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Council Building
2 High Street
Perth
PH1 5PH

Monday, 09 October 2017

A Meeting of the **Planning and Development Management Committee** will be held in the **Council Chamber, 2 High Street, Perth, PH1 5PH** on **Wednesday, 18 October 2017 at 10:00.**

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

BERNADETTE MALONE
Chief Executive

Those attending the meeting are requested to ensure that all mobile phones and other communication devices are in silent mode.

Members:

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

Planning and Development Management Committee

Wednesday, 18 October 2017

AGENDA

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

- 1 WELCOME AND APOLOGIES**
- 2 DECLARATIONS OF INTEREST**
- 3 MINUTE OF MEETING OF THE DEVELOPMENT MANAGEMENT COMMITTEE OF 20 SEPTEMBER 2017 FOR APPROVAL AND SIGNATURE 7 - 28**
- 4 DEPUTATIONS**
- 5 APPLICATIONS FOR DETERMINATION**
 - (1) MAJOR APPLICATIONS**
 - (i) 16/02156/AMM - OUDENARDE - ERECTION OF 159 DWELLINGHOUSES WITH ASSOCIATED ROADS, DRAINAGE AND LANDSCAPING AT LAND TO THE NORTH OF A912 AT OUDENARDE, BRIDGE OF EARN 29 - 56**

Report by Interim Development Quality Manager (Recommendation - Approve) (copy herewith 17/338)
 - (ii) 17/00669/FLM - PERTH - ERECTION OF 48 DWELLINGHOUSES, LANDSCAPING AND ASSOCIATED WORKS ON LAND SW OF GANNOCHY FARMHOUSE, GANNOCHY ROAD, PERTH 57 - 82**

Report by Interim Development Quality Manager (Recommendation - Approve) (copy herewith 17/339)
 - (iii) 17/00806/FLM - MILNATHORT - ERECTION OF 77 DWELLINGHOUSES, FORMATION OF LANDSCAPING, OPEN SPACES AND COMMUNITY WOODLAND, AND ASSOCIATED WORKS ON LAND NORTH OF LINDEN PARK ROAD, MILNATHORT 83 - 120**

Report by Interim Development Quality Manager (Recommendation - Approve) (copy herewith 17/340)

- (iv) **17/00838/FLM - BLAIRGOWRIE - ERECTION OF 71 DWELLINGHOUSES AND ASSOCIATED WORKS AT LAND AT MOYNESS PARK, BLACKTHORN PLACE, BLAIRGOWRIE** **121 - 154**
Report by Interim Development Quality Manager (Recommendation - Approve) (copy herewith 17/341)
- (2) LOCAL APPLICATIONS**
- (i) **16/01715/FLL - TUMMEL BRIDGE - SITING OF 14 STATIC CARAVAN CHALET UNITS FOR HOLIDAY ACCOMMODATION, PARTIAL INFILL OF POND AND ASSOCIATED LANDSCAPING ON LAND TUMMEL VALLEY HOLIDAY PARK, TUMMEL BRIDGE, PITLOCHRY** **155 - 176**
Report by Interim Development Quality Manager (Recommendation - Approve) (copy herewith 17/342)
- (ii) **17/00788/FLL - FEARNAN - CHANGE OF USE AND ALTERATIONS TO NURSERY SCHOOL TO FORM HOLIDAY/STAFF ACCOMMODATION, ERECTION OF 2 HOLIDAY/STAFF ACCOMMODATION UNITS AND SITING OF 4 STATIC CARAVANS/CHALETS FOR HOLIDAY/STAFF ACCOMMODATION (IN PART RETROSPECT) AT BORELAND FARM, FEARNAN, ABERFELDY** **177 - 192**
Report by Interim Development Quality Manager (Recommendation - Approve) (copy herewith 17/343)
- (iii) **17/01170/FLL - MURRAYSHALL - ERECTION OF 2 DWELLINGHOUSES (REVISED DESIGN PLOT 2) ON LAND SW OF STONEGARTH, MURRAYSHALL** **193 - 212**
Report by Interim Development Quality Manager (Recommendation - Approve) (copy herewith 17/344)
- (iv) **17/01234/FLL - ABERNETHY - ERECTION OF AN AGRICULTURAL BUILDING FOR FREE RANGE EGG PRODUCTION AND ASSOCIATED WORKS AT WILSON CORDON FARM, ABERNETHY, PERTH** **213 - 236**
Report by Interim Development Quality Manager (Recommendation - Approve) (copy herewith 17/345)
- (v) **17/01402/IPL - LONGFORGAN - ERECTION OF A DWELLINGHOUSE (IN PRINCIPLE) ON LAND NORTH OF GRIEVES HOUSE, LONGFORGAN** **237 - 252**
Report by Interim Development Quality Manager (Recommendation - Approve) (copy herewith 17/346)

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DEVELOPMENT MANAGEMENT COMMITTEE

Minute of meeting of the Development Management Committee held in the Council Chamber, Ground Floor, Council Building, 2 High Street, Perth on Wednesday 20 September 2017 at 10.00am.

Present: Councillors M Lyle (Convener), B Brawn (Vice-Convener), H Anderson, B Band, M Barnacle, H Coates, T Gray, I James, R McCall, R Watters and W Wilson.

In Attendance: Councillor L Simpson; N Brian, A Condliffe, M Petrie, A Rennie, D Salman, J Scott and R Stewart (all The Environment Service); C Elliott and D Williams (both Corporate and Democratic Services).

Apologies: Councillors E Drysdale and A Jarvis.

Councillor M Lyle, Convener, Presiding.

. WELCOME AND APOLOGIES

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

. DECLARATIONS OF INTEREST

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

. MINUTES

The minute of meeting of the Development Management Committee of 30 August 2017 (Arts. 459-464) was submitted, approved as a correct record and authorised for signature.

. DEPUTATIONS

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

Planning Application No.	Art. No.
17/00886/FLM	** (1)(ii)
17/00760/FLL	** (2)(i)
17/00893/FLL	** (2)(ii)

APPLICATIONS FOR DETERMINATION

(1) Major Applications

- (i) **17/01201/AMM – ABERFELDY – Erection of 8 dwellinghouses (approval of matters specified in conditions 16/00478/IPM – Phase 2) at land 25 metres South West of 8 The Beeches, Aberfeldy – Report 17/294 – Bolfracks Estate**

A Condliffe, Interim Development Quality Manager, advised the Committee that informative 4 of Report 17/294 should read: *“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.”*

Resolved:

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

Conditions

1. The proposed development must be carried out in accordance with the approved drawings and documents, unless otherwise provided for by conditions imposed on the planning consent.
2. Prior to the occupation of any residential plot, details of the specification including materials of all footpaths and cycleways shall be submitted to the Planning Authority for further approval. The agreed detail shall thereafter be implemented prior to the completion of the development.
3. Duntaylor Avenue shall not be used at any time by construction traffic associated with the development.
4. All matters regarding access, pedestrian and cycling facilities, public transport infrastructure, 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 and to the satisfaction of the Planning Authority.
5. No part of the development shall be occupied until a Green Travel Plan (GTP), aimed to encourage more sustainable means of travel, has been submitted and approved in writing by the Council. The GTP will have

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particular regard to provision for walking, cycling and public transport access to and within the site and will identify the measures to be provided, the system of management, monitoring, review, reporting and the duration of the plan.

6. Prior to the commencement of works on any part of the development, the applicant shall submit for the written approval of the Planning Authority an updated Construction Traffic Management Scheme (TMS) which shall include the following:
- a) restriction of construction traffic to approved routes and the measures to be put in place to avoid other routes being used;
 - b) timing of construction traffic to minimise impact on local communities particularly at school start and finishing times, on days when refuse collection is undertaken, on Sundays and during local events;
 - c) arrangements for the cleaning of wheels and chassis of vehicles to prevent material from construction sites associated with the development being deposited on the road;
 - d) arrangements for cleaning of roads affected by material deposited from construction sites associated with the development;
 - e) 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;
 - f) details of information signs to inform other road users of construction traffic;
 - g) arrangements to ensure that access for emergency service vehicles are not impeded;
 - h) co-ordination with other major commercial users known to use roads affected by construction traffic;
 - i) traffic arrangements in the immediate vicinity of temporary construction compounds;
 - j) monitoring, reporting and implementation arrangements; and
 - k) arrangements for dealing with non-compliance.

The TMS as approved shall be strictly adhered to during the entire site construction programme all to the satisfaction of the Council as Planning Authority.

