

Perth and Kinross Council
Planning & Development Management Committee – 24 September 2019
Report of Handling by Head of Planning & Development (Report No. 19/287)

PROPOSAL:	Erection of 58 dwellinghouses, 9 garages, formation of parking areas, drainage infrastructure, landscaping and associated works
LOCATION:	Land East of Honeyberry Crescent, Rattray

Ref. No: [19/00254/FLM](#)

Ward No: P3 - Blairgowrie and Glens

Summary

This report recommends approval of the application for the erection of 58 dwellinghouses with associated open space and infrastructure. The proposals are considered to comply with the relevant provision of the Development Plan and there are no material considerations apparent which outweigh the Development Plan.

BACKGROUND AND DESCRIPTION OF PROPOSAL

- 1 The site extends to 2.6 hectares (ha) of agricultural land, situated on the southern extents of Rattray settlement boundary, south and east of the residential area of Honeyberry Crescent. The southern boundary of the site is bounded by Loon Braes rights of way (17/30) and a core path (BLAI/30) with Kirkton Park and Kirkton Road on the eastern extents. Mixed species hedge and self-planted trees define the lower boundaries to the west, south and lower eastern sections.
- 2 The site is strongly characterised by its slope from a high point on the northern boundary (68.5m), dropping down steadily and flattening out at the southern section (57m) before dropping further (1.5m approx.) to the Loon Braes at the bottom.
- 3 As set out in the planning history, there has been a number of applications on this site over the last decade with the most recent detailed planning permission granted in 2013 (12/01460/AMM) for sixty dwelling houses. This permission lapsed in 2015.
- 4 The proposed housing mix is:
 - 32 x bungalows, consisting:
 - 3 x 2 bed linked garage
 - 3 x 3 bed linked garage
 - 16 x 3 bed detached

- 8 x 2 bed semi-detached
 - 2 x 3 bed semi-detached
 - 11 x 2 storey 3 bed terraced
 - 12 x 2 storey semi-detached, consisting -
 - 2 x 2 bed
 - 10 x 3 bed
 - 1 x 1.5 storey 3 bed detached
 - 2 x 2 storey detached, consisting -
 - 1 x 2 bed
 - 1 x 3 bed
- 5 Over 50% of the site is proposed to be single storey bungalows. The net site density is circa 22 dwellinghouses per ha. This is considered a medium density for urban developments within Perth and Kinross and appropriate for this site context.
- 6 The application has been accompanied by supporting information as requested through pre-application and the EIA screening process. This includes further drainage and flooding information and clarification on other matters. The submission of this information resulted in the application being re-advertised and neighbours re-notified.

ENVIRONMENTAL IMPACT ASSESSMENT (EIA)

- 7 Directive 2011/92/EU (as amended) 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. The EIA Report 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 As required an EIA screening has been undertaken (18/01615/SCRN), concluding that an EIA was not required as the proposal was not considered likely to have significant effects on the environment.

PRE-APPLICATION CONSULTATION

- 10 The proposed development is classed as a Major development in terms of the Town and Country Planning (Hierarchy of Developments) (Scotland) Regulations 2009. Therefore, the applicant was required to undertake formal pre-application consultation (PAC) with the local community. The submitted

PAC Report outlined that a public exhibition was held at the Community Connect facility on Rattray High Street. At the public exhibition 59 interested parties attended, with 28 feedback forms submitted. A poster drop was undertaken (covering 10 shops within Rattray and Blairgowrie) along with a follow up onsite meeting with the Community Council and a local Councillor.

