

Perth and Kinross Council
Planning & Development Management Committee – 7 April 2021
Report of Handling by Head of Planning & Development (Report No. 21/43)

PROPOSAL: Erection of 55 dwellinghouses and 51 detached garages, formation of site infrastructure, vehicular access, service/access road and temporary bridge, landscaping, and associated works (Phase 2 and 3) (Approval of Matters Specified in Conditions of 16/01595/IPM)

LOCATION: Land 200 Metres North of Pitcrocknie Farmhouse Alyth

Ref. No: 20/00511/AMM
Ward No: P2 - Strathmore

Summary

This report recommends approval of a Matters Specified in Conditions (AMSC) application related to Phases 2 and 3 of the 'Pitcrocknie' development east of Alyth. The application relates to development of 55 dwellings, 51 detached garages and related works. The recommendation is based on a consideration that the proposal is consistent with the Development Plan, the existing Planning Permission in Principle (PPP) consent 16/01595/IPM and other relevant considerations.

BACKGROUND AND DESCRIPTION OF PROPOSAL

- 1 The application site forms part of a wider site at the former Glenisla Golf Course and is located some 750 metres east of Alyth. The larger site saw Planning Permission in Principle (PPP) granted in 2010 (09/01345/IPM) and again in 2016 (16/01595/IPM). Phase 1 of development comprises: a care home; 20 dwellinghouses and 8 garages; and three Class 4 business units, all approved in April 2019. At the time of writing the 20 dwellings and the 3 business units have been completed, whilst development of the care home is progressing, with an expected opening in Autumn 2021.
- 2 The subject application now proposes Phases 2 and 3, as set out in the approved masterplan. Proposals comprise the details related to 55 bungalow style dwellings and 51 associated detached garages, all immediately south of Phase 1. The range of house types is:
 - 14 x 2 bedroom semi-detached
 - 24 x 2 bedroom detached
 - 17 x 3 bedroom detached
- 3 To the south of the overall site is the Alyth Burn, a tributary of the River Tay, and beyond this is the Alyth Golf Course which now also incorporates 9 holes of what was the Glenisla Golf Course. Immediately east is the B954; whilst to

the north the B952, leading to Alyth. The B952 provides access to Phases 1 and this arrangement is to continue with Phases 2 and 3.

- 4 Mature trees define the wider site's northern boundary, whilst there are further trees throughout the application site, remnants of the landscaped framework of the former golf course. To the north-western corner the Pitcrocknie Stone, a Scheduled Monument.

ENVIRONMENTAL IMPACT ASSESSMENT (EIA)

- 5 The PPP applications (09/01345/IPM and 16/01595/IPM) were the subject of screening opinions. This saw an EIA undertaken for application 09/01345/IPM. However, the second screening opinion determined that a new/updated EIA was not required for 16/01595/IPM, with the previous EIA Report considered adequate for the purposes of that second application. This 2020 application has also been subject of a screening opinion, which again considered that no further EIA procedures are required.

PRE-APPLICATION CONSULTATION

- 6 As an AMSC application, the applicant was not required to undertake any formal pre-application consultation with the local community.

NATIONAL POLICY AND GUIDANCE

- 7 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 2014 (NPF3)

- 8 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. It is a statutory document and material consideration in any planning application, providing 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 2020 (Updated)

- 9 The Scottish Planning Policy (SPP) 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.
- 10 The following sections of the SPP will be of particular importance in the assessment of this proposal:
- Sustainability: 24 – 35
 - Placemaking: 36 – 57
 - Affordable Housing: 126 – 131
 - Valuing the Natural Environment: 193 – 218
 - Maximising the Benefits of Green Infrastructure: 219 – 233
 - Managing Flood Risk and Drainage: 254 – 268
 - Promoting Sustainable Transport and Active Travel: 269 – 291

Planning Advice Notes

- 11 The following Scottish Government Planning Advice Notes (PANs) and Guidance Documents are also of relevance to the proposal:
- PAN 2/2010 Affordable Housing and Housing Land Audits
 - PAN 1/2011 Planning and Noise
 - PAN 51 Planning, Environmental Protection and Regulation
 - PAN 60 Planning for Natural Heritage
 - PAN 61 Planning and Sustainable Urban Drainage Systems
 - PAN 63 Waste Management Planning
 - PAN 65 Planning and Open Space
 - PAN 67 Housing Quality
 - PAN 68 Design Statements
 - PAN 75 Planning for Transport
 - PAN 77 Designing Safer Places
 - PAN 79 Water and Drainage
 - PAN 83 Masterplanning

Designing Streets 2010

- 12 Designing Streets is the policy statement in Scotland for street design and changes the emphasis of guidance on street design towards place-making and away from a system focused upon the dominance of motor vehicles. It was created to support the Scottish Government's place-making agenda, alongside Creating Places.