7. Measures to protect animals from being trapped in open excavations and/or pipe and culverts shall be implemented for the duration of the construction works of the development hereby approved. The measures may include creation of sloping escape ramps for animals, which may be achieved by edge profiling of trenches/excavations or by using planks placed into them

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- at the end of each working day and open pipework greater than 150 mm outside diameter being blanked off at the end of each working day.
8. All road gullies within 500m of the SUDS pond shall have a Wildlife Kerb installed adjacent to it to allow amphibians to pass safely.
 9. Prior to occupation of the development a minimum of 1 Swift brick and 1 bat brick shall be incorporated into each building at eaves height.
 10. Where it is intended to create semi-natural habitats, e.g. meadow or woodland, all species used in the planting proposals shall be locally native species of local provenance unless otherwise agreed in writing with the local planning authority.
 11. Prior to the commencement of development, a site specific plan, detailing bin storage areas, kerbside collection locations shall be submitted to and approved in writing by the Planning Authority and thereafter undertaken in accordance with the approved details.
 12. The stoves shall only operate on fuel prescribed and stored in accordance with the manufacturer's instructions. The stoves and flues and any constituent parts shall be maintained and serviced in accordance with the manufacturer's instructions. No changes to the biomass specifications shall take place without the prior written agreement of the Council as Planning Authority.

Justification

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

Procedural Notes

1. Primary school financial contribution of £51,680 (8 x £6,460) is required and can either be paid up front or via a Section 75 legal agreement. Should the applicant not wish to pay the primary education contribution up front, a Section 75 legal agreement will be required before the decision notice can be released.
2. Any 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 may be recommended for refusal under delegated powers.

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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 applicant is advised that in terms of Section 56 of the Roads (Scotland) Act 1984 he must obtain from the Council as Roads Authority consent to open an existing road or footway prior to the commencement of works. Advice on the disposal of surface water must be sought at the initial stages of design from Scottish Water and the Scottish Environment Protection Agency.
6. The applicant is advised that in terms of Section 21 of the Roads (Scotland) Act 1984 they must obtain from the Council as Roads Authority consent to construct a new road prior to the commencement of roadworks. Advice on the disposal of surface water must be sought at the initial stages of design from Scottish Water and the Scottish Environment Protection Agency.
7. The applicants are advised that they must apply to the Roads Authority for construction consent to form a new

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street. Please contact The Construction and Maintenance Manager, The Environment Service, Perth and Kinross Council, Pullar House, 35 Kinnoull Street, Perth, PH3 1JR.

8. The applicant is advised that the granting of planning consent does not guarantee a connection to Scottish Water's assets. The applicant must make a separate application to Scottish Water Planning & Development Services team for permission to connect to the public wastewater system and/or water network and all their requirements must be fully adhered to.
9. The applicant is advised that the works may need a license under the Water (Controlled Activities) Regulations 2005 (CAR). The applicant should contact SEPA's Perth Environmental Protection and Improvement Team (Tel: 01738 627989) in regard to this. The applicant should ensure that all works on site comply with the best practice guidelines laid out in SEPA's published Pollution Prevention Guidance, found at www.sepa.org.uk.
10. The Council's Community Waste Adviser in the Environment Service should be contacted to clarify the bin storage and recycling requirements for the development.
11. 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.
12. Because of a disused tip approximately south of the site, the applicant should satisfy themselves that there is no risk to the proposed development. A watching brief during redevelopment is therefore recommended.
13. No work shall be commenced until an application for building warrant has been submitted and approved.
14. Please consult the Street Naming and Numbering Officer, The Environment Service, Perth and Kinross Council, Pullar House, 35 Kinnoull Street, Perth PH1 5GD.

(ii) 17/00886/FLM – KINROSS – Application under Section 42 of the Town and Country Planning (Scotland) Act 1997 to develop land to modify Conditions 8 (Children's Play Area) and 9 (Access) of planning permission at land 300 metres North West of Lathro Farm, Kinross – Report 17/295 – Persimmon Homes Ltd

J Scott, Team Leader, requested that, should the Committee be minded to grant the application, condition 13 be revised to read *"Prior to the implementation of this consent, a detailed delivery*

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plan confirming the phased delivery of the site and construction works shall be submitted and approved in writing by the Council as Planning Authority. For the avoidance of doubt, it shall provide full details of the phasing of delivery of all residential units, landscaped areas and open space (Country Park). Once approved, the development shall be implemented in accordance with the delivery plan, to the satisfaction of the Council as Planning Authority."

Mr Scott also requested that informative 4 of Report 17/295 should read:

"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."*

Resolved:

Grant, subject to the following terms, conditions and informatives, including a revised condition 24 and revised informative 4 as undernoted:

Conditions

1. The proposed development must be carried out in accordance with the approved drawings and documents, unless otherwise provided for by conditions imposed on the planning consent.
2. Prior to the occupation of any residential plot, 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 unless otherwise agreed in writing.
3. Prior to the occupation of any residential plot, details of the specification including materials of all footpaths and cycleways shall be submitted to the Planning Authority for further approval. The agreed detail shall thereafter be implemented prior to the completion of the development.
4. Permitted development rights associated with Classes 1A, 1B, 3A and 3B of The Town and Country Planning (General Permitted Development) (Scotland) Order 1992 (as amended), or any subsequent comparable classes in future legislation relating to development within the

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curtilage of a dwellinghouse are hereby revoked in full for all terraced dwellings, namely plot nos.29-32, 37-40, 55-58, 93-96, 104-107, 119-122, 138-141, 152-159, 181-184, 297-300 of the approved Site Layout Plan.

5. The detailed landscaping and planting scheme as approved shall be commenced at the same time as commencement of the residential development and thereafter maintained to the satisfaction of the Council as Planning Authority.
6. Any planting failing to become established within five years shall be replaced in the following planting season with others of similar sizes and species to the satisfaction of the Council as Planning Authority.
7. The areas of public open space and parkland indicated on the approved landscape and planting drawings shall be planted in accordance with the open space standards of the Planning Authority and completed to phase with the adjacent dwellinghouses in accordance with a programme to be submitted to and agreed in writing with the Planning Authority prior to the commencement of the development. The scheme shall thereafter be maintained to the satisfaction of the Council as Planning Authority.
8. Within one month of this decision, full details of the location and timescales of the temporary children's play area to be located within Phase 1 shall be submitted and approved by the Planning Authority. The agreed detail shall thereafter be implemented prior to the occupation of the first dwelling in Phase 1. For the avoidance of doubt should Phase 2 not occur the children's play area within Phase 1 will become a permanent fixture.
9. Prior to the implementation of this consent, a detailed layout of the proposed children's play area indicated in the site layout plan shall be submitted for the further approval of the Planning Authority. The play area(s) shall be designed, laid out and equipped in accordance with the Planning Authority's current criteria for play area provision within six months of the occupation on the first residential unit in Phase Two. The play area and its facilities/equipment shall thereafter be maintained to the satisfaction of the Council as Planning Authority.
10. Prior to the implementation of this consent, full details of proposed site boundary openings forming new accesses onto the A922 and Gallowhill Road shall be submitted to the Planning Authority for further written approval. The A922 opening details as approved shall thereafter be implemented prior to the occupation of any residential unit within Phase 1 of the development. The Gallowhill Road opening details as approved shall thereafter be

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- implemented prior to the occupation of any residential unit within Phase 2 of the development.
11. Prior to the implementation of this consent, details of the frontage landscaping treatment along the M90 trunk road boundary shall be submitted to, and approved by, the Planning Authority, after consultation with Transport Scotland.
 12. Prior to the occupation of the development, a barrier/boundary feature of a type approved by the Planning Authority in consultation with Transport Scotland shall be provided and maintained along the proposed boundary of the site with the M90 trunk road.
 13. Prior to the implementation of this consent, a detailed delivery plan confirming the phased delivery of the site and construction works shall be submitted and approved in writing by the Council as Planning Authority. For the avoidance of doubt, it shall provide full details of the phasing of delivery of all residential units, landscaped areas and open space (Country Park). Once approved, the development shall be implemented in accordance with the delivery plan, to the satisfaction of the Council as Planning Authority.
 14. The developer shall ensure that during the construction of the development that all surface water is controlled, treated and discharged under the principles of SUDS all to the satisfaction of the Council as Flood Authority.
 15. The discharge of any surface water drainage shall be limited to the Greenfield runoff rate as calculated in Section 4.3 of the Flood Risk Assessment within the Environmental Impact Assessment Environmental Statement Vol.3 Technical Appendix A. All discharge rates shall be agreed in writing by the Planning Authority in consultation with the Flooding Team prior to the commencement of any works on site.
 16. Full drainage calculations and the final layout and depth of the proposed SUDS pond and associated infrastructure to be agreed in writing with the Council as Planning Authority, in consultation with Perth and Kinross Council Flooding Team. The agreed detail shall thereafter be implemented prior to the completion of development.
 17. Unless otherwise agreed in writing by the Planning Authority the Finished Floor Level of all properties shall be a minimum of 600mm above the 200 year flood level.
 18. Unless otherwise agreed in writing by the Planning Authority, the garden level of all properties shall be a minimum of 300mm above the 200 year flood level.
 19. Prior to the implementation of this consent, the soffit level of all bridges/culverts shall be agreed in writing by Perth and Kinross Councils Flooding Team.

