have a material impact on movement on the existing local road network in the knowledge that junction visibility, and roads widths are problematic. It did not seek to impose an outright restriction on new development within the area. As stated previously, the number of new vehicular movements which would likely be generated by a small residential

development on this site would be low, and any increase would be less than the typical daily variance in movement.

### **Developer Contributions**

#### Affordable Housing

- 77 Whilst it is unlikely that a development compromising 5 or more residential units would be acceptable on this site, I consider it reasonable to recommend a standard compliance condition (6) to be attached to this permission which requires compliance with the requirements of Policy RD4 of the LDP and also the Developer Contributions Supplementary Guidance.

#### Primary Education

- 78 A standard compliance condition (5) in relation which requires compliance with Policy PM3 of the LDP and also the Developer Contributions Supplementary Guidance.

#### A9 Junction Improvements

- 79 The site is located outwith the catchment area for A9 Junction Improvements.

#### Transport Infrastructure

- 80 The site is located outwith the catchment area for Transport Infrastructure contributions.

### **Economic Impact**

- 81 The economic impact of the proposal is likely to be minimal and limited to the construction phase of the development.

### **LEGAL AGREEMENTS**

- 82 There are no legal agreements required.

### **DIRECTION BY SCOTTISH MINISTERS**

- 83 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**

- 84 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 Local Development Plan and material considerations and in this case I am content that the development

proposed does not conflict with the Development Plan. Accordingly the proposal is recommended for approval subject to conditions.

## **RECOMMENDATION**

### **Approve the planning application subject to the following conditions,**

- 1 The development shall not commence until the following specified matters have been the subject of a formal planning application for the approval of the Council as Planning Authority: the siting, design and external appearance of the development, the hard and soft landscaping of the site, all means of enclosure, means of access to the site, vehicle parking and turning facilities, levels, drainage and waste management provision.

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

- 2 All existing trees and hedging on the site shall be retained and their retention or proposed lopping, topping or felling shall be shown in the submission of the matters specified in Condition 1 above.

Reason – In order to protect the existing trees and hedges.

- 3 Notwithstanding the terms of condition 1 above, a biodiversity / habitat survey shall be submitted with an application for the approval of matters specified.

Reason – In the interest of proper site management and to protect any existing biodiversity / habitats.

- 4 Notwithstanding the details submitted by the applicant, no permission is granted for any layout, number of plots or house types.

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

- 5 The development shall be in accordance with the requirements of Perth & Kinross Council's Developer Contributions and Affordable Housing Supplementary Guidance 2016 in line with Policy PM3: Infrastructure Contributions of the Perth & Kinross Local Development Plan 2014 with particular regard to primary education infrastructure, unless otherwise agreed in writing with the Council as Planning Authority.

Reason - To ensure the development is in accordance with the terms of the Perth and Kinross Council Local Development Plan 2014 and to comply with the Council's policy on Developer Contributions and Affordable Housing Supplementary Guidance 2016.

- 6 The development shall be in accordance with the requirements of Perth & Kinross Council's Developer Contributions and Affordable Housing Supplementary Guidance 2016 in line with Policy RD4: Affordable Housing of the Perth & Kinross Local Development Plan 2014, or such subsequent Guidance and Policy which may replace these.

Reason - To ensure the development is in accordance with the terms of the Perth and Kinross Council Local Development Plan 2014 and to comply with the Council's policy on Developer Contributions and Affordable Housing Supplementary Guidance 2016.

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

Reason - In the interests of pedestrian and traffic safety and in the interests of free traffic flow.

## **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.

## **D INFORMATIVES**

- 1 Application for the approval of matters specified in conditions shall be made before the expiration of 3 years from the date of the grant of planning permission in principle, unless an earlier application for such approval has been refused or an appeal against such refusal has been dismissed, in which case application for the approval of all outstanding matters specified in conditions must be made within 6 months of the date of such refusal or dismissal.
- 2 The approved development shall be commenced not later than the expiration of 3 years from the date of grant of planning permission in principle or 2 years from the final approval of matters specified in conditions, whichever is later.
- 3 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.

- 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 56 of the Roads (Scotland) Act 1984 he must obtain from the Council as Roads Authority consent to open an existing road or footway prior to the commencement of works. Advice on the disposal of surface water must be sought at the initial stages of design from Scottish Water and the Scottish Environmental Protection Agency.
- 6 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 consent to connect to the public wastewater system and/or water network and all their requirements must be fully adhered to.