Creating Places 2013

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

National Roads Development Guide 2014

- 14 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

- 15 The Development Plan for the area comprises the TAYplan Strategic Development Plan 2016-2036 and the Perth and Kinross Local Development Plan 2019.

TAYPlan Strategic Development Plan 2016-2036

- 16 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.”

- 17 The following sections of the TAYplan 2016 are of particular importance in the assessment of this application:

- Policy 2: Shaping Better Quality Places

Perth and Kinross Local Development Plan 2

- 18 The Local Development Plan 2 (2019) (LDP2) sets out a vision statement for the area and states that, *“Our vision is of a Perth and Kinross which is dynamic, attractive and effective which protects its assets whilst welcoming population and economic growth.”* It is the most recent statement of Council policy and is augmented by Supplementary Guidance. The principal relevant policies are, in summary:

- Policy 1: Placemaking
- Policy 2: Design Statements
- Policy 5: Infrastructure Contributions
- Policy 14: Open Space Retention and Provision
- Policy 15: Public Access
- Policy 17: Residential Areas
- Policy 20: Affordable Housing
- Policy 23: Delivery of Development Sites
- Policy 24: Maintaining an Effective Housing Land Supply
- Policy 25: Housing Mix
- Policy 26: Scheduled Monuments and Archaeology

- Policy 32: Embedding Low & Zero Carbon Generating Technologies in New Development
- Policy 34: Sustainable Heating & Cooling
- Policy 38: Environment and Conservation
- Policy 40: Forestry, Woodland and Trees
- Policy 41: Biodiversity
- Policy 52: New Development and Flooding
- Policy 53: Water Environment and Drainage
- Policy 56: Noise Pollution
- Policy 57: Air Quality
- Policy 60: Transport Standards and Accessibility Requirements

Other Policies and Guidance

- Developer Contributions and Affordable Housing Supplementary Guidance April 2020
- Placemaking Supplementary Guidance March 2020
- Flood Risk and Flood Risk Assessments – Developer Guidance June 2014.
- Sustainable Design and Zero Carbon Development Supplementary Guidance May 2014.

Site History

- 19 The following planning history is particularly relevant:
- 20 04/00862/OUT saw the refusal, in June 2004, of Outline Planning Permission for the development of residential plots.
- 21 09/01345/IPM approved, in September 2010, Planning Permission in Principle (PPP) for improvements to the Glen Isla golf club/course, and to erect: 9 business units, a hotel, nursing home and 216 residential units (25% affordable housing).
- 22 13/01114/IPM approved, in September 2014, the variation of condition 1 of the above PPP (09/01345/IPM), extending the time limit for implementation.
- 23 14/00282/AMM the first application for Approval of Matters Specified in Conditions (AMSC) related to 09/01345/IPM was refused in January 2015, this related to the development of 18 dwellinghouses and garages, as well as the access and other associated works (Phase 1).
- 24 16/01595/IPM approved, in February 2017, the variation of Condition 5 (roads and access) of PPP 09/01345/IPM.
- 25 18/01214/AMM was an AMSC application related to 16/01595/IPM which approved, in April 2019, the site masterplan and Phase 1 of development, comprising: a care/nursing home; 20 dwellinghouses and 8 related Garages; 3 Class 4 business units; a biomass boiler house/store; a pumping station; 2 entrance buildings/stores and boundary treatments; 2 vehicular accesses; a

service/access road and temporary bridge; a SUDS pond; parking areas; site infrastructure; burn re-alignment; landscaping; and other associated works.

26 20/00020/AMM this S42 application was approved in June 2020 and modified condition 22 (ii) (care home construction) of permission 18/01214/AMM.

27 20/01540/AMM a further S42 application was approved in March 2021 and modified condition 13 (water crossings) of permission 18/01214/AMM.

CONSULTATIONS

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

External

29 **Scottish Environment Protection Agency (SEPA):** No formal response received due to operational issues. Informal discussions between officers of PKC and SEPA have indicated no particular concerns with progressing to a decision, as they are unable to provide further comment.