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20. All existing trees and hedgerows shall be retained and protected by suitable fencing in accordance with BS5837 2012 (Trees in Relation to Construction), unless otherwise agreed in writing by the Planning Authority. The details of the protective fencing and its location shall be first submitted to and agreed in writing by the Planning Authority. No materials, supplies, plant, machinery, soil heaps, changes in ground levels or construction activities shall be permitted within the protected areas without the written consent of the Planning Authority and no fire shall be lit in the position where the flames could extend to within 5 metres of foliage, branches or trunks.
21. Prior to the implementation of this consent, a Construction Environment Management Plan (CEMP), incorporating a Construction Method Statement (CMS), a Construction Traffic Management Plan (CTMP), a Site Waste Management Plan (SWMP), a Site Access Management Plan, a Drainage Management Plan (DMP) and Environmental Management Plan (EMP) detailing pollution prevention and control measures for all phases of the, construction and operation programmes will be submitted to and be approved in writing by the Planning Authority, in consultation with Scottish Environment Protection Agency and Scottish Natural Heritage. The CEMP shall be updated and submitted not less than two months prior to the commencement of the second phase and shall incorporate detailed pollution avoidance and mitigation measures for all construction elements. Thereafter the development shall be fully undertaken in accordance with the CEMP unless otherwise agreed in writing by the Planning Authority.
22. Prior to the implementation of this consent, the developer shall secure the implementation of a programme of archaeological works in accordance with a Written Scheme of Investigation which has been submitted by the applicant, agreed by Perth and Kinross Heritage Trust, and approved by the Planning Authority. Thereafter the developer shall ensure that the programme of archaeological works is fully implemented and that all recording and recovery of archaeological resources within the development site is undertaken to the satisfaction of the Planning Authority in agreement with Perth and Kinross Heritage Trust.
23. Prior to the implementation of this consent, an evaluation for the potential of the site to be affected by contamination by a previous use should be undertaken.
 - I. the nature, extent and type(s) of contamination on the site

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- II. measures to treat/remove contamination to ensure the site is fit for the use proposed
- III. measures to deal with contamination during construction works
- IV. condition of the site on completion of decontamination measures.

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

- 24. The hours of operation at the construction stage shall be Monday to Friday 07:00 to 19:00 hours, Saturday 08:00 to 13:00 hours and no workings on a Sunday, unless otherwise agreed in writing with the Planning Authority.
- 25. Prior to the implementation of this consent, detailed design of the earth bunding and acoustic barriers along the M90 boundary shall be submitted in writing to the Planning Authority for approval before the development commences so that together with existing landscape features noise levels within habitable rooms of proposed dwellings on the western part of the development are reduced.
- 26. As recommended in Section 7 of the Environmental Statement, trickle ventilators shall be installed with passive extract ventilation systems to all habitable rooms within line of sight to the M90 trunk road and South Street, Milnathort to provide acoustic attenuation of up to 42 dBDn, in its open position.
- 27. Prior to the implementation of this consent, a site specific plan, detailing bin storage areas, kerbside collection locations and recycling facilities shall be submitted to and approved in writing by the Planning Authority and thereafter undertaken in accordance with the approved details.
- 28. Prior to the implementation of this consent, details of all front driveway screening shall be submitted to the Planning Authority for further approval. The agreed detail shall be thereafter implemented prior to the occupation of each dwelling.
- 29. No removal of hedgerows, trees or shrubs 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

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- interest on site. Any such written confirmation should be submitted to the local planning authority.
30. 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 local 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 150 mm outside diameter being blanked off at the end of each working day.
 31. Lighting will be designed, and positioned in such a way as to prevent light spillage into adjacent watercourses and woodland.
 32. No development, including earth moving, shall take place or material or machinery brought on site until protective fencing and warning signs have been erected on site in accordance with an approved Construction Method Statement. All protective fencing and warning signs will be maintained during the construction period in accordance with the approved details.
 33. Pre-construction surveys shall be undertaken to ascertain the presence or absence of protected species and breeding birds and written confirmation that no protected species or birds will be harmed and/or that there are appropriate measures in place to protect said protected species and nesting bird interest on site. Any such written confirmation should be submitted to and agreed by the Planning Authority.

Where ecological surveys have identified the potential presence of roosting bats, no activities that could result in disturbance (such as tree felling, or associated operations) shall be carried out between the dates of 1st April and 1st October in any year. Any works undertaken during the specified periods should only be carried out under the direction of a licensed bat ecologist to ensure that an offence is not committed.

34. Where it is intended to create semi-natural habitats, all species used in the planting proposals as detailed in the landscape plans shall be locally native species of local provenance unless otherwise agreed in writing with the local Planning Authority.
35. All landscape maintenance measures shall be carried out in accordance with the details contained in the landscape plans as already submitted with the planning application and agreed with the Planning Authority.

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36. All trees to be retained shall be protected in accordance with BS 5837 2012 Trees in Relation to Design, Demolition and Construction prior to any works commencing on site, and shall remain in place until all construction is completed.

Justification

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

Informatives

1. This planning permission will last only for three years from the date of this decision notice, unless the development has been started within that period. (See section 58(1) of the Town and Country Planning (Scotland) Act 1997 (as amended).
2. Under Section 27A of the Town and Country Planning (Scotland) Act 1997 (as amended) the person undertaking the development is required to give the Planning Authority prior written notification of the date on which it is intended to commence the development. A failure to comply with this statutory requirement would constitute a breach of planning control under section 123(1) of that Act, which may result in enforcement action being taken.
3. As soon as practicable after the development is complete, the person who completes the development is obliged by Section 27B of the Town and Country Planning (Scotland) Act 1997 (as amended) to give the Planning Authority written notice of that position.
4. 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.

(2) Local Applications

- (i) 17/00760/FLL – KINROSS – Erection of 47 dwellinghouses and associated works at land 300 metres North West of Lathro Farm, Kinross – Report 17/296 – Springfield Properties PLC**

Resolved:

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

Conditions

1. The proposed development must be carried out in accordance with the approved drawings and documents, unless otherwise provided for by conditions imposed on the planning consent.
2. Prior to the occupation of any residential plot, 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 unless otherwise agreed in writing.
3. Prior to the occupation of any residential plot, details of the specification including materials of all footpaths and cycleways shall be submitted to the Planning Authority for further approval. The agreed detail shall thereafter be implemented prior to the completion of the development.
4. The detailed landscaping and planting scheme which is hereby approved shall be implemented as part of the site development programme and thereafter maintained.
5. Any planting failing to become established within five years shall be replaced in the following planting season with others of similar sizes and species to the satisfaction of the Council as Planning Authority.
6. The areas of public open space and parkland indicated on the approved landscape and planting drawings shall be planted in accordance with the open space standards of the Planning Authority and completed to phase with the adjacent dwellinghouses in accordance with a programme to be submitted to and agreed in writing with the Planning Authority prior to the commencement of the development. The scheme shall thereafter be maintained to the satisfaction of the Council as Planning Authority.
7. The developer shall ensure that during the construction of the development that all surface water is controlled, treated and discharged under the principles of SUDS all to the satisfaction of the Council as Flood Authority.
8. The discharge of any surface water drainage shall be limited to the Greenfield runoff rate as calculated in

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Section 4.3 of the Flood Risk Assessment within the Environmental Impact Assessment Environmental Statement Vol.3 Technical Appendix A. All discharge rates shall be agreed in writing by the Planning Authority in consultation with the Flooding Team prior to the commencement of any works on site.

9. Unless otherwise agreed in writing by the Planning Authority the Finished Floor Level of all properties shall be a minimum of 600mm above the 200 year flood level.
10. Unless otherwise agreed in writing by the Planning Authority, the garden level of all properties shall be a minimum of 300mm above the 200 year flood level.
11. Prior to the commencement of development details of all front driveway screening shall be submitted to the Planning Authority for further approval. The agreed detail shall be thereafter implemented prior to the occupation of each dwelling and permanently maintained thereafter.
12. Prior to commencement of development the CEMP approved under application 15/01512/FLM shall be updated to reflect the changes proposed in this application. The CEMP detailing environmental mitigation measures and construction method statements, including specific measures for environmental monitoring during construction, shall be submitted for the further written agreement of the Council as Planning Authority in consultation with SNH and/or SEPA. Such details shall be submitted not less than two months prior to the agreed scheduled commencement date and shall incorporate detailed pollution avoidance and mitigation measures for all construction elements. Thereafter the development shall be fully undertaken in accordance with the agreed CEMP.
13. The hours of operation at the construction stage shall be Monday to Friday 07:00 to 19:00 hours, Saturday 08:00 to 13:00 hours and no workings on a Sunday, unless otherwise agreed in writing with the Planning Authority.
14. 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 local 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 150 mm outside diameter being blanked off at the end of each working day.

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15. Lighting will be designed, and positioned in such a way as to prevent light spillage into adjacent watercourses and woodland.
16. No development, including earth moving, shall take place or material or machinery brought on site until protective fencing and warning signs have been erected on site in accordance with an approved Construction Method Statement. All protective fencing and warning signs will be maintained during the construction period in accordance with the approved details.
17. Should the development not commence within 12 months of any approval then further preconstruction surveys shall be undertaken to ascertain the presence or absence of protected species and breeding birds and written confirmation that no protected species or birds will be harmed and/or that there are appropriate measures in place to protect said protected species and nesting bird interest on site. Any such written confirmation should be submitted to the local planning authority.
18. All trees to be retained shall be protected in accordance with BS 5837 2012 Trees in Relation to Design, Demolition and Construction prior to any works commencing on site, and shall remain in place until all construction is completed.
19. All plant or 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 25 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.

