

Perth and Kinross Council
Planning & Development Management Committee – 23 October 2019
Report of Handling by Head of Planning & Development (Report No. 19/290)

PROPOSAL: Formation of neighbourhood equipped area for play (NEAP) (approval of matters specified in conditions of 16/01809/IPM) Phase 3B

LOCATION: Land north east of Stewart Milne Homes, Hunter Street, Auchterarder

Ref. No: [19/00907/AMM](#)

Ward No: P7 - Strathallan

Summary

This report recommends approval of the application for the proposed formation of the NEAP as part of an allocated residential development, which benefits from planning permission in principle (PPP). The proposals are considered to comply with the relevant provision of the Development Plan and the terms of the PPP. There are no material considerations apparent which outweigh the Development Plan.

BACKGROUND AND DESCRIPTION OF PROPOSAL

- 1 The application site, which extends to 1.67 hectares (ha), is situated on the north-eastern settlement edge of Auchterarder, forming part of the wider Auchterarder Expansion Development Framework (AEDF) for the northern expansion of Auchterarder. Planning Permission in Principle (PPP) Ref: 16/01809/IPM and the associated Section 75 legal agreement relates. The applicant has described the proposed NEAP as Phase 3B, as per location plan 19/00907/1.
- 2 The site slopes up from the A824 (Feus) to a proposed north western pedestrian access off Benton Road, where the site levels out with a profiled 1:4 slope accommodating an overall vertical height difference of approximately 10 metres.
- 3 The principal elements of the proposal include:
 - Retention and integration of existing historic natural and man-made features, including a dry stone dyke and two protected trees adjacent to Pow Hillock archaeological feature
 - Oak trees planted along the south western boundaries of the site, adjacent to Benton road, serve as an entrance feature to the site and Auchterarder;
 - Village green area on the upper plateau, with enough space set aside for five –a-side kick about pitch;
 - The NEAP itself, including 11 pieces of individual play equipment, set within 900sqm;
 - Formal community orchard;

- Path network, linking existing approved residential development with the park area, the key areas within the park and identifying openings and links to connect with future development.
- 4 The application has been accompanied by supporting information required by matters specified of the PPP and associated Section 75 legal agreement. Updated drawings were submitted responding to original comments from the Community Greenspace team and biodiversity officer in relation to layout, planting specification. The updates were considered a refinement rather than material change and therefore not requiring re-advertisement or re neighbour notification.

NATIONAL POLICY AND GUIDANCE

- 5 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

- 6 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

- 7 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.
- 8 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
 - Valuing the Natural Environment: paragraphs: 193 – 218
 - Maximising the Benefits of Green Infrastructure: paragraphs 219 – 233

Planning Advice Notes

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

- PAN 40 Development Management
- PAN 60 Planning for Natural Heritage
- PAN 65 Planning and Open Space
- PAN 77 Designing Safer Places

Creating Places 2013

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

DEVELOPMENT PLAN

- 11 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

- 12 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.”

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

Policy 2 – Shaping better quality places
Policy 6 – Developer Contributions
Policy 8 – Green Networks

Perth and Kinross Local Development Plan 2014

- 14 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.

- 15 The principal relevant policies are, in summary:

Policy PM1A B & C – Placemaking
Policy RD1 – Residential Areas
Policy CF1B – Open Space Retention and Provision
Policy CF2 –Public Access
Policy HE1B – Scheduled Monuments and Non Designated Archaeology
Policy NE1 – Environment and Conservation Policies
Policy NE2A & B – Forestry, Woodland and Trees
Policy NE3 – Biodiversity
Policy NE 4 – Green Infrastructure

Proposed Perth and Kinross Local Development Plan 2 (LDP2)

- 16 The Proposed LDP2 2017 represents Perth & Kinross Council's settled view in relation to land use planning and is a material consideration in determining planning applications. The Proposed LDP2 is considered consistent with the Strategic Development Plan (TAYplan) and Scottish Planning Policy (SPP) 2014. The Council approved the Proposed LDP (as so modified by the Examination Report) on 25 September 2019. The Council is progressing the Proposed Plan towards adoption, with submission to the Scottish Ministers. It is expected that LDP2 will be adopted by 31 October 2019. The Proposed LDP2, its policies and proposals are referred to within this report where they are material to the recommendation or decision.
- 17 The following LDP2 allocation is relevant:

The site is identified within H228 - North West Kirkton

Other Policies

- 18 Auchterarder Expansion Development Framework 2008

SITE HISTORY

- 19 [08/01133/IPM](#) Proposed Residential and Class 4 (Business), Class 5 (General Industry), Class 6 (storage and distribution) development (in principle). Approved by Planning and Development Management Committee May 2009 (Decision Issued 31 October 2013).
- 20 [16/01809/IPM](#) Deletion of condition 14 (to seek waste advice) of permission 08/01133/IPM (residential, business, general industry and storage and distribution development (in principle)) Approved by Planning and Development Management Committee January 2017 (Decision Issued 3 August 2018).
- 21 [18/01591/AMM](#) Erection of 116 dwellinghouses, formation of vehicular accesses, open spaces and associated works (approval of matters specified in conditions 16/01809/IPM) (Phase 2) Approved by Planning and Development Management Committee January 2019 (Decision Issued 17 January 2019).