30 **NatureScot:** No objection. Provide wording for a planning condition related to a construction method statement and note that an Appropriate Assessment is required to be carried out due to the sites proximity to the Alyth Burn, which forms part of the River Tay Special Area of Conservation (SAC).

31 **Sport Scotland:** No objection to the loss of 9 holes of Glenisla Golf Course as remaining 9 holes have been taken on by adjoining Alyth Golf Course.

32 **Scottish Water:** No objection. Advise that there is sufficient water and wastewater capacity to service the proposed development.

33 **Historic Environment Scotland (HES):** No objection. Advise that the development would have no adverse impact on the Pitcrocknie Stone, a scheduled monument.

34 **Perth And Kinross Heritage Trust (PKHT):** No objection. Subject to a condition addressing archaeology.

35 **Alyth Community Council:** No response received.

Internal

36 **Environmental Health:** No objection. Recommend conditions related to noise control and air quality.

37 **Transport Planning:** No objection and no issues raised.

38 **Structures and Flooding:** No objection. Advise that the updated Flood Risk Assessment (FRA) and drainage information are satisfactory.

- 39 **Development Contributions Officer:** Advise that contributions relating to Affordable Housing are required.
- 40 **Biodiversity/Tree Officer:** No objection.
- 41 **Land Quality:** No objection. Advise of no history of contamination in area.
- 42 **Community Waste Advisor:** No objection. Advise that a standard 3 bin system will be required for each dwelling.
- 43 **Community Greenspace:** No objection related to public open space or core paths.

Representations

- 44 None received.

ADDITIONAL STATEMENTS

45	Screening Opinion	Yes - No further EIA Required
	Environmental Impact Assessment (EIA): Environmental Report	Not Required
	Appropriate Assessment	Likely Significant Effects on River Tay SAC. An AA has been undertaken by PKC.
	Design Statement or Design and Access Statement	Submitted
	Report on Impact or Potential Impact	Flood Risk Assessment (updated) Drainage Information (updated)

APPRAISAL

- 46 Sections 25 and 37(2) of the Town & Country Planning (Scotland) Act 1997 (as amended) require the determination of the proposal to be made in accordance with the provisions of the Development Plan unless material considerations indicate otherwise. The adopted Development Plan comprises the TAYplan Strategic Development Plan 2016–2036 and the Perth and Kinross Local Development Plan 2019. 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 includes considerations of the Council's other approved policies and supplementary guidance.

Principle

- 47 Since the approval of the Phase 1 application (18/01214/AMM) in April 2019 there has been a Development Plan change, with the Perth and Kinross LDP 2014 superseded through the adoption of LDP2. Notwithstanding, the principle of the development proposed is maintained via the extant PPP (16/01595/IPM). The proposed development must however be assessed to ascertain if it aligns

with the relevant PPP conditions and masterplan.

Design and Layout

- 48 Within the wider approved masterplan, the scale of development is not defined; however, the proposed land uses are consistent with the PPP. Condition 2 of 16/01595/IPM requires the detailed design of each phase be submitted for approval.
- 49 In this context, the proposed 55 dwellings and 51 associated garages are considered to have been designed to provide a mix of bungalow style housing suited to a variety of markets, including: first-time buyers to down-sizers and for those with a relative living in the adjacent care home. The materials for each dwelling comprise rendered walls with timber cladding near front doors and grey/black concrete roof tiles. The design and materials for each house type is considered acceptable.
- 50 The layout provides an appropriate internal road layout, with footpaths, that link well with the existing main spine road through the site. This road will eventually link to future phases, as set out in the approved masterplan. The proposed dwellings all provide an active and street-facing frontage, with garages, where they are provided, set back to the rear of each plot. This results in an acceptable design and visual quality throughout and ensures that cars will not dominate streetscapes.
- 51 Each dwelling will have acceptable rear garden areas in terms of depth and area that complies with the Councils Placemaking Supplementary Guidance 2020.
- 52 Overall, the proposal complies with the Council's placemaking policies, providing a logical and coherent structure of streets, buildings and open space that considers the surrounding landscape character and amenity of the area. The proposal complies with LDP2 Policy 1 – Placemaking.

Residential Amenity

Privacy

- 53 In terms of the potential for direct impact on existing residential amenity, such as overlooking or loss of privacy, it is not considered that the proposed development will unacceptably compromise existing residential amenity, particularly the residents of Phase 1 or between properties within the proposed development itself. Each dwelling will see acceptable rear garden areas in terms of depth and area, that comply with the Councils Placemaking Supplementary Guidance 2020.