Justification

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

Procedural Notes

1. Consent shall not to be issued until a Section 75 Agreement relating to developer contributions has been completed and signed. Affordable housing contributions will require 35.25 (47 – 11.75) affordable units to be provided as part of this application with contributions for primary education provision of £227,715 (35.25 x £6,460).
2. The legal agreement should be concluded and completed within 4 months of the date of any Committee approval. Failure to conclude a legal agreement within 4 months

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

Informatives

1. This planning permission will last only for three years from the date of this decision notice, unless the development has been started within that period. (See section 58(1) of the Town and Country Planning (Scotland) Act 1997 (as amended).
2. Under Section 27A of the Town and Country Planning (Scotland) Act 1997 (as amended) the person undertaking the development is required to give the Planning Authority prior written notification of the date on which it is intended to commence the development. A failure to comply with this statutory requirement would constitute a breach of planning control under section 123(1) of that Act, which may result in enforcement action being taken.
3. As soon as practicable after the development is complete, the person who completes the development is obliged by Section 27B of the Town and Country Planning (Scotland) Act 1997 (as amended) to give the Planning Authority written notice of that position.
4. The applicants are advised that they must apply to the Roads Authority, for construction consent to form a new street. Please contact The Construction and Maintenance Manager, The Environment Service, Perth and Kinross Council, The Atrium, Glover Street, Perth.
5. Please consult the Street Naming and Numbering Officer, The Environment Service, Perth and Kinross Council, Pullar House, 35 Kinnoull Street, Perth PH1 5GD
6. The applicant is advised that the granting of planning consent does not guarantee a connection to Scottish Water's assets. The applicant must make a separate application to Scottish Water Planning & Development Services team for permission to connect to the public wastewater system and/or water network and all their requirements must be fully adhered to.
7. No work shall be commenced until an application for building warrant has been submitted and approved.
8. The development shall be in accordance with the Council's Developer Contributions and Affordable Housing Policy approved in April 2016 which requires a 25% allocation of affordable units within the development all to the satisfaction of the Council as Planning Authority.
9. All domestic properties require an appropriate storage area for a minimum of 3 x 240 litre bins (1 for general

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waste, 1 for garden & food waste and 1 for dry mixed recyclates/paper) and suitable access/surface to wheel the bins from the storage area to the kerbside where they must be presented for collection.

Bin Dimensions

Capacity (litres)	Width (mm)	Height (mm)	Depth (mm)
240	580	1100	740

10. The applicant is reminded that, should any protected species be present a licence may be required from Scottish Natural Heritage to disturb a protected species. Failure to obtain a licence may constitute a criminal act under the Habitats Regulations and penalties are severe for non-compliance.
11. 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.

(ii) 17/00893/FLL – KINROSS – Erection of 6 dwellinghouses, formation of open space, landscaping and infrastructure works for plots 1-6, relocation of SUDS basin, pump station and erection of substation (revised layout and design)(in part retrospect) at land 300 metres North West of Lathro Farm, Kinross – Report 17/297 – Persimmon Homes Ltd

Resolved:

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

Conditions

1. The proposed development must be carried out in accordance with the approved drawings and documents, unless otherwise provided for by conditions imposed on the planning consent.
2. Prior to the occupation of any residential plot, 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 unless otherwise agreed in writing.
3. Prior to the occupation of any residential plot, details of the specification including materials of all footpaths and cycleways shall be submitted to the Planning Authority for further approval. The agreed detail shall thereafter be implemented prior to the completion of the development.
4. Within two months of the date of this decision notice the detailed landscaping and planting scheme as approved

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under 15/01512/FLM shall be updated to reflect the revisions set out in this application. Details of the landscaping and path network in relation to the SUDS shall be included within the scheme and the SUDS should be designed to contribute both to biodiversity and public amenity. The scheme shall be submitted for approval in writing by the Planning Authority and the scheme as approved shall be implemented and thereafter maintained.

5. Any planting failing to become established within five years shall be replaced in the following planting season with others of similar sizes and species to the satisfaction of the Council as Planning Authority.
6. The areas of public open space and parkland indicated on the approved landscape and planting drawings shall be planted in accordance with the open space standards of the Planning Authority and completed to phase with the adjacent dwellinghouses in accordance with a programme to be submitted to and agreed in writing with the Planning Authority prior to the commencement of the development. The scheme shall thereafter be maintained to the satisfaction of the Council as Planning Authority.
7. The developer shall ensure that during the construction of the development that all surface water is controlled, treated and discharged under the principles of SUDS all to the satisfaction of the Council as Flood Authority.
8. The discharge of any surface water drainage shall be limited to the Greenfield runoff rate as calculated in Section 4.3 of the Flood Risk Assessment within the Environmental Impact Assessment Environmental Statement Vol.3 Technical Appendix A. All discharge rates shall be agreed in writing by the Planning Authority in consultation with the Flooding Team prior to the commencement of any works on site.
9. Full drainage calculations and the final layout and depth of the proposed SUDS pond and associated infrastructure to be agreed in writing with the Council as Planning Authority, in consultation with Perth and Kinross Council Flooding Team. The agreed detail shall thereafter be implemented prior to the completion of development.
10. Unless otherwise agreed in writing by the Planning Authority the Finished Floor Level of all properties shall be a minimum of 600mm above the 200 year flood level.
11. Unless otherwise agreed in writing by the Planning Authority, the garden level of all properties shall be a minimum of 300mm above the 200 year flood level.
12. Development shall be undertaken in accordance with the CEMP approved under 15/01512/FLM. The CEMP shall be updated and submitted not less than two months prior

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to the commencement of the second phase and shall incorporate detailed pollution avoidance and mitigation measures for all construction elements. Thereafter the development shall be fully undertaken in accordance with the CEMP unless otherwise agreed in writing by the Planning Authority.

13. The hours of operation at the construction stage shall be Monday to Friday 07:00 to 19:00 hours, Saturday 08:00 to 13:00 hours and no workings on a Sunday, unless otherwise agreed in writing with the Planning Authority.
14. Prior to the commencement of development details of all front driveway screening shall be submitted to the Planning Authority for further approval. The agreed detail shall be thereafter implemented prior to the occupation of each dwelling and permanently maintained thereafter.
15. 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 local 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 150 mm outside diameter being blanked off at the end of each working day.
16. Lighting will be designed, and positioned in such a way as to prevent light spillage into adjacent watercourses and woodland.
17. No development, including earth moving, shall take place or material or machinery brought on site until protective fencing and warning signs have been erected on site in accordance with an approved Construction Method Statement. All protective fencing and warning signs will be maintained during the construction period in accordance with the approved details.
18. Where it is intended to create semi-natural habitats, all species used in the planting proposals as detailed in the landscape plans shall be locally native species of local provenance unless otherwise agreed in writing with the local Planning Authority.
19. All landscape maintenance measures shall be carried out in accordance with the details contained in the landscape plans as already submitted with the planning application and agreed with the Planning Authority.
20. All trees to be retained shall be protected in accordance with BS 5837 2012 Trees in Relation to Design, Demolition and Construction prior to any works

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commencing on site, and shall remain in place until all construction is completed.

21. All plant or 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 25 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.

Justification

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

Informatives

1. This planning permission will last only for three years from the date of this decision notice, unless the development has been started within that period. (See section 58(1) of the Town and Country Planning (Scotland) Act 1997 (as amended).
2. Under Section 27A of the Town and Country Planning (Scotland) Act 1997 (as amended) the person undertaking the development is required to give the Planning Authority prior written notification of the date on which it is intended to commence the development. A failure to comply with this statutory requirement would constitute a breach of planning control under section 123(1) of that Act, which may result in enforcement action being taken.
3. As soon as practicable after the development is complete, the person who completes the development is obliged by Section 27B of the Town and Country Planning (Scotland) Act 1997 (as amended) to give the Planning Authority written notice of that position.
4. The applicants are advised that they must apply to the Roads Authority, for construction consent to form a new street. Please contact The Construction and Maintenance Manager, The Environment Service, Perth and Kinross Council, The Atrium, Glover Street, Perth.
5. Please consult the Street Naming and Numbering Officer, The Environment Service, Perth and Kinross Council, Pullar House, 35 Kinnoull Street, Perth PH1 5GD.
6. The applicant is advised that the granting of planning consent does not guarantee a connection to Scottish Water's assets. The applicant must make a separate application to Scottish Water Planning & Development Services team for permission to connect to the public

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wastewater system and/or water network and all their requirements must be fully adhered to.