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 (NPF)

- 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 (SPP) 2014

- 13 The SPP was published in June 2014 setting out national planning policies which reflect Scottish Ministers' priorities for operation of the planning system and for the development and use of land. The SPP promotes consistency in the application of policy across Scotland whilst allowing sufficient flexibility to reflect local circumstances. It directly relates to:
 - The preparation of development plans;
 - The design of development, from initial concept through to delivery; and
 - The determination of planning applications and appeals.
- 14 The following sections of the SPP will be of particular importance in the assessment of this proposal:
 - Sustainability: paragraphs 24 – 35
 - Placemaking: paragraphs 36 – 57
 - 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 (PANs)

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

- PAN 40 Development Management
- PAN 44 Fitting New Housing Development into the Landscape
- PAN 51 Planning, Environmental Protection and Regulation
- PAN 60 Planning for Natural Heritage
- PAN 61 Planning and Sustainable Urban Drainage Systems
- PAN 65 Planning and Open Space
- PAN 67 Housing Quality
- PAN 68 Design Statements
- PAN 69 Planning & Building Standards Advice on Flooding
- PAN 75 Planning for Transport
- PAN 76 New Residential Streets
- PAN 77 Designing Safer Places
- PAN 78 Inclusive Design
- PAN 2/2010 Affordable Housing and Housing Land Audits
- PAN 2/2011 Planning and Archaeology

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.

Designing Streets 2010

- 17 Designing Streets is the first policy statement in Scotland for street design and marks a change in the emphasis of guidance on street design towards place-making and away from a system focused upon the dominance of motor vehicles. It has been created to support the Scottish Government's place-making agenda, 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

- 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:

“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 – Location Priorities

Policy 2 – Shaping better quality places

Policy 5 – Housing

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 The principal relevant policies are, in summary:

Policy PM1A, B & C – Placemaking

Policy PM2 – Design Statements

Policy PM3 –Infrastructure Contributions

Policy RD1 –Residential Areas

Policy RD4 – Affordable Housing

Policy TA1A & B –Transport Standards and Accessibility Requirements

Policy CF1B – Open Space Retention and Provision

Policy CF2 – Public Access

Policy HE1B –Scheduled Monuments and Non Designated Archaeology

Policy NE2A & B – Forestry, Woodland and Trees

Policy NE3 – Biodiversity

Policy NE4 – Green Infrastructure

Policy ER6 – Managing Future Landscape Change to Conserve and Enhance the Diversity and Quality of the Areas Landscapes
Policy EP1 – Climate Change, Carbon Reduction and Sustainable Construction
Policy EP2 –New Development and Flooding
Policy EP3A, B & C – Water, Environment and Drainage
Policy EP12 – Contaminated Land

Proposed Perth and Kinross Local Development Plan 2 (LDP2)

- 24 The Proposed LDP2 2017 represents Perth & Kinross Council's settled view in relation to land use planning and is a material consideration in determining planning applications. The Proposed LDP2 is considered consistent with the Strategic Development Plan (TAYplan) and Scottish Planning Policy (SPP) 2014. It is now the subject of an Examination Report (published 11 July 2019). This includes the Reporter's consideration of issues and recommended modifications to the Plan, which are largely binding on the Council. It is therefore anticipated that they will become part of the adopted Plan; however, this is subject to formal confirmation. The Council is progressing the Proposed Plan (as so modified) towards adoption which will require approval by the Council and thereafter submission to the Scottish Ministers. It is expected that LDP2 will be adopted by 31 October 2019. The Proposed LDP2, its policies and proposals are referred to within this report where they are material to the recommendation or decision.

The following new LDP2 policy is relevant:

Embedding Low and Zero Generating Technology in New Development.

SITE HISTORY

- 25 [07/02346/OUT](#) Proposed housing development (in outline) Refused under delegated powers 30 January 2008
- 26 [PPA-340-660](#) Planning Permission Appeal of application 07/02346/OUT. Appeal Allowed 18 August 2008
- 27 [11/01364/AMM](#) Erection of 60 No. dwellinghouses and associated works (Approval of Matters Specified In Conditions - 07/02346/OUT) Refused by Development Management Committee (Decision Issued 14 March 2012)
- 28 [12/01308/FLM](#) Erection of 60 dwelling houses and associated parking/garages Application withdrawn 7 August 2012
- 29 [12/01460/AMM](#) Erection of 60 dwelling houses and associated parking/garages. Approved by Development Management Committee (Decision Issued 20 March 2013)

- 30 [18/00008/PAN](#) Residential development, landscaping and associated works
PAN decision issued 14 August 2018
- 31 [18/01615/SCRN](#) Residential development screening decision issued 27
September 2018

CONSULTATIONS

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

EXTERNAL

Blairgowrie and Rattray Community Council

- 33 No response.