Air Quality

- 54 The PPP required an assessment of air quality and the potential impact of each phase. In this regard an air quality assessment (AQA) was submitted for Phase 1 that considered the construction and operational phases of the development from increased traffic and industrial processes. This assessment found that the development was unlikely to have a significant adverse impact on air quality.
- 55 This AQA stated that, once occupied, there would be an increase in pollution concentrations associated to the heating of buildings and the provision of hot water. However, this impact is likely to be small and recommendations were made for the installation of low emission boilers and energy and water saving devices on all buildings – to minimise impact.
- 56 Environmental Health has previously advised that the AQA considered the biomass facility approved in Phase 1, including the cumulative effect of both gas and biomass boilers, to guide the approach taken across the development.
- 57 Based on the previous AQA and the limited impacts, Environmental Health recommend that an updated AQA is submitted prior to the commencement of development of Phase 2 and 3. This assessment must include the cumulative effects of any prior phase emissions and the approved energy centre (Condition 3). This will ensure compliance with LDP2 Policy 57 - Air Quality.

Noise

- 58 There is the potential for noise, from plant at the proposed pumping station, to have an adverse effect on residential amenity. Environmental Health therefore recommend a condition to ensure compliance with LDP 2 Policy 56 - Noise Pollution (Condition 4). A construction working hours condition is also recommended, to ensure existing residential amenity is maintained and reflect a consistent approach to both the PPP and Phase 1 permissions (Condition 5).

Landscape and Visual Amenity

- 59 This predominantly landscaped, and largely undeveloped/rural area will see varying degrees of visual impact, such as to neighbouring residential properties and adjacent road and core path users. A Landscape Appraisal (LA) was submitted in association with 18/01214/AMM, related primarily to the masterplan and Phase 1. This has been reviewed in the context of this application setting out details for Phase 2 and 3 proposals. Accounting for this it is accepted that the principle of residential development at the site is well-established and that the landscape effects of this proposal will not be significant within the wider established context.
- 60 The setting of the Alyth Golf Course and its clubhouse will not be significantly impacted by the proposal, with impacts largely mitigated through the remaining 9-hole Glenisla Golf Course, which provides a substantial separating buffer. There will be no adverse effect perceived by users on the course.

- 61 Users of the section of the Core Path (ALTH/100 and ALTH/4), which runs through the southern section of the overall site from Losset Road to Alyth Burn, will see a moderate change in visual character due to the creation of built form and infrastructure to the north. However, other sections of the Core Path will not see significant visual impacts by users due to factors such as: distance, orientation, and intervening landscape screening.
- 62 In terms of residential properties on the B952/Meethill Rd (Stoneybrae and Sidlaw View), both residences sit at the junction of Losset Road and Meethill Road near the proposed development. Stoneybrae is afforded screening by the trees which line Losset Road. Whilst Sidlaw View is screened in part by the semi-mature woodland planting within the golf course. Sidlaw View sits in a prominent position which affords long-distance views over Strathmore to the Sidlaw Hills in the south, although the siting of the proposed single storey dwellings are not considered to significantly impact these views.
- 63 Residences in Eastern Alyth (Springbank Road) facing towards the development are separated by approximately 300 metres of intervening arable land and the dense semi-mature woodland buffer of the Glenisla golf course. This landscape screen mitigates views to the proposed development.

Roads and Access

- 64 In compliance with PPP Condition 6, two entrance points were proposed within the overall masterplan and Phase 1 application. The main entrance via the B952 to the north has been completed and will also serve the proposed Phases 2 and 3. The second access is adjacent to the completed business units and existing car park (ultimately onto the B954). This second access currently provides a temporary haul/service road for construction traffic for the development of the Phase 1, 2 and 3. Transport Planning have raised no concerns regarding traffic, road safety and it is considered the proposal meets the objectives of LDP2 policies and the National Roads Development Guide.
- 65 The proposed development will not have any impact on the existing and upgraded core path network required following the Phase 1 permission (ALTH/100 and ALTH 4), which run past and links the overall site. This path will provide pedestrian and cycling access to the centre of Alyth.
- 66 Overall, the proposal is considered to comply with LDP2 Policy 60: Transport Standards and Accessibility Requirements

Drainage and Flooding

- 67 Following feedback from the Council's Structures and Flooding team, as the Flood Authority, an Updated Flood Risk Assessment (FRA) and Drainage Impact Assessment (DIA) were submitted, particularly as the Back Burn runs through the centre of the overall site and the application site, thus the site is within its catchment. As part of the PPP and masterplan approved, it is proposed that the Back Burn is de-culverted and re-aligned. Detailed plans of the proposed works to this watercourse have been approved as part of Phase 1

and the overall masterplan.