7. No work shall be commenced until an application for building warrant has been submitted and approved.
8. The development shall be in accordance with the Council's Developer Contributions and Affordable Housing Policy approved in April 2016 which requires a 25% allocation of affordable units within the development all to the satisfaction of the Council as Planning Authority.
9. All domestic properties require an appropriate storage area for a minimum of 3 x 240 litre bins (1 for general waste, 1 for garden & food waste and 1 for dry mixed recyclates/paper) and suitable access/surface to wheel the bins from the storage area to the kerbside where they must be presented for collection.

Bin Dimensions

Capacity (litres)	Width (mm)	Height (mm)	Depth (mm)
240	580	1100	740

10. The applicant is reminded that, should any protected species be present a licence may be required from Scottish Natural Heritage to disturb a protected species. Failure to obtain a licence may constitute a criminal act under the Habitats Regulations and penalties are severe for non-compliance.
11. 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.

(3) Proposal of Application Notice (PAN)

- (i) 17/00007/PAN – BENDOCHY – Change of use of agricultural land to game bird farm and associated moveable shelters and infrastructure at land 400 metres North East of West Myreriggs Farm, Myreriggs Road, Bendochy – Report 17/298**

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

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Perth and Kinross Council  
Planning & Development Control Committee – 18 October 2017  
Report of Handling by Interim Development Quality Manager

|                                                                                                                                          |
|------------------------------------------------------------------------------------------------------------------------------------------|
| Erection of 159 dwellinghouses with associated roads, drainage and landscaping at land to the north of A912 at Oudenarde, Bridge Of Earn |
|------------------------------------------------------------------------------------------------------------------------------------------|

Ref. No: 16/02156/AMM

Ward No: N9 Almond and Earn

### **Summary**

This report recommends approval of the matters specified by condition application for residential development of 159 dwellings with associated roads, drainage and landscaping at land to the north of A912 at Oudenarde, Bridge Of Earn, Perthshire.

The development is considered to comply with the current Development Plan. The application is Phase 2 of 'In Principle' planning approval 02/01482/OUT for residential, commercial and industrial development with associated school provision, open space and landscaping at Oudenarde. This proposal is consistent with the approved masterplan for the site and is therefore recommended for approval, subject to conditions.

### **BACKGROUND AND PROPOSAL**

- 1 The application site (known as Oudenarde) is an area of level ground in between the A912 road to the south and the railway line to the north to the east of Bridge of Earn. The site is Phase 2 within the Oudenarde Village development. In Principle planning consent was granted in October 2002 under application 02/01482/OUT for the formation of residential, commercial and industrial development with associated school provision, open space and landscaping. The Section 75 legal agreement was concluded in 2016 which allowed the release of the decision notice. Phase 1 of 150 affordable houses was consented in advance of the Section 75 and 112 have been completed by Hillcrest Housing Association to the north of the rail line and accessible via Clayton Road.
- 2 The A912 road intersecting the Odenarde site has recently been upgraded to facilitate the development of both the approved residential and commercial/employment areas. A roundabout has been constructed to provide access roads to the north and south to serve the site
- 3 Oudenarde (including the proposed site) is identified in the TAYplan Strategic Development Plan (2012) as a strategic development area and is allocated (H47) in the Perth and Kinross Local Development Plan (LDP) 2014 for residential development with an indicative density of 1,600 dwellings.
- 4 This proposal is for the erection of 159 dwellings ranging from 2 to 5 bedroom by two developers (Taylor Wimpey and GS Brown) including landscaping and infrastructure on an area of ground just off the roundabout on the A912. The proposed mix of housing is as follows.

Taylor Wimpey

2 bedroom – 24 units

3 bedroom – 48 units

4 bedroom – 57 units

5 bedroom – 8 units

- 5 All the above will be two storey dwellings.

GS Brown

3 bedroom bungalows – 22 units

- 6 The proposal provides a landscape buffer along the southern end adjacent to the A912 and another landscape buffer is proposed along the eastern boundary. Cycling and walking facilities run through the proposed landscape buffers to connect up with the rest of the Oudendarde site and the wider area including Bridge of Earn. Within the eastern landscape buffer a play area is proposed.

**ENVIRONMENTAL IMPACT ASSESSMENT (EIA)**

- 7 As the proposal is a Matters Specified by Condition application the environmental impact of Oudendarde was assessed at 'In Principle' stage. An Environmental Report is not required to be submitted at this stage of the planning process.

**PRE-APPLICATION PROCESS**

- 8 The proposed development is classed as a Major development under class 9 of the Town and Country Planning (Hierarchy of Developments) (Scotland) Regulations 2009. However, because the proposal is a Matters Specified by Condition application the requirements for pre-application consultation are not required at this stage of the planning process.

**NATIONAL POLICY AND GUIDANCE**

- 9 The Scottish Government expresses its planning policies through the National Planning Framework 3, the Scottish Planning Policy (SPP) 2014 and Planning Advice Notes (PAN), Designing Places, Designing Streets and the National Roads Development Guide

**National Planning Framework**

- 10 The 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.

## **The Scottish Planning Policy 2014**

- 11 The SPP is a statement of Scottish Government policy on land use planning. 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
- Managing Flood Risk and Drainage: paragraphs 254 – 268
- Promoting Sustainable Transport and Active Travel: paragraphs 269 - 291

- 12 The following Scottish Government Planning Advice Notes (PAN) are also of interest:

- 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 69 Planning & Building Standards Advice on Flooding
- PAN 75 Planning for Transport
- PAN 79 Water and Drainage
- PAN 83 Masterplanning

## **Designing Places 2001**

- 13 The first policy statement which marks the Scottish Government's determination to raise standards of urban and rural development.

## **Designing Streets 2010**

- 14 Designing Streets is the first policy statement in Scotland for street design and marks a change in the emphasis of guidance on street design towards place-making and away from a system focused upon the dominance of motor vehicles. It has been created to support the Scottish Government's place-making agenda and is intended to sit alongside the 2001 planning policy document Designing Places, which sets out Government aspirations for design and the role of the planning system in delivering these.

## **National Roads Development Guide 2014**

- 15 This document supports Designing Streets and expands on its principles and is considered to be the technical advice that should be followed in designing and approving of all streets including parking provision.

### **DEVELOPMENT PLAN**

- 16 The Development Plan for the area consists of the Approved TAYplan Strategic Development Plan June 2012 and the Perth and Kinross Local Development Plan February 2014.

### **TAYplan Strategic Development Plan (June 2012)**

- 17 TAYPlan sets out a vision for how the region will be in 2032 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 2032 the TAYplan region 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”*

- 18 The following sections of the TAYplan 2012 are of particular importance in the assessment of this application.

#### **Policy 1 – Location Priorities**

- 19 Seeks to focus the majority of development in the region’s principal settlements. Perth Core Area which Oudenarde is in is identified as a Tier 1 Settlement with the potential to accommodate the majority of the region’s additional development over the plan period and make a major contribution to the region’s economy.

#### **Policy 2 – Shaping better quality places**

- 20 Seeks to ensure that climate change resilience is built into the natural and built environment, integrate new development with existing community infrastructure, ensure the integration of transport and land uses, ensure that waste management solutions are incorporated into development and ensure that high resource efficiency and low/zero carbon energy generation technologies are incorporated with development to reduce carbon emissions and energy consumption.

#### **Policy 3: Managing TAYplan’s Assets**

- 21 Seeks to respect the regional distinctiveness and scenic value of the TAYplan area and presumes against development which would adversely affect environmental assets.

### **Policy 5: Housing**

- 22 Confirms that local development plans should identify specific sites for the Strategic Development Areas and allocate land uses set out in the TAYplan. This includes a strategic development area of Oudenarde.

### **Policy 6: Energy and Waste/Resource Management Infrastructure**

- 23 Relates to delivering a low/zero carbon future for the city region to contribute to meeting Scottish Government energy targets and indicates that, in determining proposals for energy development, consideration should be given to the effect on off-site properties, the sensitivity of landscapes and cumulative impacts.

### **Policy 8 – Delivering the Strategic Development Plan**

- 24 States, *“To ensure that quality is designed-in to development and places, developer contributions shall be sought for new development to mitigate any adverse impact on infrastructure, services and amenities brought about by development including contributions towards schools, affordable housing, transport infrastructure and facilities (including road, rail, walking, cycling and public transport) and other community facilities in accordance with the Scottish Government Circular 1/2010”.*

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

- 25 The Local Development Plan (LDP) was adopted by Perth and Kinross Council on 3 February 2014. It is the most recent statement of Council policy and is augmented by Supplementary Guidance.
- 26 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.”*
- 27 Under the LDP, the following policies are of particular importance in the assessment of this application.

### **Policy PM1A - Placemaking**

- 28 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**

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

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

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

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

- 42 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**

- 43 Appropriate areas of informal and formal open space should be provided as an integral part of any new development where existing provision is not adequate. Where there is an adequate supply of open space a financial contribution towards improved open space may be acceptable. Opportunities should be to create, improve and avoid the fragmentation of green networks.