Background Papers: 23 letters of representation

Contact Officer: Andy Baxter, 01738 475339

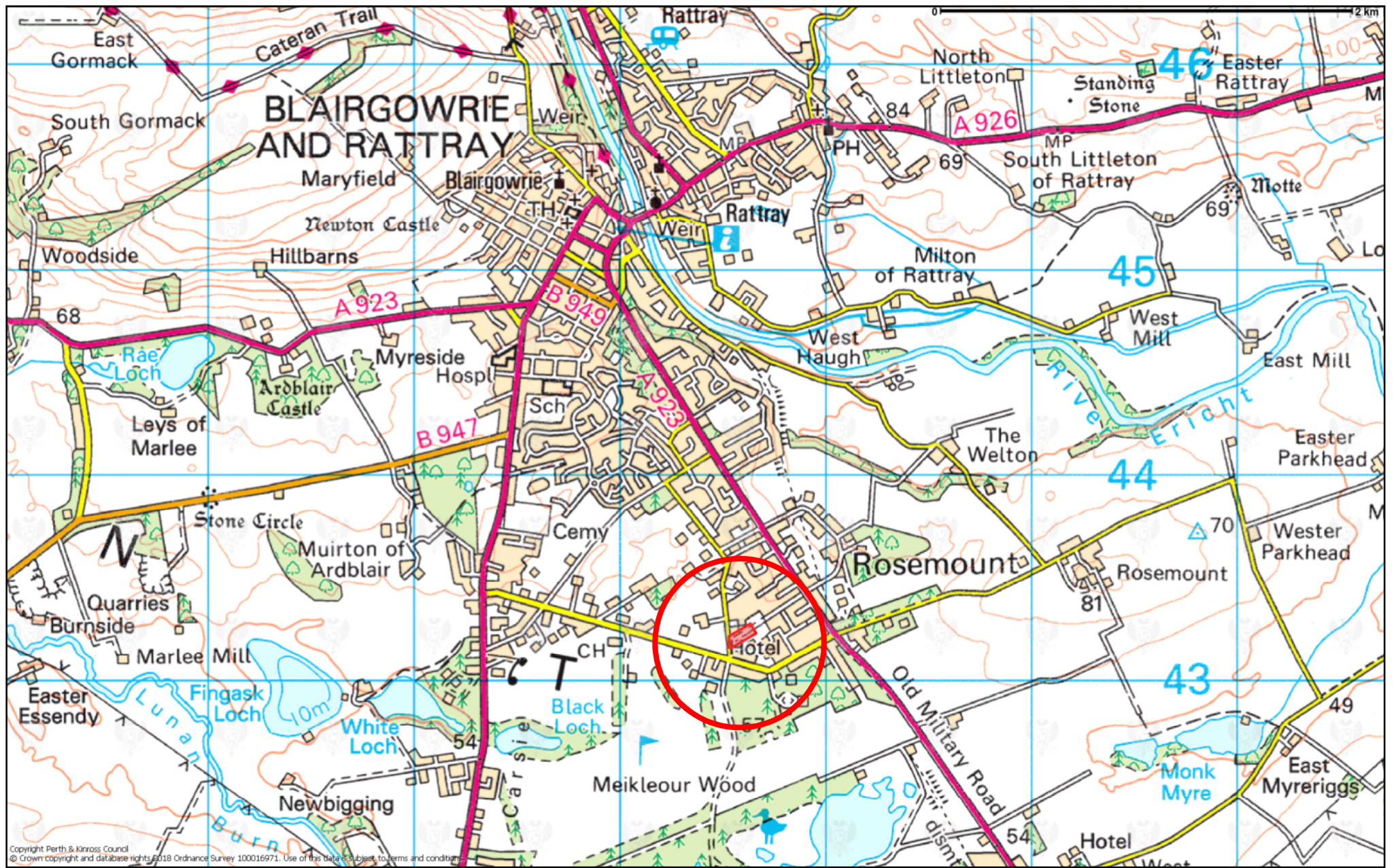
Date: 1 March 2018

**ANNE CONDLIFFE**  
**INTERIM DEVELOPMENT QUALITY MANAGER**

|                                                                                                                                                                                                                                                             |
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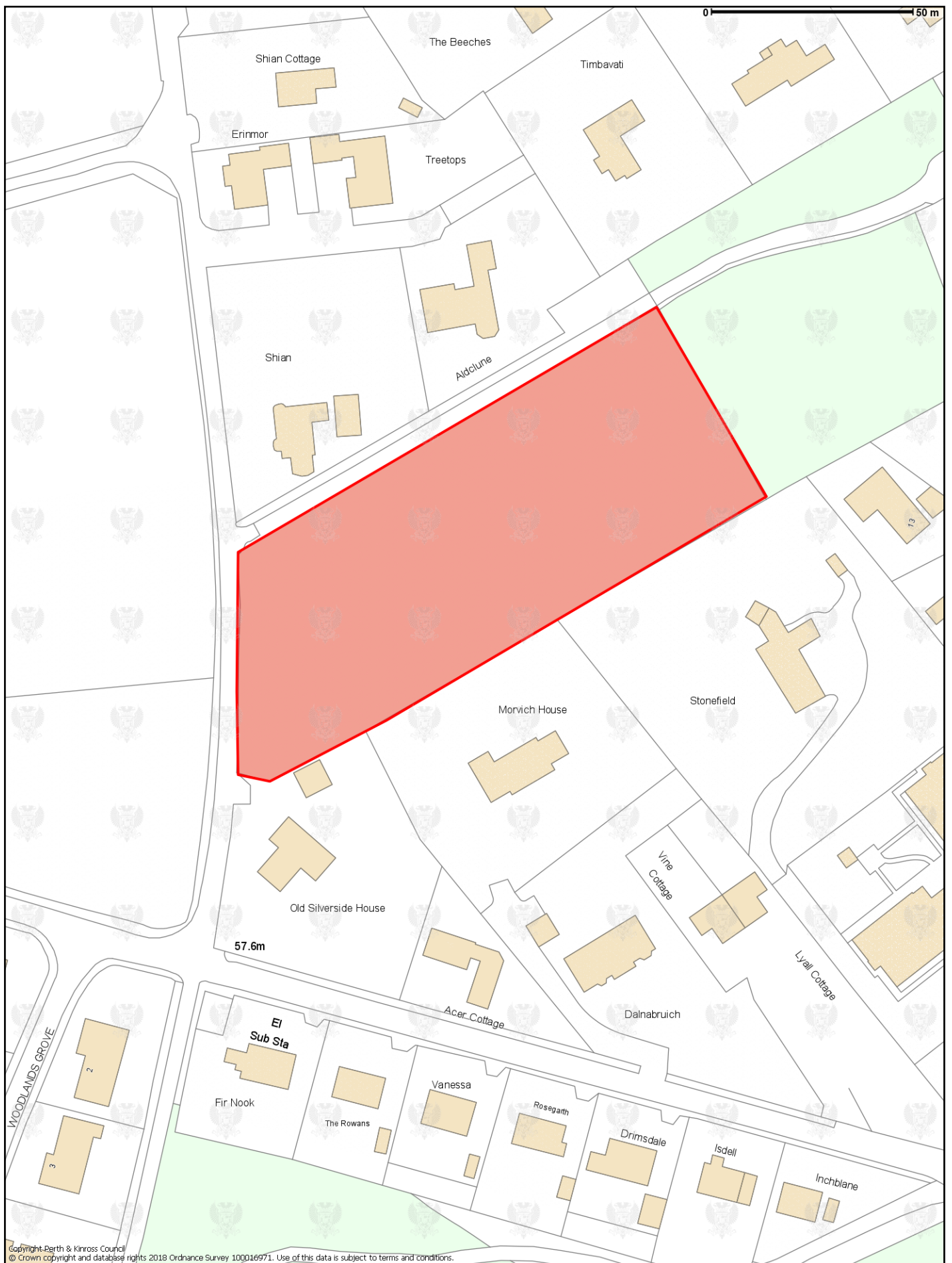


17/02057/IPL

Residential development (in principle) land north of Morvich House, Golf Course Road, Blairgowrie







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17/02057/IPL

Residential development (in principle) land  
north of Morvich House, Golf Course Road,  
Blairgowrie





Perth and Kinross Council  
Planning & Development Management Committee – 14<sup>th</sup> March 2018  
Report of Handling by Interim Development Quality Manager

|                  |                                                                 |
|------------------|-----------------------------------------------------------------|
| <b>PROPOSAL:</b> | Renewal of permission 14/00214/FLL (Erection of dwellinghouse). |
| <b>LOCATION:</b> | Land 80 Metres North East of Cuil An Daraich, Logierait.        |

Ref. No: 17/02240/FLL  
Ward No: N4- Highland

**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 The application site is on land 80metres North East of Cuil An Daraich, Logierait. The application seeks detailed planning permission for the renewal of permission 14/00214/FLL for the erection of a dwellinghouse. The site itself is located to the north of a small grouping of buildings, all of which lie out with the settlement boundary of Logierait. The site is contained by a stone wall to the west, allotments to the south, rising topography to the north and a post and wire fence to the east with an existing dwelling located beyond this to the southeast. Cuil An Daraich, the building to the south of the development site, is a Category C listed building (LB 44619).
- 2 The site is currently overgrown and accessible only by foot. Vehicular access exists to the south along the rear of the dwellings at Cuil An Daraich. Two parking spaces will be provided at this lower level of ground with a series of steps (in excess of 55 steps) leading to the dwellinghouse itself.
- 3 The proposed dwellinghouse is 1 ½ storey and is a detached 3 bedroomed unit. The proposed unit is stepped to coincide with the topography of the land. The ground floor footprint of the dwellinghouse is approximately 112m<sup>2</sup> and will measure approximately 14.5metres at maximum width and 16metres at maximum length. The maximum height of the proposed unit, (excluding the chimney), is approximately 6.5metres. The materials are natural stone and larch cladding with a natural slate roof.