Perth and Kinross Heritage Trust (PKHT)

- 34 No objection, recommending a suspensive condition in light of the archaeology potential for this area.

Scottish Environment Protection Agency (SEPA)

- 35 Original objection (29 March 2019) received based on a lack of flood risk information, subsequently withdrawn (15 April 2019) based on the submission of a Flood Risk Assessment. Recommend attaching a condition requiring a Construction Environment Management Plan (CEMP) and submitted to SEPA for further consultation.

Scottish Water

- 36 No objection, advising sufficient capacity currently at both Lintrathen Water Treatment Works and the Blairgowrie Waste Water Treatment Works.

INTERNAL

Biodiversity Officer

- 37 No objection, subject to adherence with ecology report, landscaping recommendations and suspensive conditions.

Community Waste Advisor - Environment Service

- 38 No objection, requesting suspensive condition's to establish final details for bin storage accommodation, lorry access and encourage communal recycling opportunities to be investigated.

Development Negotiations Officer

- 39 No objection with a commuted sum of £17,250 towards affordable housing previously paid relating to this site. No further payment is required for this application towards affordable housing or education.

Environmental Health (Contaminated Land)

- 40 No objection, recommending a suspensive condition to appropriately assess and deal with the site for potential contamination given its historic and neighbouring land uses.

Strategy and Policy

- 41 No objection.

Community Greenspace

- 42 No objection, seeking a proportionate financial contribution towards the upgrading of core and link path.

Structures and Flooding

- 43 No objection following the submission of updated drainage proposals. Suspensive condition relating to construction drainage is recommended.

Transport Planning

- 44 No objection, with conditions recommended.

REPRESENTATIONS

- 45 47 objections from 43 households (not including follow-up comments) and a petition (which included 42 signatures) were received. These are summarised under the following headings:

46 **Transport Issues**

- Width of existing road network too narrow and proposed roads and access not safe to cope with the construction, other traffic and occupation of the future houses;
- Proximity of new and additional traffic to existing houses;
- Lack of existing and proposed pavements; and
- Lack of car parking.

47 **Amenity**

- Noise and light pollution;
- Loss of sunlight or daylight; and
- Impact on privacy and visual amenity.

- 48 **Flooding/drainage**
- Rattray Burn cannot cope with any additional run off;
 - Drainage proposals cost and maintenance prohibitive.
- 49 **Open space and biodiversity**
- Loss of open space, trees and impact on local wildlife.
- 50 **Design and Placemaking**
- Layout, design and density out of character with area.
 - Not respecting topography.
- 51 **Other**
- Land ownership not within applicant's control;
 - Education concerns for Rattray Primary School;
 - Pressure on medical facilities, local shops and amenities;
 - Impact on the Cateran Trail and local core paths;
 - No long-term employment prospects;
 - No demand for housing; and
 - Questioned scope of environmental improvements.
- 52 Additional neighbour notification was undertaken (as referred to in Para 6). Overall, no new material considerations were raised, with some specific reference to the updated and new material submitted.
- 53 These representations are addressed in the Appraisal section below. However, the concerns in respect of site stability, loss of a view and impact on house value are not material planning considerations.

ADDITIONAL STATEMENTS

54

Environment Report	Not Required
Screening Opinion	Completed
Environmental Impact Assessment	Not Required
Appropriate Assessment	Not Required
Design Statement / Design and Access Statement	Submitted
Reports on Impact or Potential Impact	Submitted: flooding/drainage information, landscape strategy, ecology report, tree report, transport assessment and ground contamination report.

APPRAISAL

- 55 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 as set out.

