

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

PROPOSAL: Erection of 66 dwellinghouses, formation of SUDS pond, landscaping and associated works (allocated site H24)

LOCATION: 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 (2.0 ha housing)	16
Site Specific Developer Requirements			
⇒ 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 (2.0 ha housing)	16
Site Specific Developer Requirements			
⇒ 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 (66×0.25). 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

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INTERIM DEVELOPMENT QUALITY MANAGER

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