- 4 With regards to the background of the site, an application was submitted in 2013 (13/01644/FLL) for the erection of a dwellinghouse on this site. This application was refused under delegated powers due to the principle of the development. This application was resubmitted in 2014 (14/00214/FLL) where the application was also refused under delegated powers. This 2014 decision was appealed to the Local Review Body where consent was granted. This current application seeks a renewal of the consent granted by the Local Review Body.

## **ENVIRONMENTAL IMPACT ASSESSMENT (EIA)**

- 5 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.
- 6 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.
- 7 An Environmental Statement was not required to be submitted with the proposal as the scale of development falls below the EIA thresholds.

## **NATIONAL POLICY AND GUIDANCE**

- 8 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**

- 9 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**

- 10 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.
- 11 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**

- 12 The following Scottish Government Planning Advice Notes (PANs) and Guidance Documents are of relevance to the proposal:
- PAN 40 Development Management
  - PAN 68 Design Statements

## **Creating Places**

- 13 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.

## **DEVELOPMENT PLAN**

- 14 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**

- 15 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:
- 16 *“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 2014**

- 17 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.

- 18 The principal relevant policies are, in summary

19 Policy PM1A - Placemaking

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.

20 Policy PM1B - Placemaking

All proposals should meet all eight of the placemaking criteria.

21 Policy PM3 - Infrastructure Contributions

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.

22 Policy RD3 - Housing in the Countryside

The development of single houses or groups of houses which fall within the six identified categories will be supported. This policy does not apply in the Green Belt and is limited within the Lunan Valley Catchment Area.

23 Policy TA1B - Transport Standards and Accessibility Requirements

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.

24 Policy ER6 - Managing Future Landscape Change to Conserve and Enhance the Diversity and Quality of the Areas Landscapes

Development proposals will be supported where they do not conflict with the aim of maintaining and enhancing the landscape qualities of Perth and Kinross and they meet the tests set out in the 7 criteria.

25 Policy HE1 – Scheduled Monuments and Non-Designated Archaeology

The Council will seek to protect areas or sites of known archaeological interest and their setting. Where development is proposed in such areas, there will be a strong presumption in favour of preservation in situ. Where, in exceptional circumstances, preservation of the archaeological features is not feasible, the developer, if necessary through appropriate conditions attached to the granting of planning permission, will be required to make provision for the survey, excavation, recording and analysis of threatened features prior to development commencing.

26 Policy HE2 - Listed Buildings

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.

27 Policy NE3 - Biodiversity

All wildlife and wildlife habitats, whether formally designated or not should be protected and enhanced in accordance with the criteria set out. Planning permission will not be granted for development likely to have an adverse effect on protected species.

**Proposed Perth and Kinross Local Development Plan 2 (LDP2)**

- 28 Perth & Kinross Council is progressing with preparation of a new Local Development Plan to provide up-to-date Development Plan coverage for Perth & Kinross. When adopted, the Perth & Kinross Local Development Plan 2 (LDP2) will replace the current adopted Perth & Kinross Local Development Plan (LDP). The Proposed Local Development Plan 2 was approved at the Special Council meeting on 22 November 2017. The Proposed LDP2 sets out a clear, long-term vision and planning policies for Perth & Kinross to meet the development needs of the area up to 2028 and beyond. The Proposed LDP2 is considered consistent with the Strategic Development Plan (TAYplan) and Scottish Planning Policy (SPP) 2014.
- 29 The Proposed LDP2, as approved by Perth & Kinross Council, was subject of a 9 week period of representation, which ended on 2 February 2018. Any unresolved representation to the Proposed Plan after this period is likely to be considered at an Examination by independent Reporter(s) appointed by the Scottish Ministers. The Reporter(s) will thereafter present their conclusions and recommendations on the plan, which the Council must accept prior to adoption. It is only in exceptional circumstances that the Council can elect not to do this.

- 30 The Proposed Plan represents Perth & Kinross Council's settled view in relation to land use planning and as such it is a material consideration in the determination of planning applications. The Proposed Plan is, however, at a stage in the statutory preparation process where it may be subject to modification. As such limited weight can therefore currently be given to its content and the policies and proposals of the plan are only referred to where they would materially alter the recommendation or decision. The weight of the Proposed Plan may change following consideration of representation received during consultation, at which time the level of significance of any objection to strategy, policies or proposals within the plan will be known.