- 68 The Updated FRA and DIA was reviewed by Flooding colleagues and they do not have any concerns in respect of either flood risk to the application site and proposed dwellinghouses, nor the proposed drainage arrangements. While informal discussion has been had with SEPA on the updated information submitted, and they have been advised of the Flood Authority's position, they have not been able to provide any formal comments because of significant operational limitations following a cyber-attack in late December 2020. At the time of writing, SEPA have therefore not been able to provide a formal comment on the current application.
- 69 A response from SEPA would typically be expected to inform the drainage and flooding assessment. It is however recognised that these matters have been fully and carefully considered by Flooding colleagues, who are content that the submitted information demonstrates that the drainage arrangements are acceptable and there will be no risk of flooding within or as a result of the proposed development. As such it is considered that the proposal complies with LDP2 Policies 52 - New Development and Flooding; and 53 - Water Environment and Drainage.

Water and Wastewater

- 70 Scottish Water have advised that there is currently sufficient capacity for both water supply and wastewater connection at the Lintrathen Water Treatment Works and Alyth Wastewater Treatment Works.

Conservation Considerations

- 71 HES consider that the proposed layout will not adversely impact the setting of the nearby Pitcrochnie Stone Scheduled Monument, as the proposed dwellinghouses are set back an acceptable distance and their scale and massing (bungalows) is appropriate in the context. Together this allows numerous views to and from the stone to be retained from various approaches and be viewed from the south-east against the backdrop of the hills to the north and north-west.
- 72 The development proposal would still change the character of the monument's setting from a rural setting to suburban. HES however consider that the impact is not of national significance and do not object to the proposal whilst complying with Condition 10 of 16/01595/IPM, which required acceptable stand-off distances of development from the Scheduled Monument.
- 73 To ensure the protection of the setting of the Scheduled Monument is maintained through all future phases of development, HES recommend informatives to guide future development proposals (Informatives 11 and 12). This approach is considered appropriate to highlight the importance of designing mitigation into future phases.

- 74 Perth and Kinross Heritage Trust (PKHT) confirm that the proposed development site lies within an area considered to have archaeological potential, because of a high density of recorded sites within the surrounding landscape.
- 75 PKHT recommend that the same archaeology condition attached to the PPP and Phase 1 approval, is again applied require a programme of archaeological works associated to the proposed development to ensure compliance with LDP2 Policy 26: Scheduled Monuments and Archaeology (Condition 6).
- 76 PKHT also recommends protective fencing of the Pitcrocknie Stone, creating an appropriate buffer, during all construction works to ensure the monument is not accidentally damaged (Condition 7).

Natural Heritage and Biodiversity

- 77 NatureScot note the proposal lies to the north of the Alyth Burn, which forms part of the River Tay Special Area of Conservation (SAC). This SAC is designated for Atlantic Salmon, clearwater lochs, Otter and Brook, River and Sea Lamprey.
- 78 NatureScot consider the proposal has potential to have a significant effect on the Atlantic Salmon and Lamprey interests in the SAC. They therefore advised that Perth and Kinross Council, as competent authority, was required to carry out an Appropriate Assessment (AA) in view of the site's conservation objectives for its qualifying interests. To inform this assessment they recommended that the development is undertaken strictly in accordance with recommended mitigation to ensure no adverse effect to the integrity of the SAC. An Appropriate Assessment was carried out by the Planning Authority and concluded that an approved CMS will ensure the impact of the construction stage on the SAC can be fully mitigated. As such a Construction Method Statement (CMS) will require to be approved prior to work commencing, to ensure that sediment and pollutants are not released to the SAC during construction (Condition 16).
- 79 Adherence to the CMS during the construction period provides appropriate mitigation and consequently ensures the proposed development accords with LDP Policy 41: Biodiversity.
- 80 The Council's Biodiversity/Tree Officer has not raised any issues and it is proposed to replicate most of the conditions applied to Phase 2 as site conditions are almost identical (Conditions 8 to 12).

Developer Contributions

- 80 PPP Condition 14 requires the residential development will be in accordance with the requirements of the Developer Contributions and Affordable Housing Supplementary Guidance.