### **Policy CF2 - Public Access**

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

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

- 47 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**

- 53 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**

- 54 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**

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

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

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

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

- 58 There is a general presumption against proposals for built development or land raising on a functional flood plain and in areas where there is a significant probability of flooding from any source, or where the proposal would increase the probability of flooding elsewhere. Built development should avoid areas at significant risk from landslip, coastal erosion and storm surges. Development should comply with the criteria set out in the policy.

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

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

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

- 60 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**

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

### **OTHER POLICIES**

- 62 The following supplementary guidance and documents are of particular importance in the assessment of this application.

- Developer Contributions and Affordable Housing Supplementary Guidance April 2016.
- Flood Risk and Flood Risk Assessments – Developer Guidance June 2014.
- Sustainable Design and Zero Carbon Development Supplementary Guidance May 2014.
- Perth and Kinross Retail Study 2014.

### **Planning Site History**

- 63 The following planning history is relevant.
- **00/00573/OUT** Proposed new settlement development including residential, commercial and industrial development with associated roads, school provision, open space and landscaping. Application Withdrawn December 2001.
  - **01/01822/OUT** Formation of residential commercial and industrial development with associated school provision, open space and landscaping (in outline). Appeal on non-determination August 2002 but was withdrawn by the applicant.
  - **02/01482/IPM** Formation of residential, commercial and industrial development with associated school provision, open space and landscaping (In Principle). Application approved by Development Management Committee September 2002. An update on the proposal with a revised Heads of Terms was presented to Development Management Committee in November 2012. The Section 75 legal agreement was concluded September 2016 and decision notice issued September 2016.



- **05/00410/FUL** Erection of 75 affordable dwellinghouses. Application approved by Development Management Committee September 2005.
- **06/01881/FUL** Erection of 193 dwellinghouses with associated roads, open space, landscaping and other ancillary works. Pending decision but will be withdrawn should 16/02156/AMM be approved.
- **07/00401/FUL** Construction of a Road Bridge over railway at Oudenarde. Approved under delegated powers March 2007.
- **07/01791/FUL** Erection of a new primary school with community facilities including parking and access road. Approved under delegated powers. August 2008.
- **08/00582/FUL** Formation of roads and associated infrastructure for associated residential development (partly in retrospect). Approved under delegated powers May 2008.
- **08/00610/OUT** Outline application for (a) an opportunity site for a Travel Lodge and other uses falling within classes 3, 7 and 8 and (b) a Business Park for Classes 1, 4, 5 and 6 at Brickhall Farm, Bridge Of Earn. Approved by Development Management Committee February 2009.
- **08/01458/FUL** Erection of 75 affordable dwellinghouses with associated road access and landscaping. Approved by Development Management Committee December 2008.
- **08/01815/MOD** Modification of existing consent (08/00582/FUL) for formation of roads and associated infrastructure. Approved under delegated powers October 2008.
- **08/02298/FUL** Formation of roads and associated infrastructure. Approved under delegated powers December 2008.
- **08/02303/FUL** Formation of roads and infrastructure for associated residential development. Approved under delegated powers December 2008.
- **10/01411/FLL** Modification of consent (08/00610/OUT) to delete conditions 11 and 12, modify planning conditions 13, 14, 15 and 16 and add conditions 2 and 3 as per Transport Scotland consultation. Approved under delegated powers November 2010.
- **14/00268/FLL** Modification to existing planning permission (08/00582/FUL) to form an additional arm on roundabout and installation of feature on roundabout. Approved under delegated powers April 2014.

## **CONSULTATIONS**

### **External**

#### **Transport Scotland**

- 64 Have requested conditions that were applied to the adjacent site at Brickhall Farm.

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

- 65 No objection.

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

- 66 No objection.

#### **Scottish Water**

- 67 No response received.

#### **Shell UK Limited**

- 68 No objection.

#### **British Petroleum (BP)**

- 69 No objection.

#### **Network Rail**

- 70 No objection.

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

- 71 No objection but comment that the site may have some archaeological potential and development will require monitoring.

#### **Earn Community Council**

- 72 No response received.

### **Internal**

#### **Transport Planning**

- 73 No objection.

### **Flood Risk and Structures**

- 74 Following submission of further information on SUDs they are supportive of the proposal.

### **Biodiversity Officer**

Following submission of a Habitat Survey, no objection provided certain conditions are applied.

### **Community Greenspace**

- 75 No objection to the proposal.

### **Waste Services**

- 76 No objection to the proposal.

### **Developer Negotiations including Affordable Housing and Transport Infrastructure**

- 77 The site has planning consent under 02/01482/IPM. The associated Section 75 legal agreement has determined the Developer Contribution requirement and sets out the payment time scales. This S75 applies to this phase.

### **REPRESENTATIONS**

- 78 The application has attracted 1 representation which has asked if walking and cycling connectivity with Bridge of Earn can be improved with this proposal. This is addressed in the Appraisal section of the report.

### **ADDITIONAL STATEMENTS**

|    |                                              |                                                                                       |
|----|----------------------------------------------|---------------------------------------------------------------------------------------|
| 79 | Environment Statement                        | Not required                                                                          |
|    | Screening Opinion                            | Not required                                                                          |
|    | Environmental Impact Assessment              | Not required                                                                          |
|    | Appropriate Assessment                       | Not required                                                                          |
|    | Design Statement/Design and Access Statement | Not required                                                                          |
|    | Report on Impact or Potential Impact         | SUDs Modelling; Habitat Survey; Landscaping Plans and Supporting Landscape Statement. |

## **APPRAISAL**

### **Policy**

- 80 Sections 25 and 37(2) of the Town and Country Planning (Scotland) Act 1997 (as amended) require that planning decisions be made in accordance with the Development Plan unless material considerations indicate otherwise. The determining issues here are whether the proposals in principle comply with current Development Plan policy, or if there are other material considerations, which justify departure from policy.
- 81 TAYplan Policy 1 (Location Priorities) states that Tier 1 settlements have the potential to make a major contribution to the regional economy over the next 20 years. The site is within the Tier 1 settlement of the Perth Core Area and is identified as a strategic development area. The LDP allocates the site for mixed use development. Residential development of this site complies with these policies and therefore the principle of residential use on the site is established and considered to be acceptable. A first phase development of 150 affordable units has already been consented, with 112 built out and occupied on the north western section of the site.

### **Design and Layout**

- 82 Through Designing Places (2001) the Scottish Government signalled the importance they attach to achieving improvements in the design and quality of new development, and bringing long-term benefits to the urban and rural environment. It should be noted that good design should be the aim of everyone in the planning and development process with it being important at all scales of development.
- 83 Designing Streets (2010) published by the Scottish Government suggests that streets should be designed as social spaces, being well-connected at all levels. It aims to move away from vehicle dominated road layouts in favour of streets designed for people that achieve a sense of place, producing interesting and useable street layouts.
- 84 In terms of site layout, permeability of places is a crucial component in good street design. Internal permeability is important, but any area should also be properly connected with adjacent areas. A development with poor links to the surrounding area creates an enclave which encourages movement to and from it by car rather than by other modes. In this case the proposal includes three vehicular and up to 24 pedestrian/cyclist access points and is thereby considered to be a very permeable and well connected site within the approved Oudenarde masterplan site and also with the wider area including Bridge of Earn. In terms of cycling and pedestrian connection it will link up with both existing networks and future infrastructure required to be delivered by the Section 75 legal agreement. The proposal therefore accords with the National Roads Development Guide 2014 and LDP Policy TA1 Transport Standards and Accessibility Requirements.

- 85 When considering the layout of any new development, one of the most important issues to consider is creating the opportunity for natural surveillance. Buildings, spaces and pedestrian routes should be located to maximise natural observation from pedestrians and passing motorists. Active frontages should be encouraged wherever possible i.e. doors leading onto the street and windows overlooking all public areas. The proposed layout takes cognisance of Designing Streets and incorporates appropriate natural surveillance of all areas of space and the main pedestrian routes. The proposal is in line with PAN 77 - Designing Safer Places and LDP Policy PM1 Placemaking.
- 86 The proposal consists of two storey detached, semi-detached, terraced and single storey properties by two developers Taylor Wimpey and GS Brown providing a good mixture of open market housing to a wide variety of potential purchasers. Much of the site contains shared surfaces that help achieve a sense of place and provides several linkages to ensure the site is extremely permeable for all modes of transport especially pedestrians and cyclists with existing and future path connections to Bridge of Earn.
- 87 In terms of materials, both developers propose a reasonably standard but acceptable palette of materials. Taylor Wimpey proposed a range of exterior wall colours and materials from white and buff render to yellow and red brick, whilst all their roof tiles will be slate grey in colour. GS Browns main finishes of white roughcast render, yellow facing brick and base course, and slate grey roof tiles. This will deliver a reasonably consistent design approach with the nearby affordable housing development by Hillcrest Housing Association and will help integrate the development into the locale.
- 88 The massing and scale of the dwellings can be accommodated within the plots without having an adverse impact on the amenity of each other. As a result of the site's location at the edge of a settlement, it is considered that the proposed density is acceptable and is in line with the approved masterplan.
- 89 Overall this phase is in line with the approved masterplan, phasing plan and S75 legal agreement associated with the In Principle permission and will provide a good mix of open market housing types by two developers.