## **SITE HISTORY**

- 31 13/01644/FLL - Erection of dwellinghouse: Application Refused under Delegated Powers on 8 November 2013
- 32 14/00214/FLL - Erection of dwellinghouse 8 July 2014: Application Refused under Delegated Powers then approved by Local Review Body (LRB)

## **CONSULTATIONS**

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

### **Internal**

- 34 Transport Planning:  
No objection to the proposed development.
- 35 Contributions Officer:  
No contributions required.
- 36 Environmental Health:  
No objection to the proposed development subject to conditional control regarding contaminated land.

### **External**

- 37 Perth & Kinross Heritage Trust (PKHT):  
PKHT highlighted that the proposed development site lies within an area considered to have archaeological potential and as such recommended a condition to be added to the consent regarding an archaeological investigation.
- 38 Scottish Water:  
Scottish Water highlighted that there is currently sufficient capacity in the Killiecrankie Water Treatment Works to service the development however identified that there is no Waste water Infrastructure within the vicinity of the proposed development.

## REPRESENTATIONS

39 9 letters of representation were received regarding the proposal (8 objections and 1 general comment). In summary, the following points were raised in the representations received:

- Contrary to Local development Plan policies
- Out of character with the area
- Impact upon Listed Building and visual amenity of area
- Landscape impacts due to elevated nature of site
- Instability and contamination issues with existing land
- Loss of amenity to existing residents (overlooking and overshadowing)
- Large scale of development
- Impracticality of elevated site for disabled access and emergency services
- Parking and access arrangements concerns
- Land ownership concerns
- Precedent for future development
- Waste collection concerns
- Tree planting growth periods
- Impacts during construction period

40 These issues are addressed in the Appraisal section of the report with the exception of land ownership concerns and the impacts created from the construction period as these are not material planning considerations.

## 41 ADDITIONAL STATEMENTS

|                                                |              |
|------------------------------------------------|--------------|
| Environment Statement                          | Not Required |
| Screening Opinion                              | Not Required |
| Environmental Impact Assessment                | Not Required |
| Appropriate Assessment                         | Not Required |
| Design Statement / Design and Access Statement | Not Required |
| Reports on Impact or Potential Impact          | Not Required |

## **APPRAISAL**

- 42 Sections 25 and 37(2) of the Town & Country Planning (Scotland) Act 1997 (as amended) require the determination of the proposal to be made in accordance with the provisions of the Development Plan, unless material considerations indicate otherwise. The adopted Development Plan comprises the TAYplan Strategic Development Plan 2016–2036 and the Perth and Kinross Local Development Plan 2014. The relevant policy considerations are outlined in the policy section above and are considered in more detail below. In terms of other material considerations, this involves considerations of the Council's other approved policies and supplementary guidance, namely the Housing in the Countryside Guide 2012 and the Developer Contributions and Affordable Housing Guide 2016.

### **Principle**

- 43 The local plan through Policy PM4 - Settlement Boundaries specifies that development will not be permitted, except within the defined settlement boundaries which are defined by a settlement boundary in the Plan. This is relevant to this application as the site is not within a defined settlement boundary.
- 44 However, through Policy RD3 - Housing in the Countryside, it is acknowledged that opportunities do exist for housing in rural areas to support the viability of communities, meet development needs in appropriate locations while safeguarding the character of the countryside as well as ensuring that a high standard of siting and design is achieved. Thus the development of single houses or groups of houses which fall within the six identified categories will be supported. The Council will support proposals for the erection, or creation through conversion, of single houses and groups of houses in the countryside which fall into at least one of the following categories:
- a) Building Groups
  - b) Infill site
  - c) New houses in the countryside on defined categories of sites as set out in section 3 of the Supplementary Guidance
  - d) Renovation or replacement of houses
  - e) Conversion or replacement of redundant non-domestic buildings
  - f) Development on rural brownfield land
- 45 In this case, the application seeking to be renewed (14/00214/FLL) was refused under delegated powers as the development was not considered to comply with any of the criterion. However, this was appealed to the Local Review Body who considered the proposal to be compliant with the said policy under category (a) building groups. As such, the principle of the development is now considered to be acceptable. The majority of the LRB panel noted that the site lay within the site of the former walled garden of the listed building, which would remain the dominant feature within the landscape. For these reasons the LRB panel were satisfied that the proposed development respected the character, layout and building pattern of the group as required by Policy RD3. As this current

application does not vary from the 2014 consent granted, and the same Local Development Plan is still relevant, there are no material considerations which justify going against the decision of the LRB.