Affordable Housing

- 81 The Council's Affordable Housing Policy and SG requires that 25% of the total number of houses developed will be in the form of affordable housing. As the proposal is for 55 housing units, the affordable housing requirement is therefore 13.75 units.
- 82 The site is located in the Strathmore Housing Market Area. The Council's Housing team have advised that on-site provision of affordable housing at this location is not required given the rural location and therefore a commuted sum contributions are preferred. The Commuted Sum rate in Developer Contributions and Affordable Housing Supplementary Guidance is £11,500 per affordable unit, equating to £206,250 (13.75 x £11,500). A Section 75 legal agreement will be required to deal with the required developer contribution to ensure compliance with LDP2 Policy 5 – Developer Contributions.

Primary Education

- 83 This proposal is within the catchment of Alyth Primary School and Education & Children's Services advise of no current capacity concerns in this catchment.

Waste Collection

- 84 No issues have been identified by the Council's Waste Services team. A standard informative is recommended regarding kerbside bin collections (Informative 13).

Loss of Golf Facilities

- 85 SportScotland responded to earlier planning applications associated to development of the site. These consultation responses saw no objections raised to the loss of holes in the former golf course area. As this application relates to detailed design elements of the PPP approval, and there is no change to the ongoing retention of 9-hole course to the south of the development site, they have no concerns.

Other Matters

- 86 As part of the first AMSC application (18/01214/AMM) a masterplan and phasing plan was approved for the overall site and the applicant is following the approved plans. An existing S75 legal agreement is also in place for the 18/01214/AMM that requires the delivery of a path connection with Losset Road and bus provision for residents of the care home and dwellings. The connection with Losset road has been delivered and a bus service is required to be in place by either the first resident of the care home or occupation of the 5th dwelling of Phase 1. A bus has been made available, although advice from the developer is that no use of that service has been made. The S75 also requires the landowners to seek confirmation of the Councils required bus provision for each future phase before any development can commence (Informative 14).

Economic Impact

- 87 The impact on the local economy from the proposed dwellings will add to the available local expenditure and have a positive impact on local facilities.

PLANNING OBLIGATIONS AND LEGAL AGREEMENTS

- 88 A Section 75 legal agreement will be required in respect of the required affordable housing commuted sum contribution of £206,250 (13.75 units) required for Phases 2 and 3.

DIRECTION BY SCOTTISH MINISTERS

- 89 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

- 90 To conclude, the application must be determined in accordance with the adopted Development Plan unless material considerations indicate otherwise. In this respect, the proposal is considered to comply with the approved TAYplan 2016 and the adopted LDP2. Account has been taken account of the relevant material considerations and none has been found that would justify overriding the adopted Development Plan.
- 91 In terms of Phase 2 and 3, it is considered that the application accords with the PPP and submitted masterplan. The scale of development, the layout and design of Phases 2 and 3 raises no significant issues and will not adversely affect the visual, landscape or residential amenity of the area. The impact on the Pitcrocknie Scheduled Monument and the River Tay SAC can be mitigated to an acceptable level.
- 92 Accordingly, the proposal is recommended for approval subject to the following conditions.

RECOMMENDATION

Approve the planning application subject to the following conditions:

Conditions and Reasons for Recommendation

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

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

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

Reason - In the interest of vehicle and pedestrian safety and in accordance with the policies of the adopted Perth and Kinross Local Development Plan 2 2019.

- 3 Prior to the commencement of development for either Phase 2 or 3 hereby approved an updated Air Quality Assessment shall be submitted to, and approved in writing by, the Planning Authority. The assessment shall include the cumulative effects of any prior phase emissions and the approved energy centre.

Reason – In the interests of residential amenity

- 4 All plant and equipment shall be so enclosed, attenuated and/or maintained such that any noise therefrom shall not exceed Noise Rating 35 between 0700 and 2300 hours daily, or Noise Rating 20 between 2300 and 0700 hours daily, within any neighbouring residential property, with all windows slightly open, when measured and/ or calculated and plotted on a rating curve chart.

Reason – In the interests of residential amenity

- 5 Construction work shall be limited to Monday to Friday 0700 hours to 1900 hours and Saturday 0800 hours to 1300 hours with no noisy works out with these times or at any time on Sundays or bank holidays.