### **Transport and Access**

- 90 Transport Planning having reviewed the proposal, are satisfied that the local network can accommodate the generated traffic and there are sustainable travel options available in the vicinity.
- 91 In terms of car parking the developers have provided in curtilage parking down the sides of houses at the key access points to the site to help reduce the traditional visual dominance of cars. In other areas there is landscaping proposed to help screen areas of car parking and some properties have car parking within the rear garden areas. The intent to integrate parking as per Government Policy, Designing Streets, appears to be generally undertaken and is considered to be acceptable.

- 92 A Construction Traffic Management Plan will be required prior to the commencement of development and this will tie in with a maintenance agreement for the existing public road which will deal with any liability in respect of abnormal deterioration caused by the construction traffic.
- 93 As this is an Approval of Matters Specified by Condition (AMSC) application, Transport Scotland were consulted in error for this proposal. Notwithstanding this they have requested that certain conditions that have been requested in the past to the adjacent employment site at Brickhall Farm are also repeated for this proposal. Their request relates to the detailed and complex planning history of the site and area.
- 94 Whilst the masterplan for the entire site was approved by the Planning and Economic Committee in August 2001, the 'In Principle' Planning Application (02/01482/OUT) was approved by Development Management Committee in October 2002, but subject to the formulation of conditions and the signing of a Section 75 legal agreement. A further report was presented to Development Management Committee in November 2012 to advise that the S75 had not been concluded due to the economic downturn. The report also presented a revised Heads of Terms for the Section 75 and a list of conditions.
- 95 The proposed Heads of Terms relating to Transport included:
- I. Park and Ride/ Rail Halt (Land to be reserved for 12 years)
  - II. Access Works (two roundabouts on the A912 and A912/M90 slip roads) and
  - III. Traffic calming: Bridge of Earn
  - IV. Short Term improvements pending main works
  - V. Clayton Road to footway/ cycle way plus maintain as emergency access
- 96 Reference is also made to the provision of the road bridge over the railway and to be completed before the sale of the 100th mainstream house.
- 97 The proposed conditions included reference to the Heads of Terms of the Section 75 Agreement. However Transport Scotland advise there is no reference to any of the conditions previously advised by them on the masterplan in their consultation response for application 01/01822/OUT, which was never determined because it was appealed on the grounds of non-determination but subsequently withdrawn by the applicant .
- 98 Transport Scotland consultation response to application 08/00610/OUT for the employment land south of the A912 (Brickhall Farm) included two conditions advising that prior to commencement of any development that designs for modifications to the M90 Junction 9/ A912 east and west roundabouts be submitted for approval and that prior to occupation of any part of the development that the approved modifications to the M90 junction 9/ A912 east and west roundabouts shall be completed. Transport Scotland advise that the Decision Notice for 08/00610/OUT did not include these two conditions advised by them.

- 99 The subsequent decision notice for 10/01411/FLL to modify the 08/00610/OUT decision did add the two additional conditions back in that were originally missed to reflect Transport Scotland's consultation response.
- 100 In contrast, the decision notice for 02/01482/OUT issued in September 2016 following conclusion of the Section 75 identifies the infrastructure mitigation only through the Heads of Terms for the S75 Agreement. The Section 75 removes reference to development modifications for the M90/A912 northbound merge and capacity improvements to the A9 Broxden roundabout and introduces the requirement for two roundabouts to be constructed on the M90 slips/ A912.
- 101 Transport Scotland have requested that conditions they recommended for 08/00610/OUT and 10/01411/FLL be imposed for this application.
- 102 Whilst it is regrettable that requested conditions were not included in a past decision but fundamentally they are for a different site and they can still be applied should the employment site at Brickhall Farm come forward. In any event, we have an In Principle planning permission in place with a signed Section 75 legal agreement. It is considered too late in the planning process and unreasonable to try and impose conditions for an Approval of Matters Specified by Condition (AMSC) application for a different development site. Failing to apply conditions requested by a government agency such as Transport Scotland normally means a planning application is required to be sent to Scottish Ministers to see if they wish to call the application in or return to the Planning Authority to issue its decision. However, the Scottish Government has recently confirmed that there is no referral process in place for AMSC applications to go to Scottish Ministers and therefore a decision notice can be issued by the Planning Authority
- 103 The proposal complies with LDP Policy TA1 because the transport network can accommodate the proposed level traffic generation with minimal impact.

### **Drainage and Flooding**

- 104 The site is not located within a recorded area of flood risk. However because the site topography is very flat and predominantly clay, a Drainage Strategy was submitted by the applicant. Drainage calculations were submitted that included an assessment of the 200 year return period including 20% for climate change.
- 105 The drainage calculations show that the proposed development site is not at risk of surface flooding up to this design standard. What it did show was that other undeveloped phases of the Oudenarde site were at risk of some surface water flooding. Evidence has been provided by the applicant confirming attenuation within the surface water design of the undeveloped phases of Oudenarde can mitigate this flood risk.
- 106 The Flood Risk team are therefore content that the current proposal is not at risk of flooding and during the development of future phases additional storage

can be accommodated within a suitably designed surface water drainage system/SUDS.

- 107 Scottish Environment Protection Agency (SEPA) also confirm there should be no adverse impact on flooding or drainage capacity in the area. The proposal therefore complies with LDP Policies EP2 and EP3.

### **Open Space and Recreation Provision**

- 108 The approved masterplan looks to provide a wide range of open space, play area and sports pitches to meet the needs of the existing and future residents and primary school.
- 109 A landscape buffer is proposed along the southern boundary with the A912 and along the western boundary. Within the western boundary landscape buffer a play area is proposed and is consistent with the approved masterplan. Community Greenspace commented that they would prefer to see the play area in a more central position within the current application site.
- 110 However the proposed play area location is consistent with the approved masterplan and will in time be located centrally within this part of the Oudenarde site as there will be another residential phase immediately east of it in the future. It will then be located centrally and will benefit from natural surveillance.
- 111 It is considered that the proposed open space and play area for this phase is acceptable and will be a benefit to future residents in the area. As a result the proposal complies with LDP Policies CF1 – Open Space Retention and Provision and CF3 – Social and Community Facilities.

### **Residential Amenity**

#### Overlooking

- 112 None of the proposed residential units will result in an unreasonable level of overlooking due to acceptable separation distances between dwellings and proposed buffer planting along the eastern perimeter of the site.

#### Overshadowing, loss of sunlight and daylight.

- 113 The Building Research Establishment (BRE) document 'Site Layout Planning for Daylight and Sunlight-a guide to good practice 1991' sets out guidelines on how to assess the potential impact, it should be noted that the standards are not mandatory and should be interpreted flexibly.
- 114 Taking cognisance of the BRE document, the distances between new and existing properties and site levels at the southern end of the site, I consider an acceptable level of daylight and sunlight will be provided to each property.
- 115 Overall, in terms of residential amenity the proposal complies with LDP Policy PM1 – Placemaking.



## **Ecology**

- 116 The Councils Biodiversity Officer is disappointed that some of the structure planting will be lost along the boundary with the A912. Much of this planting has however already been removed and a new landscape buffer is proposed as part of this phase.
- 117 He also recommended that an ecological survey including tree survey be carried out. Even though this is a Matters Specified by Condition application and technically too late in the planning process to request further ecological investigations, the applicants have provided a Habitat Survey. This has been reviewed by the Biodiversity Officer.
- 118 Of note is the presence of a species of Orchid and as some orchid species are listed in the Tayside Local Biodiversity Action Plan (LBAP), they should be protected. Any Orchids should be translocated, where possible, to an area of the site which will allow them to be retained, such as SUDS area of the development.
- 119 Birds identified at the time of the survey included skylark and snipe, both protected species which nest on the ground. Prior to commencement of development, if during the breeding times of March to August that an ornithological survey will need to be undertaken to identify nest sites of all ground nesting birds. As the Habitat Survey was undertaken outside of the breeding bird season it is highly likely that other species could be nesting on site and a breeding bird survey will be required to identify species that may be affected and possible nest locations.
- 120 The Habitat Survey does provide recommendations and mitigation measures which should be conditioned into any approval, including landscaping and the incorporation of swift nest bricks and bat bricks. The timing of vegetation clearance, including hedges and ground flora is restricted to a period from 1 September to end of February unless an Ecological Clerk of Works is available to undertake pre-work surveys. Protection for animals falling into excavations should also be conditioned into any approval.

## **Archaeology**

- 121 PKHT have confirmed that whilst they have no records the area may contain some archaeology. However as this is an AMSC application it is not the correct stage of the planning process to request archaeological investigations or conditions be applied. However, an informative can be added to the decision notice to make sure the developers are aware that should any archaeology be found during construction that they report it to Perth and Kinross Heritage Trust.

## **Waste**

- 122 The Councils Waste Services team provided guidance as part of their consultation response to ensure all properties have the required number and type of bins and that there should adequate space within each property to

accommodate the required bins and that the road network will be able to accommodate the required refuse vehicles to service the site. An informative will ensure the collection of waste will be addressed.