### **Design and Layout**

- 46 The design, proportions and materials of the dwellinghouse are considered to be sympathetic to the location and finished to a high quality. The proposed materials are a combination of natural stone and timber cladding with a traditional slate roof, whilst the retaining walls will have a stone finish. These are considered to blend in with the surrounding environment, namely Cuil An Daraich itself, which is category C listed. The design and materials are acceptable in this location as the maximum height of the proposed dwellinghouse will reduce the impact and the materials and finish is high quality.
- 47 With regards to layout, whilst there are some concerns with the elevated position of the dwellinghouse creating some difficulties with access, which has been voiced through the majority of representations received, as the layout does not differ from the 2014 granted application, it is considered to be acceptable in this instance.

### **Landscape and Visual Amenity**

- 48 Development and land use change should be compatible with the distinctive characteristics and features of Perth and 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 siting of the proposed development within an established site is not considered to erode the visual amenity, local distinctiveness, diversity and quality of the landscape.

### **Residential Amenity**

- 49 The proposal, although located on an elevated piece of land, is approximately 50 metres from the dwellinghouses at Cuil An Daraich to the south. This is well in excess of the minimum 18 metres window to window distance for new dwellings as recommended within the Placemaking Guide. The windows to the east are within 9 metres of the boundary but do not overlook a property and to the south, west and north the windows are all more than 9 metres from the boundary. The proposal therefore complies with the guidance in the Placemaking Guide in that the development will not lead to overlooking.
- 50 In relation to overshadowing, the length of shadow cast when taken from a 45 degree angle (from the roof) as outlined in the Placemaking Guide would not cause overshadowing out with the application site. It is therefore considered that the dwelling would not lead to overshadowing of neighbouring land.

- 51 The proposal also cannot be considered to have a detrimental loss of outlook due to the separation distance between it and the existing buildings to the south, the development of the site would alter the view, however loss of a view is not a material planning consideration.
- 52 With regards to the amenity associated with the proposed unit, the topography of the site means that amenity space was required to be clearly demonstrated to meet Council guidance. The agent has demonstrated through the submitted plans that around the dwellinghouse the land will be terraced to create over 280m<sup>2</sup> of useable amenity space which is acceptable and complies with the Placemaking Guide. It is therefore considered that there are no adverse issues in relation to residential amenity.

### **Listed Building**

- 53 This site is in close vicinity to Cuil An Daraich which is a Category C listed building.
- 54 The Conservation Officer was consulted as part of this application and has confirmed there are no concerns with the proposal subject to conditional control for the finishes.
- 55 The site plan indicates that trees of native species are to be planted on the south side of the site which will reduce inter-visibility between the new built development and the listed building. This is considered to further reduce the impacts of the proposed development upon the Listed structure.

### **Roads and Access**

- 56 The access to the site is to be taken from the A827 within a 40 mph zone. Transport Planning have no objection to the proposal on the access point or parking.
- 57 The existing vehicular access will be used and new parking spaces will be located at the end of the existing parking area serving Cuil An Daraich. A driveway to the new development is not proposed.
- 58 The traffic generation from one property would not cause significant traffic concerns or road safety at this location.
- 59 The access, maintenance and land ownership of this piece of land has been raised as an issue within the representations received as this is a private access. Arrangements would need to be agreed with all owners of the access road and this is not a material consideration to this planning application. A condition is therefore recommended to be added to any consent granted ensuring that the car parking facilities are implemented prior to the development being brought into use. This will ensure that there are adequate parking facilities.

## **Ground Contamination**

- 60 The proposed development is on land that historically formed a walled garden area for the Breadalbane Poorhouse in the late 1800s and early 1900s. This building has since been converted to a care home and laterally a residential development. Ground contamination was raised as a concern within some of the letters of representation received as asbestos is known to have been buried when the Cuil An Daraich building was converted from a care home into flats. Environmental Health was consulted as part of this application and recommended a condition to be attached to any consent regarding ground contamination.

## **Archaeology**

- 61 The proposed development site lies within an area considered to have archaeological potential. A wealth of archaeological remains, much of which is scheduled given its national significance, can be found in the fields to the east of the development site.
- 62 These archaeological remains include prehistoric settlement, likely sited here above the flood plain at the strategic location of the confluence of the Tay and Tummel. Whilst nothing remains above ground of these archaeological sites, their presence is attested by crop marks identified by aerial photographic survey. The development site itself does not contain any previously recorded archaeological sites however the current land use (gardens, allotments, scrubland) is not conducive to aerial photographic survey. There is therefore the possibility that significant sub-surface archaeological remains survive within the development area.
- 63 In line with Scottish Planning Policy historic environment section (paragraphs 110-112 and 123), Perth & Kinross Heritage Trust, who were consulted as part of this application, recommended that a field-based archaeological evaluation should be carried out to determine the presence/absence of archaeology on site and, if necessary, develop a mitigation strategy to deal with any remains. This is therefore recommended as a condition to be attached to any consent granted.