Reason – In the interests of residential amenity

- 6 Development shall not commence until the developer has secured the implementation of a programme of archaeological work in accordance with a written scheme of archaeological investigation which has been submitted, and agreed in writing by the Council as Planning Authority, in consultation with Perth and Kinross Heritage Trust. Thereafter, the developer shall ensure that the programme of archaeological works is fully implemented including that all excavation, preservation, recording, recovery, analysis, publication and archiving of archaeological resources within the development site is undertaken. In addition, the developer shall afford access at all reasonable times to Perth and Kinross Heritage Trust or a nominated representative and shall allow them to observe work in progress.

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

- 7 Prior to the commencement of the development hereby approved, protective fencing shall continue to be erected around SM1575 Pitcrocknie Stone as agreed with the Council as Planning Authority and Perth and Kinross Heritage Trust. No works shall take place within the area inside that fencing without prior written agreement of the Council as Planning Authority.

Reason - To ensure the preservation of the historic environment.

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

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

- 9 Prior to the commencement of development, a detailed planting scheme shall be submitted to, and approved in writing by, the Council as Planning Authority. Thereafter the approved scheme shall be implemented in full.

Any planting which, within a period of 5 years from the completion of the approved phase of development, in the opinion of the Council as 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 approved/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

- 10 All road gullies within 500m of the SUDS pond shall have a Wildlife Kerb installed adjacent to it to allow amphibians to pass safely.

Reason - In the interests of protecting biodiversity.

- 11 No works which include the creation of trenches or culverts or the presence of pipes shall commence until measures to protect animals from being trapped in open excavations and/or pipe and culverts are submitted to and approved in writing by the Council as Planning Authority. The measures may include creation of sloping escape ramps 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 150mm outside diameter being blanked off at the end of each working day.

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)

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

Council as Planning Authority, in advance of works during the restricted period.

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).

- 13 All water-crossings, including temporary crossings over the Back Burn, shall be designed to convey the 1:200-year peak flow, giving due consideration to climate change, and a freeboard to mitigate against bridge blockage potential. Within 6 months of the date of this decision notice, details of all proposed crossings of the burn, along with the timing of their provision, shall be submitted to and approved in writing by Perth and Kinross Council, in consultation with SEPA, prior to their implementation. The crossings shall be delivered in accordance with the approved scheme.

Reason - In order to take account of the flood risk from the adjacent watercourse.

- 14 Prior to the commencement of the development hereby approved, details of the specification and colour of the proposed external finishing materials to be used in Phase 2 and 3 shall be submitted to, and agreed in writing by, the Council as Planning Authority. Thereafter it shall be finished in accordance with the approved scheme.

Reason – In the interests of residential amenity; to ensure a satisfactory standard of local environmental quality

- 15 Prior to the commencement of the development hereby approved, the applicant shall submit for the further written agreement of the Council as Planning Authority, in consultation with the Roads Authority (Structures and Flooding), an updated Construction Traffic Management Scheme (CTMS) which shall include the following:

- (a) details of any new construction compound;
- (b) 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) a code of conduct for HGV drivers to allow for queuing traffic to pass;
- (d) arrangements for liaison with the Roads Authority regarding winter maintenance;
- (e) emergency arrangements detailing communication and contingency arrangements in the event of vehicle breakdown;
- (f) 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;
- (g) arrangements for cleaning of roads affected by material deposited from construction sites associated with the development;

- (h) 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;
- (i) details of information signs to inform other road users of construction traffic;
- (j) arrangements to ensure that access for emergency service vehicles are not impeded;
- (k) co-ordination with other significant developments known to use roads affected by construction traffic;
- (l) traffic arrangements in the immediate vicinity of temporary construction compounds;
- (m) the provision and installation of traffic counters at the applicant's expense at locations to be agreed prior to the commencement of construction;
- (n) monitoring, reporting and implementation arrangements;
- (o) arrangements for dealing with non-compliance; and
- (p) details of HGV movements to and from the site.

The TMS as approved shall be strictly adhered to during the entire site construction programme.

Reason - In the interest of proper site management and to protect the amenity of the area.

- 16 Development shall not commence until a detailed Construction Method Statement (CMS) has been submitted to the Council as Planning Authority and agreed in writing, in consultation with NatureScot. The CMS must identify measures to prevent harmful materials entering the River Tay SAC, which could reduce water quality and lead to a damaging impact on the salmon, otter, and lamprey interests. The CMS should include the following:

- (a) pollution prevention safeguards including drainage arrangements and the possible use of siltation traps, settlement tanks and bunds;
- (b) storage and disposal of materials including the siting of stockpiles, use of buffer strips and disposal methods;
- (c) construction site facilities including extent and location of construction site huts, vehicles, equipment, fuel, chemicals, and materials compound;
- (d) timing, duration, and phasing of construction particularly in relation to salmon and lamprey migration/spawning.