Principle

- 56 In both the LDP and Proposed LDP2 the site is within the settlement boundary of Blairgowrie and Rattray. In the LDP it is annotated as an area with `significant housing planning consent` to reflect the planning permission approved in 2013 for the development of 60 dwelling houses. While this permission has expired, this history is a material consideration in the determination of this application. The site is a logical extension within the settlement, adjacent to existing housing and within walking distance to local shops, community facilities and easy access to Davie Park. The principle of residential development is therefore considered appropriate.

Design and Layout

- 57 The layout is considered to satisfy placemaking policy criteria, taking cues from surrounding built development in scale and form. The layout seeks to maintain a logical movement pattern, particularly non-motorised users (NMUs) with emphasis on a range of choices, tying into a wider network such as neighbouring Core Paths and Rights of Way. As set out in the transport section, a formal review of the secondary access onto Kirkton Road was undertaken with the single access from Honeyberry Crescent considered the best solution, with safety overriding placemaking objectives.
- 58 The proposal provides a suitable mix of 2-3 bed units with a variety of house types, appropriately accommodating options for downsizing and first time buyers. Overall the proposal presents a suitable layout, the siting and design taking into consideration the topography of the site, allowing for natural surveillance and overlooking for paths and public open spaces. External finishes include grey concrete roof tiles, buff facing brick, light render, UPVC windows and doors which are appropriate.
- 59 Retaining walls have been proposed to take account of topography (plan 19/00254/56 identifies the most significant section). The overall height of the retaining wall and associated boundary fence were reduced during consideration to ensure the least visual and residential amenity impacts.

Similarly, the fences on top were reduced to 1.5m to ensure the combined retaining wall and fence is no greater than 3.7 metres in height.

- 60 Overall, the proposed design, scale, layout, material finishes and mix is considered acceptable and in accordance with LDP placemaking Policy PM1A and PM1B.

Energy Requirements

- 61 LDP Policy EP1 requires proposals of this scale to identify and include carbon emission reduction measures. LDP2 sets out a departure from Policy EP1 with a more pragmatic requirement in relation to pursuing Low and Zero Generating Technology in New Development.
- 62 The application was supplemented by an energy statement. Whilst the background detail was useful, it was concluded that in order to understand that the terms of the new Policy will be fully met, SAP calculations would be required. The applicant has agreed to provide these in advance of construction, (Condition 16). On this basis, the terms of New Policy of LDP2 are considered to have been satisfied, which is a material consideration of this application.

Landscape and Visual Amenity

- 63 Safeguarding and enhancing landscape character relates to satisfying LDP policies NE4 and ER6. The site sits within a well contained landscape settings and the proposal retains the existing trees along the southern and western boundaries. Links to the existing Core Path Blai/30 along the southern boundary of the site are welcomed; providing good permeability and a more direct access to Davie Park and the countryside for proposed and existing residents to the north.
- 64 Extending the existing grassed area to the north of the site provides an opportunity to integrate the development and create an attractive amenity space, which can be used for informal play and recreation. The landscape plans were further refined to include more native species.
- 65 The proposed landscaping elements are considered to satisfy the policy terms of policies NE4 and ER6.

Natural Heritage and Biodiversity

- 66 LDP Policy NE3 is a relevant consideration in respect of potential biodiversity impacts or opportunities arising from the development. A detailed tree survey and preliminary ecological assessment were submitted in support of the application. The tree survey and ecology assessment were both considered competent. The revised landscaping scheme with native species delivers multiple benefits for biodiversity, whilst also creating more interest and diversity for human sensory experience. The Council's Biodiversity Officer has

concluded that if the landscaping measures are fully implemented, the site may be an exemplar of best practice in the future.

- 67 Overall, the proposals alongside the inclusion of recommended conditions are considered to satisfactorily address the requirements of LDP Policy NE3.