## **Drainage and Water**

- 64 Scottish Water has no objection to this planning application but does not guarantee a connection to Scottish Water's infrastructure. A separate application will be required for connection to the infrastructure after full planning has been granted. Killiecrankie Water Treatment Works currently has capacity to service this proposed development.
- 65 The applicant is proposing a private treatment plant within the site (biodisc and soakaway) if connection to the existing is not possible. Within some of the letters of representation received it was highlighted that a connection to the existing arrangements is not possible. As such, a private treatment plant is the likely route to be taken by the developer.

## **Flooding**

- 66 The site is not within an area of known flood risk and the proposals are not considered to increase the risk of flooding.

## **Waste Collection**

- 67 The applicant has highlighted that the waste collection will be as per the existing arrangements. This has been highlighted as a concern within some of the letters of representation received. It is considered however that there is scope for the existing arrangements to be utilised without compromising the area. There are therefore considered to be no concerns in relation to waste collection.

## **Natural Heritage and Biodiversity**

- 68 No trees are shown for removal and there are no records of protected species on the site, therefore it is considered that there will be minimal disturbance to the natural heritage and biodiversity of the area.

## **Developer Contributions**

### Primary Education

- 69 The Council's 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.
- 70 This proposal is within the catchment of Logierait Primary School.
- 71 Education & Children's Services have no capacity concerns in this catchment area at this time and as such no contributions are required.

## **Economic Impact**

- 72 The development of this site will count towards local housing targets, accounting for short term economic investment through the short term construction period and indirect economic investment of future occupiers of the associated development.

## **LEGAL AGREEMENTS**

- 73 None.

## **DIRECTION BY SCOTTISH MINISTERS**

- 74 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**

- 75 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 Local Development Plan and material considerations and in this case I am content that the development proposed does not conflict with the Development Plan.
- 76 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 the development is carried out in accordance with the approved drawings and documents.

- 2 Development shall not commence on site until an evaluation for the potential of the site to be affected by contamination by a previous use has been undertaken and, as a minimum, a Preliminary Risk Assessment (Phase 1 Desk Study) has been submitted for consideration and accepted by the Council as Planning Authority. If the preliminary risk assessment identifies the need for further assessment, an intrusive investigation shall be undertaken to identify;
- (i) the nature, extent and type(s) of contamination on the site
  - (ii) measures to treat/remove contamination to ensure the site is fit for the use proposed
  - (iii) measures to deal with contamination during construction works
  - (iv) condition of the site on completion of decontamination measures.

Prior to the completion or bringing into use of any part of the development the measures to decontaminate the site shall be fully implemented in accordance with the scheme subsequently agreed by the Council as Planning Authority. Verification that the scheme has been fully implemented must also be submitted to the Council as Planning Authority.

Reason - In order to deal with any potential contamination of the site as a result of its former use.

- 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 - To ensure archaeological monitoring is carried out to safeguard and record any archaeological remains within the development area.

- 4 Prior to the commencement of the development hereby approved, samples of the natural slate and stone for the external finishes shall be submitted for the further written approval of the Council as Planning Authority. The materials as subsequently approved shall be used in the completion of the development. For clarification the natural stone, and associated pointing, to be used should match as closely as possible that of the adjoining Listed Building (Cuil An Daraich).

Reason - In the interests of protecting the special character of the Listed Building.

- 5 Prior to the commencement of the development hereby approved, a detailed landscaping and planting scheme for the site shall be submitted for the further written agreement of the Council as Planning Authority. The scheme shall include details of the height and slopes of any mounding or recontouring of the site, full details of all hard landscaping proposals including materials and installation methods and, species, height, size and density of trees and shrubs to be planted. The scheme as subsequently approved shall be carried out and completed within the first available planting season (October to March) after the completion or bringing into use of the development, whichever is the earlier, and the date of Practical Completion of the landscaping scheme shall be supplied in writing to the Council as Planning Authority within 7 days of that date. The scheme as agreed and implemented shall thereafter be maintained.

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

- 6 Prior to the commencement of the development hereby approved, full details of the conservation-style rooflights, including flashing details, shall be submitted for the further written approval of the Council as Planning Authority. The rooflights and flashings as subsequently agreed shall be used in the completion of the development.

Reason – In the interests of visual amenity and to protect the setting of the adjacent Listed Building.

- 7 Prior to the development hereby approved being completed or brought into use, the car parking facilities shown on the approved drawings shall be implemented and thereafter maintained.

Reason - In the interests of road safety; to ensure the provision of adequate off-street car parking facilities.

## **B JUSTIFICATION**

- 77 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**

- 78 None.