The CMS and mitigations as agreed shall be fully implemented as part of the planning permission.

Reason - In order to ensure the development does not impact negatively on the nearby Special Area of Conservation.

B JUSTIFICATION

The proposal is considered to be in accordance with the Development Plan and there are no material considerations which justify refusal of the planning application.

C PROCEDURAL NOTES

A Section 75 is required to deal with a financial contribution towards affordable housing. Consent shall not be issued until the Section 75 Agreement has been signed and registered to take account of this application. The legal agreement should be concluded and completed within 4 months of the date of any Committee approval. Failure to conclude a legal agreement within 4 months will result in the planning application being re-assessed through failing to comply with the associated developer contributions policy and will be ultimately recommended for refusal under delegated powers.

D INFORMATIVES

- 1 The development hereby permitted shall be commenced no later than the expiration of two years from the date of this consent or from the date of subsequent approval of matters specified in conditions, or three years from the date of planning permission in principle, whichever is the later.
- 2 Under section 27A of the Town and Country Planning (Scotland) Act 1997 (as amended) the person undertaking the development is required to give the planning authority prior written notification of the date on which it is intended to commence the development. A failure to comply with this statutory requirement would constitute a breach of planning control under section 123(1) of that Act, which may result in enforcement action being taken.
- 3 As soon as practicable after the development is complete, the person who completes the development is obliged by section 27B of the Town and Country Planning (Scotland) Act 1997 (as amended) to give the planning authority written notice of that position.
- 4 This development will require the 'Display of notice while development is carried out', under Section 27C (1) of the Town and Country Planning Act 1997, as amended, and Regulation 41 of the Development Management Procedure (Scotland) Regulations 2013. The form of the notice is set out in Schedule 7 of the Regulations and a draft notice is included for your guidance. According to Regulation 41 the notice must be:
 - Displayed in a prominent place at or in the vicinity of the site of the development
 - Readily visible to the public
 - Printed on durable material.
- 5 The developer is advised to contact Sophie Nicol, Archaeologist to discuss terms of reference for work required Tel 01738 477080.
- 6 The applicant is advised that in terms of Sections 21 of the Roads (Scotland) Act 1984 they must obtain from the Council as Roads Authority consent to construct a new road prior to the commencement of roadworks. Advice on the disposal of surface water must be sought at the initial stages of design from Scottish Water and the Scottish Environment Protection Agency.

- 7 The applicant is advised that in terms of Sections 56 of the Roads (Scotland) Act 1984 they must obtain from the Council as Roads Authority consent to open an existing road or footway prior to the commencement of works. Advice on the disposal of surface water must be sought at the initial stages of design from Scottish Water and the Scottish Environment Protection Agency (SEPA).
- 8 The applicant is reminded that, should any protected species be present a licence may be required from NatureScot 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.
- 9 The applicant is reminded that, under the Wildlife and Countryside Act 1981, as amended, it is an offence to remove, damage or destroy the nest of any wild birds while that nest is in use or being built. Planning consent for a development does not provide a defence against prosecution under this act.
- 10 The applicant is encouraged to provide for hedgehog shelter, hibernation in, and commuting through the development, through the design of gardens, decking and access to gardens and greenspace. Access gaps in wooden fences should be 13cm x 13cm. Advice and assistance is available from the Tayside Biodiversity Partnership.
- 11 For future development phases of the masterplan and In Principle approval, there will be no structures within 72 metres of the stone to the south (Phase 4).
- 12 For future development phases of the masterplan and In Principle approval, no structures within Phase 4 and/or within the 100-metre radius around the Pitcrocknie Stone Scheduled Monument shall be above single storey in height.
- 13 The applicant should be aware of the requirements of the Council's Environment and Regulatory Services in relation to waste collection from the site and should ensure adequate measures are provided on site to allow for the collection of waste.
- 14 There is a Section 75 legal obligation associated with planning permission for Phase 1 (18/01214/AMM), which relates to affordable housing, bus provision and core path upgrade. A copy is available to view on the Council's Public Access portal. Written agreement on bus provision measures are required prior to commencement of development of Phase 2 and 3.

Background Papers: None

Contact Officer: Steve Callan

Date: 25 March 2021

DAVID LITTLEJOHN
HEAD OF PLANNING & DEVELOPMENT

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