Residential Amenity

- 68 Amenity in terms of overlooking and overshadowing to neighbouring dwellings and garden ground has been considered. The overall distances between the proposed and existing dwellinghouses ensures a minimum of 18 metre window-to-window separation creating a sufficient buffer, in the interest of ensuring reasonable private residential amenity is provided. The layout arrangement is considered to be acceptable for single and two storey properties alike with no adverse daylighting or sun lighting issues calculated.
- 69 The recommendation of a Construction Environmental Management Document (CEMP) (Condition 2) will consider amongst other things, the potential for dust/airborne pollution and noise during construction. Control through an approved CEMP will ensure air and noise pollution concerns are suitably reduced or mitigated. Having regard to these measures, the terms of LDP Policy EP8 are satisfied.
- 70 In terms of light pollution, the street lighting will be designed to ensure minimum light spillage for efficiency and to avoid unnecessary light pollution to neighbouring amenity.
- 71 Overall, the criteria for LDP Policy RD1 is considered to have been satisfied with a reasonable level of amenity for new residents addressed, causing no unacceptable impact on the amenity of occupants of nearby properties.

Roads and Access

- 72 LDP Policy TA1 requires local road networks be capable of absorbing the additional traffic generated by the development and that a satisfactory access to the network provided. SPP also emphasises the importance of locating development in places well served by public transport and a wide choice of transport modes, including on foot and by cycle.
- 73 A volume of objection was received concerning the ability of the existing road network to cope with the proposals. The increase in traffic from the development at the A926/Honeyberry Drive junction will be 4.6% during AM peak and 3.5% PM. This represents a minimal increase and within anticipated daily traffic variation. No recorded accidents have been reported from 2008 to present, with the junction benefitting from an adjacent signalised controlled pedestrian crossing. Other comments related to traffic movements and parking in and around the School concern driver behaviour issues, unrelated to the proposed development and not a material planning consideration. The site sits

within 400m of the School, which is considered a reasonable walking distance to minimise vehicle journeys.

- 74 Significant concern was raised regarding any use of Kirkton Road by vehicles, including construction traffic. For clarification, the proposed road layout of the development includes a road junction with Kirkton Road. However, this access will be controlled through bollards preventing daily vehicular access/egress, but could be used for the purposes of carrying out road maintenance works or emergency services. It is considered appropriate to request a construction traffic management plan in order to establish whether Kirkton Road could be used for any construction traffic through suitable temporary traffic management arrangements (Condition 3).
- 75 In response to the community consultation process, the applicant investigated an alternative site access road, connecting into Honeyberry Drive (plans 19/00254/40 & 41). The resultant road gradient was 15%, exceeding the recommended maximum 8% road gradient (set out in the National Roads Development Guide) and would not be supported in this case.
- 76 The proposed site layout makes best use of the existing path network with a legible network of paths linking up with the right of way 17/30 and Core Path Blai/30. This is considered to complement existing non-motorised user (NMU) access and will open up safer options from the north to the Loon Braes area in the South. A contribution is being sought by community greenspace in relation to an upgrade of the core path and link path. This is proposed to be achieved with an upfront payment, but could alternatively be secured by legal agreement.
- 77 Overall, it is considered the submission and supporting information go far enough to address the concerns raised, complying with LDP policies TA1B and CF2.

Drainage and Flooding

- 78 Policies EP2 and EP3C require development on a site to have appropriate consideration towards flooding and drainage. There has been concern from local objection relating to drainage of this site and subsequent surface water flooding to the wider site area. Following an initial objection from SEPA and the Structures and Flooding team, it was considered appropriate to seek further clarification on the flooding and drainage elements. The updated flooding information and drainage layout is now acceptable, subject to conditions recommended in relation to detailing for temporary surface water plans (Condition 6).
- 79 Overall, the updated proposals are considered to comply with current LDP policies EP2 and EP3C.

Waste Collection

- 80 Waste collection requirements can be accommodated in terms of provision and access for each property. The Waste Services team have requested further detail on the collection will be achieved and to explore complementary recycling opportunities within the site will be achieved and have requested that a condition is recommended to address these elements (Condition 14).