## **D INFORMATIVES**

- 1 This planning permission will last only for three years from the date of this decision notice, unless the development has been started within that period (see section 58(1) of the Town and Country Planning (Scotland) Act 1997 (as amended)).
- 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 No work shall be commenced until an application for building warrant has been submitted and approved.
- 5 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.

- 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](http://www.pkc.gov.uk) and should be returned to [snn@pkc.gov.uk](mailto:snn@pkc.gov.uk)

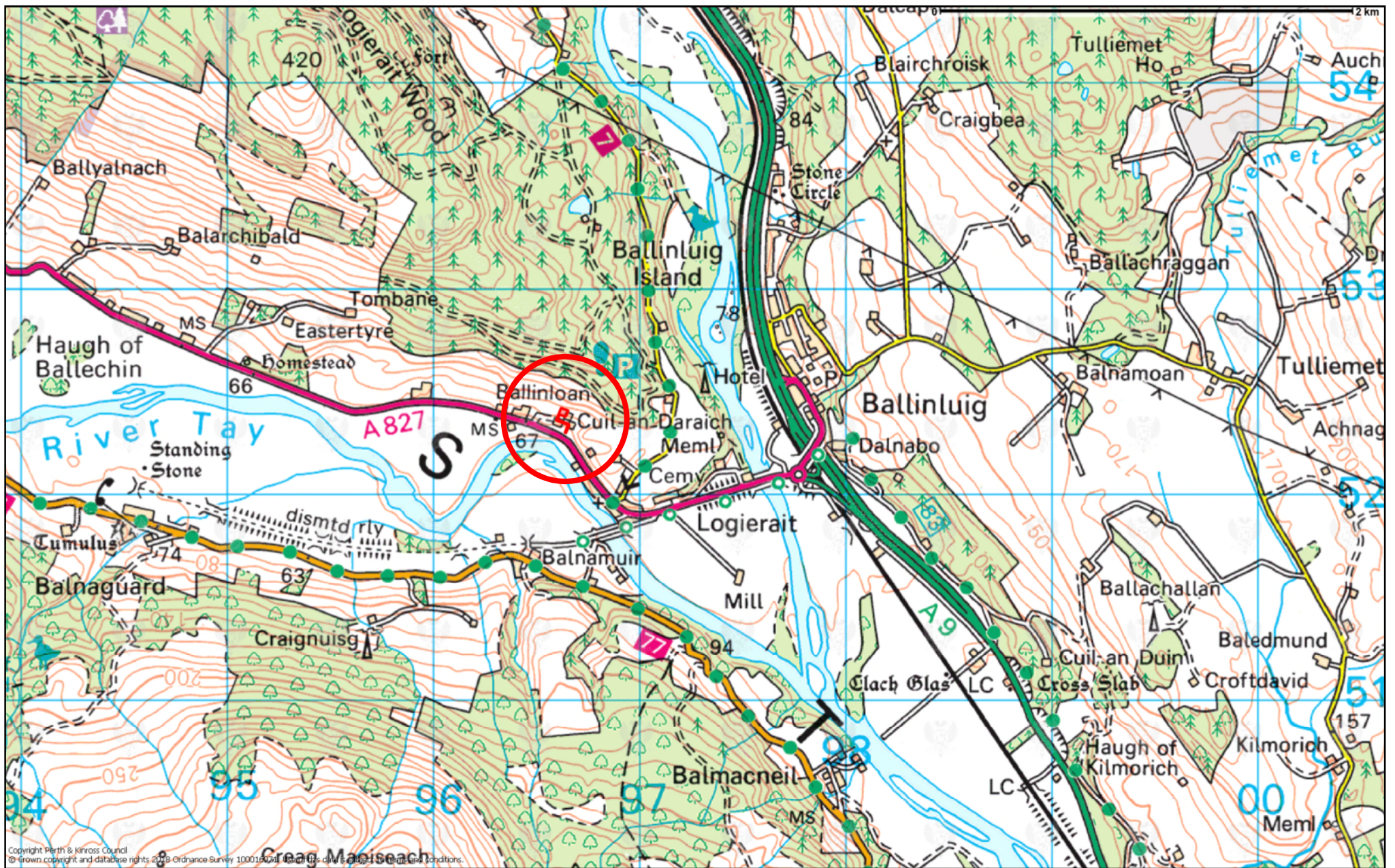
Background Papers: 9 letters of representation  
Contact Officer: Sean Panton  
Date: 15<sup>th</sup> February 2018

**ANNE CONDLIFFE**  
**INTERIM DEVELOPMENT QUALITY MANAGER**

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17/02240/FLL

Renewal of permission 14/00214/FLL (Erection of dwellinghouse) on land NE of Cuil An Daraich, Logierait







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17/02240/FLL

Renewal of permission 14/00214/FLL  
(Erection of dwellinghouse) on land NE of  
Cuil An Daraich, Logierait