- 22 [18/01592/AMM](#) Erection of 12 dwellinghouses, landscaping and associated works (approval of matters specified by conditions 16/01809/IPM) (Phase 3A) Approved by Planning and Development Management Committee January 2019 (Decision Issued 24 January 2019).

CONSULTATIONS

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

INTERNAL

- 24 **Structures and Flooding** - No comment received in relation to the existing dry stone dyke structures. The Flood team are satisfied with the drainage plan and proposed run off from paths, subject to clarification of the capacity of the wider network.
- 25 **Community Greenspace** - Sought clarification on elements and were resistant to some detailing.
- 26 **Development Negotiations Officer** - No objection
- 27 **Transport Planning** - No objection
- 28 **Biodiversity Officer** - Supportive of proposals with recommendations for refinement set out in original response, reflected in a further consultation response.

REPRESENTATIONS

- 29 No letters of representation were received.

ADDITIONAL STATEMENTS

30	Environment Statement	Not Required
	Screening Opinion	Not Required
	Environment Impact Assessment	Not Required
	Appropriate Assessment	Not Required
	Design Statement / Design and Access Statement	Planning statement & landscape specification submitted.
	Reports on Impact or Potential Impact	Not Required

APPRAISAL

- 31 Sections 25 and 37(2) of the Town & Country Planning (Scotland) Act 1997 (as amended) require the determination of the proposal to be made in accordance with the provisions of the Development Plan, unless material considerations indicate otherwise. The adopted Development Plan comprises the TAYplan Strategic Development Plan 2016–2036 and the Perth and Kinross Local Development Plan 2014. The relevant policy considerations are outlined in

the policy section above and are considered in more detail below. In terms of other material considerations, this involves considerations of the Council's other approved policies and supplementary guidance as set out.

Principle

- 32 The proposal for a NEAP and associated open space facilities remains consistent with the PPP (including the S75) and the wider AEDF. The AEDF provides the vision and design principles for the site, stating that a NEAP is to be located on site to ensure play areas can be accessed from residential areas by foot. The AEDF also sets out standards for the NEAP, which was incorporated into the application submission. The principle of the NEAP and open space is acceptable.

Delivery and Maintenance

- 33 The terms of the delivery of the NEAP has been set out in line with a phasing plan required through the S75 agreement. The NEAP will be delivered within the timeframe of the permission, over the next 24 months which accords with the S75. The S75 also addresses adoption and maintenance requirements for the open space. Confirmation is required by the Council that the areas are complete, and, once completed; the developer must thereafter maintain it for 12 months prior to transferring the title and maintenance to the Council. Within one month of completion, the developer shall pay the 'Appropriate Maintenance Payment' as a capital sum for maintenance of the NEAP. This sum has been agreed on the basis of the Council's adopted policy at the time of the S75 being concluded and would amount to £22,000. The delivery timescales and maintenance obligations of the proposal are, subject to proposed conditions, considered to be acceptable (Condition 2-4).

Design and Layout

- 34 A pre-application meeting was carried out in advance of this submission with detailed input from Community Greenspace colleagues. The proposed NEAP and associated open space area is considered to be well thought out, incorporating different themes and recreational options. A community orchard, formal play area, kick about pitch within a wider village green, associated boundary planting, path networks and seating areas are all integrated in the proposal. The layout and design works with the existing natural and man-made features of the site, whilst also tying into existing approved residential areas and providing pedestrian links to approved and future residential areas.
- 35 Overall, the proposals are considered to be acceptable (conditions 1, 2 and 4), in accordance with LDP placemaking Policy PM1A and B and consistent with the PPP.

Landscape and Visual Amenity

- 36 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. The proposals include a good proportion of native species and will provide a positive, pleasant outcome, working with existing landscape form and features. Once the structural planting is established, the wider open space area will be an asset to the area and provide a robust landscape framework for this side of Auchterarder.

- 37 Overall, the detailed landscaping, play and open space provision (see condition 2) is considered to address the PPP, the terms of the S75, and LDP Policy ER6.

Residential Amenity

- 38 The proposal will provide substantial recreational and community benefit with no direct adverse impact.
- 39 The proposal satisfies the requirements of the PPP and the criteria for LDP Policy RD1, with a high level of amenity benefit for the new residents catered for, whilst causing no unacceptable impact on the amenity of occupants of nearby properties.

Roads and Access

- 40 No issues are identified, with level pedestrian access into the site proposed, avoiding steps and no direct conflict with motorised vehicles. As established above, the proposal benefits from good pedestrian accessibility to the wider development.