Conservation Considerations

- 81 Policy HE1B seeks that where it is not possible to protect archaeology, it may be necessary to survey, excavate, record and analyse sites of archaeological interest.
- 82 The site lies within an area which is considered to be archaeologically sensitive due to the density of prehistoric sites recorded in the surrounding environs, some of which include designated scheduled monuments. There is therefore scope for extensive and significant archaeology with groundworks having high potential to impact on buried archaeological remains. The inclusion of a suspensive condition to secure an archaeological investigation is considered appropriate and sufficient to address LDP Policy HE1B (Condition 5).

Developer Contributions

- 83 As previously set out, an off-site contribution requirement of £18,540 towards the improvement of the connecting paths within the Loon Braes area has been identified. Ideally, this should be secured as an upfront payment in advance of the issuing of any planning permission, otherwise a S.75 legal agreement will be required.
- 84 Affordable housing was specifically raised as an objection. An up-front payment has already been made through planning permission 12/01460/AMM and this remains satisfactory, with no on-site provision required. This addresses the required Affordable Housing requirement for this site.
- 85 In relation to primary education provision, a capacity constraint is defined as where a primary school is operating, or likely to be operating at or above 80% capacity. Falling within the Rattray primary school catchment, there are no capacity concerns for this catchment area at this time. No contribution is therefore required.
- 86 Subject to securing monies for the upgrade of path works, the application is considered to satisfy LDP contribution and infrastructure requirements.

Economic Impact

- 87 During the construction period, jobs will be created and sustained, supporting indirect employment and revenue that this volume of construction activity will generate from employees spending on local goods and services. Longer term,

additional residents to the area will support existing local employment and services in the area.

Site Contamination

- 88 In view of the historical agricultural activities conducted, in advance of any development taking place it is deemed appropriate to have an assessment undertaken to identify any potential constraint that would be required to be mitigated through remedial measures (Condition 13).

Other

- 89 Concern was raised regarding the red site line boundary extending beyond the applicant's ownership or control. The applicant has confirmed through solicitors that they have applied the correct land title. We are therefore content that the land ownership as declared in the application is satisfactory. Any further concerns of individuals would be civil matter as opposed to a planning matter.
- 90 In respect of healthcare provision, there has been no formal consultation undertaken regarding this application. No objection has however been received from NHS Tayside regarding the capacity of the doctors' surgery or their ability to cope with the population increase.

LEGAL AGREEMENTS

- 91 If the commuted sum associated with the Core Path and link path upgrade is paid up front, there will be no requirement to enter into a legal agreement.

DIRECTION BY SCOTTISH MINISTERS

- 92 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

- 93 To conclude, the application must be determined in accordance with the adopted Development Plan unless material considerations indicate otherwise.
- 94 In this case the application seeks permission for the erection of 58 dwellinghouses on a site within the settlement boundary of Blairgowrie and Rattray, identified in the development plan as '*significant housing planning consent*' previously benefitting from detailed permission for 60 dwellinghouses.
- 95 Overall, the proposal is considered compliant with the key principles of the DP and is recommended for approval. Account has been given to the matters raised in representation and these have been addressed in the appraisal above.

There are no material considerations which would warrant a refusal of the proposal.

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

RECOMMENDATION

Conditions and Reasons for Recommendation

- 1 The proposed development must be carried out in accordance with the approved drawings and documents, unless otherwise provided for by conditions imposed on the planning consent.

Reason - To ensure that the development is carried out in accordance with the plans approved.

- 2 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 Scottish Environment Protection Agency (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.

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

- 3 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 (CTMS) 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 CTMS 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.

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

Reason: In the interest of sustainable travel and in accordance with the policies of the adopted Perth and Kinross Local Development Plan 2014.

- 5 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.

- 6 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.

- 7 The conclusions and recommended action points within the supporting Ecological Appraisal submitted and hereby approved (plan 19/00254/45) 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 as identified under the Wildlife and Countryside Act (1981).

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

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

- 9 Prior to the commencement of development hereby approved, details of the location and specification of the bat/swift brick(s) and/or bat/swift nest box(s) shall be submitted for the further written agreement of the Council as Planning Authority (incorporated into 50% of buildings). Thereafter, the bat/swift brick(s) and/or bat/swift nest box(s) shall be installed in accordance with the agreed details prior to the occupation of the relevant residential unit.

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

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

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

- 11 The detailed landscaping and planting scheme which is hereby approved shall be completed within the first available planting season (October to March) after the completion or bringing into use of the development, whichever is the earlier. The approved scheme shall thereafter be maintained, with any planting which fails to become established within five years being replaced in the

following planting season with others of a size and species as previously approved.

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

- 12 Any planting which, within a period of 5 years from the completion of the approved 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.

- 13 Development shall not begin until a scheme to deal with contamination on the site has been submitted to and approved in writing by the planning authority. The scheme shall contain details of proposals to deal with contamination to include:

- 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
- vi. condition of the site on completion of decontamination measures

Before any residential unit is occupied the measures to decontaminate the site shall be fully implemented as approved by the planning authority.

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

- 14 Prior to the commencement of development a site specific plan, detailing bin storage areas, kerbside collection locations and communal recycling facilities shall be submitted to and approved in writing by the planning authority and thereafter undertaken in accordance with the approved details to the satisfaction of the Council's Planning Authority.

Reason - To ensure there is adequate provision for waste disposal and recycling.

- 15 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.

Reason - To ensure that public access is maintained at all reasonable times, to the local path network.

- 16 Prior to the commencement of development hereby approved, detailed SAP calculations shall be submitted to, and approved in writing by, the council as Planning Authority. The calculations as approved shall thereafter be implemented as part of the building programme.

Reason – To ensure that the development accords with LDP Policy seeking to secure a percentage of low and zero carbon generating technology within new development.

B JUSTIFICATION

The proposal is considered to comply with the Development Plan and there are no other material considerations that would justify a departure from the relevant policies.

C PROCEDURAL NOTES

The planning permission decision notice shall not be issued until such time as the required Developer Contributions relating to the public path upgrade have been secured or paid in full.

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 or presentation at Development Management Committee.

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 This development will require the 'Display of notice while development is carried out', under Section 27C (1) of the Town and Country Planning Act 1997, as amended, and Regulation 41 of the Development Management Procedure (Scotland) Regulations 2013. The form of the notice is set out in Schedule 7 of the Regulations and a draft notice is included for your guidance. According to Regulation 41 the notice must be:
 - Displayed in a prominent place at or in the vicinity of the site of the development.
 - Readily visible to the public.
 - Printed on durable material.
- 6 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.
- 7 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. Technical Approval will be required for any structures & all walls/embankments that act singly or together to support a carriageway or footpath & retain over 1.5m fill.
- 8 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.
- 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 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
- 11 The Council's Community Waste Adviser in the Environment Service should be contacted to clarify the bin storage and recycling requirements for the development.
- 12 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 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.
- 13 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.
- 14 The applicant is encouraged to provide for hedgehog shelter, hibernation in, and commuting through the development. Access gaps in wooden fences should be 13cm x 13cm at ground level. Advice and assistance is available from the Tayside Biodiversity Partnership.
- 15 The developer is advised to contact Mr David Strachan, Archaeologist to discuss terms of reference for work required Tel 01738 477080.
- 16 Please consult the Street Naming and Numbering Officer, The Environment Service, Perth and Kinross Council, Pullar House, 35 Kinnoull Street, Perth PH1 5GD.
- 17 The applicant is advised to refer to Perth & Kinross Council's Supplementary guidance on Flood Risk and Flood Risk Assessments 2014 as it contains advice relevant to your development.

Background Papers: 47 letters of representation
Contact Officer: Callum Petrie 01738 475353
Date: 12 September 2019

DAVID LITTLEJOHN
HEAD OF PLANNING & DEVELOPMENT

If you or someone you know would like a copy of this document in another language or format, (on occasion, only a summary of the document will be provided in translation), this can be arranged by contacting the Customer Service Centre on 01738 475000.

You can also send us a text message on 07824 498145.

All Council Services can offer a telephone translation facility.