Drainage and Flooding

- 41 A drainage plan was submitted in support of the application to ensure good drainage. There are no concerns in relation to flooding or drainage arising through this proposal. Clarification of the wider capacity of the drainage network is requested to ensure capacity meets the identified run-off rates from the hardstanding areas (set out in plan 19/00907/7) (Condition 5).

Natural Heritage and Biodiversity

- 42 LDP Policy NE3 is a relevant consideration in respect of potential biodiversity impacts or opportunities arising from the development. In summary, it is anticipated that positive outcome for natural heritage and biodiversity will be provided including mature trees and dry stone field dykes, whilst introducing a good mix of native species hedging and trees alongside an orchard. This will complement the natural heritage features already present that are being retained.
- 43 The proposals are considered to address the requirements of LDP Policy NE3 and PPP.

Cultural Heritage

- 44 The Pow Hillock stone has been identified as a key non-designated archaeological feature of the wider site within the original AEDF.
- 45 The proposal retains the Pow Hillock stone as a feature of the site and it is considered that the proposed development would not have any adverse impact on archaeological features. In this regard, the terms of the PPP and LDP Policy HE1B have been satisfied.

Developer Contributions

- 46 A Section 75 legal agreement covering the 16/01809/IPM requires the Council to take on maintenance and adopt the NEAP subject to payment of a maintenance contribution currently set at £22,000.00 (in line with current policy).
- 47 The legal agreement secures all necessary matters and no further changes are required.

Economic Impact

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

LEGAL AGREEMENTS

- 49 The S75 legal agreement for planning permission 16/01809/IPM secures infrastructure and/or contributions that will be impacted by the current and wider phased proposals. This includes the provision of this NEAP and Council adoption along with an associated maintenance payment.

DIRECTION BY SCOTTISH MINISTERS

- 50 None.

CONCLUSION AND REASONS FOR RECOMMENDATION

- 51 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 LDP and material considerations and, in this case, I am content that the development proposed does not conflict with the Development Plan or terms of the PPP. There are no material considerations that would warrant a departure from these considerations.
- 52 Accordingly the proposal is recommended for approval, subject to the following conditions.

RECOMMENDATION

A Approve the application

Conditions and Reasons for Recommendation

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

Reason - To ensure the development is carried out in accordance with the approved drawings and documents.

2. The detailed landscaping and planting scheme which is hereby approved (plan ref 19/00907/16 and 17) shall be completed within the first available planting season (October to March) after the completion or bringing into use of the Neighbourhood Equipped Area of Play, whichever is the earlier. The approved scheme shall thereafter be maintained, with any planting which fails to become established within five years being replaced in the following planting season with others of a size and species as previously approved.

Reason - In the interests of visual amenity; to ensure a satisfactory standard of local environmental quality and in pursuance of satisfying placemaking policy criteria of the adopted LDP.

3. All trees identified for retention (19/00907/2) and any peripheral trees bounding the site, which may be affected by any element of the approved development and its associated construction, (including land within the blue site area) shall be protected in full accordance with BS 5837: 2012 'Trees in relation to design, demolition and construction'.

Approved Tree Protection measures shall not be removed breached or altered without prior written authorisation from the local planning authority but shall remain in a functional condition throughout the entire development or as per the phasing plan. If such protection measures are damaged beyond effective functioning then works that may compromise the protection of trees shall cease until the protection can be repaired or replaced with a specification that shall provide a similar degree of protection.

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

4. Notwithstanding the submitted play equipment specification as per plan 19/00907/10; prior to the installation of any play equipment final detailed fixing and feet details shall be submitted to, and approved in writing by, the Council as Planning Authority in consultation with the Council's Community Greenspace team. The fixing and feet detail as approved shall be installed in accordance with the agreed detailing prior to the equipment being brought into use.

Reason – In the interests of sustainability and longevity of the play equipment and to ensure the play area is signed off and adopted as a Council asset.

5. Prior to the commencement of development, details shall be provided to, and approved in writing by, the Council as Planning Authority, in consultation with the Council's Structures and Flooding Team, confirming that the wider drainage network can accommodate the run off rates resulting from the proposed development hardstanding elements (19/00907/7).

Reason: In the interest of ensuring appropriate surface water drainage arrangements.

B JUSTIFICATION

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

C PROCEDURAL NOTES

None.

D INFORMATIVES

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

5. The applicant is reminded that this site remains subject to a Section 75 Legal Agreement, securing Developer Contribution requirements and other matters, as secured as part of planning permission 16/02127/IPM. This permission continues to be tied by this legal agreement and the associated requirements will continue to apply. The terms of the obligation can be viewed via PKC [Public Access](#) or at the Registers of Scotland (www.ros.gov.uk).

Background Papers: None
Contact Officer: Callum Petrie 01738 475353
Date: 10 October 2019

DAVID LITTLEJOHN
HEAD OF PLANNING & DEVELOPMENT

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