### **Oil and Gas Pipelines**

- 123 Both Shell and BP have confirmed that their infrastructure located at the eastern end of the overall site will not be affected by this proposal.

### **Rail Line**

- 124 Network Rail have confirmed that their infrastructure located north of this phase will not be affected by the proposal.

### **Developer Contributions including Affordable Housing**

- 125 This site has planning consent under 02/01482/IPM. The associated Section 75 Legal Agreement determines the Developer Contribution requirement and sets out the payment time scales.
- 126 As part of the overall development of Oudenarde, there is a requirement to provide 300 affordable houses. Hillcrest Housing Association Ltd have planning consent for 150 affordable houses, 112 of these houses are now occupied. GS Brown has transferred further land to Hillcrest Housing Association which can accommodate a further 150 affordable houses and this will satisfy the affordable housing requirement for the overall development. Affordable housing is not therefore required as part of this phase.

### **Economic Impact**

- 127 According to Homes for Scotland, the development of 159 dwellings is predicted to provide 652 (4.1 per dwelling) jobs (construction and afterwards) and this will impact on the level of in-direct jobs that the construction activity and home owners will generate from spending on local goods and services.
- 128 Once operational it is predicted that new residents should help fill job vacancies and support numerous existing employers in the local area.
- 129 The development of 159 dwellings will provide a significant increase in available expenditure for the local economy in particular and further afield. The Perth and Kinross Retail Study in 2014 estimates that average convenience goods available expenditure in 2019 per household will be £2,047 per annum and the average comparison goods available expenditure per household will be £3,634 per annum. Based on these figures and 159 dwellings the estimated annual expenditure on convenience and comparison goods will be in the region of £329,107. This expenditure should have a significant positive impact on the local area and its facilities in particular.

## **LEGAL AGREEMENTS**

- 130 This site has planning consent under 02/01482/IPM. The associated Section 75 legal agreement determines the Developer Contribution requirement and sets out the payment time scales.

## **DIRECTION BY SCOTTISH MINISTERS**

- 131 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**

- 132 Section 25 of the Act requires that determination of the proposal should be made in accordance with the provisions of the Development Plan, unless material considerations indicate otherwise. The proposal seeks to formally establish detailed development on a strategic site and it is consistent with the objectives of the Development Plan and the approved masterplan for the site.
- 133 Residential development at Oudenarde is a committed development site and allocated in the both the SDP and LDP. The site is well placed to deliver a new sustainable community, serving as a well-connected satellite settlement to Perth. This phase and the overall site will provide a significant contribution toward meeting the projected population growth of Perth and Kinross.
- 134 The proposed development is therefore considered to accord with the Development Plan. It will lead to the creation of new homes to meet the predicted population growth, which will significantly assist in meeting local and national targets in a sustainable and measured fashion.
- 135 Accordingly the proposal is recommended for approval subject to the following conditions.

## **RECOMMENDATION**

### **A Approve the application subject to the following conditions:**

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

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

- 2 Prior to the occupation of any dwelling, 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 2014.

- 3 Prior to the occupation of any dwelling, details of the specification including materials of all footpaths and cycleways shall be submitted to the Planning Authority for further approval. The agreed detail shall thereafter be implemented prior to the completion of the 50<sup>th</sup> dwelling.

Reason: In the interest of pedestrian and cycle safety.

- 4 The detailed landscaping and planting scheme as approved shall be commenced at the same time as commencement of the residential development and thereafter maintained and competed to the satisfaction of the Council as Planning Authority.

Reason: In the interests of visual amenity; to ensure a satisfactory standard of local environmental quality and in pursuance of suitably satisfying placemaking policy criteria of the adopted Perth and Kinross Local Development Plan 2014.

- 5 Any planting failing to become established within five years shall be replaced in the following planting season with others of similar sizes and species to the satisfaction of the Council as Planning Authority.

Reason: In the interests of visual amenity; to ensure a satisfactory standard of local environmental quality and in pursuance of suitably satisfying placemaking policy criteria of the adopted Perth and Kinross Local Development Plan 2014.

- 6 Prior to the commencement of development a detailed layout of the proposed children's play area indicated in the site layout plan shall be submitted for the further approval of the Planning Authority. The play area(s) shall be designed, laid out and equipped in accordance with the Planning Authority's current criteria for play area provision within six months of the first dwelling occupied on the site. The play area and its facilities/equipment shall thereafter be maintained to the satisfaction of the Council as Planning Authority.

Reason: In the interests of residential amenity and to ensure the satisfactory provision and implementation of a children's play area.

- 7 Prior to the commencement of development full details of proposed site boundary openings forming new access onto the spine road shall be submitted to the Planning Authority for further written approval. The opening details as approved shall thereafter be implemented prior to the occupation of any residential plot.

Reason: In order to ensure that the associated roads infrastructure is suitably upgraded in order to adequately accommodate the impact of the development proposed.

- 8 No development shall commence until a detailed delivery plan confirming the programmed delivery of the site and construction works has been submitted

and approved in writing by the Planning Authority. Once approved, the development shall be implemented in accordance with the delivery plan.

Reason: In order to ensure the implementation and completion of the development components of the proposal to coincide with infrastructure delivery and to release the elements of the proposed development which the planning authority considers will bring economic and social benefits to the area.

- 9 All existing trees and hedgerows shown to be retained shall be protected by suitable fencing in accordance with BS5837 2012 (Trees in Relation to Construction), unless otherwise agreed in writing by the Planning Authority. The details of the protective fencing and its location shall be first submitted to and agreed in writing by the Planning Authority. No materials, supplies, plant, machinery, soil heaps, changes in ground levels or construction activities shall be permitted within the protected areas without the written consent of the Planning Authority and no fire shall be lit in the position where the flames could extend to within 5 metres of foliage, branches or trunks.

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

- 10 No removal of hedgerows, trees or shrubs or works to or demolition of any 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 and agreed by the Planning Authority.

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).

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

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

- 12 Where it is intended to create semi-natural habitats, all species used in the planting proposals detailed in the approved plans shall be locally native species of local provenance unless otherwise agreed in writing with the Planning Authority.

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

- 13 Prior to occupation of any buildings on site a minimum of 30% (41 units) of all completed 2 storey houses shall incorporate a minimum of 2 bat bricks (e.g. build-in Woodstone Bat Box) and swift nest bricks (e.g. WoodStone Build-in Swift Nest Box A) shall be incorporated at eaves height.

Reason: In the interests of enhancing environmental quality and of biodiversity

- 14 Prior to the commencement of development, any Orchids identified in the applicant's Habitat Survey shall be translocated to the landscape buffer area to allow them to be retained and thereafter maintained to the satisfaction of the Council as Planning Authority

Reason: In the interests of enhancing environmental quality and of biodiversity

- 15 Prior to the commencement of development a Construction Traffic Management Plan (CTMP) shall be submitted to and be approved in writing by the Planning Authority. Thereafter the development shall be fully undertaken in accordance with the CTMP.

Reason: In the interest of protecting environmental quality.

- 16 The hours of operation at the construction stage shall be Monday to Friday 07:00 to 19:00 hours, Saturday 08:00 to 13:00 hours and no workings on a Sunday, unless otherwise agreed in writing with the planning authority.

Reason: In the interests of public health and to prevent noise pollution.

## **B JUSTIFICATION**

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

## **C PROCEDURAL NOTE**

None required

## **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 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.
- 6 Should any archaeology be discovered during construction, the applicant is advised to contact Mr David Strachan, Archaeologist – Perth and Kinross Heritage Trust to discuss what is required. Tel: 01738 477080.
- 7 The applicants are advised that they must apply to the Roads Authority, for construction consent to form a new street. Please contact The Construction and Maintenance Manager, The Environment Service, Perth and Kinross Council, Pullar House, 35 Kinnoull Street, Perth, PH1 5GD.
- 8 Please consult the Street Naming and Numbering Officer, The Environment Service, Perth and Kinross Council, Pullar House, 35 Kinnoull Street, Perth PH1 5GD
- 9 The applicant is advised that the granting of planning consent does not guarantee a connection to Scottish Water's assets. The applicant must make a separate application to Scottish Water Planning & Development Services team for permission to connect to the public wastewater system and/or water network and all their requirements must be fully adhered to.
- 10 The applicant should ensure that access and operations during construction and the routes for any services for the site take account of both the servitudes of the Shell UK and BP pipelines
- 11 The applicant is reminded that, should any protected species be present a licence may be required from Scottish Natural Heritage to disturb a protected species. Failure to obtain a licence may constitute a criminal act under the Habitats Regulations and penalties are severe for non-compliance.

- 12 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.
- 13 The Council's Community Waste Adviser in the Environment Service should be contacted to clarify the bin storage and recycling requirements for the development.
- 14 No work shall be commenced until an application for building warrant has been submitted and approved.

Background Papers: 1 letter of representation  
Contact Officer: Steve Callan Ext 75337  
Date: 4 October 2017

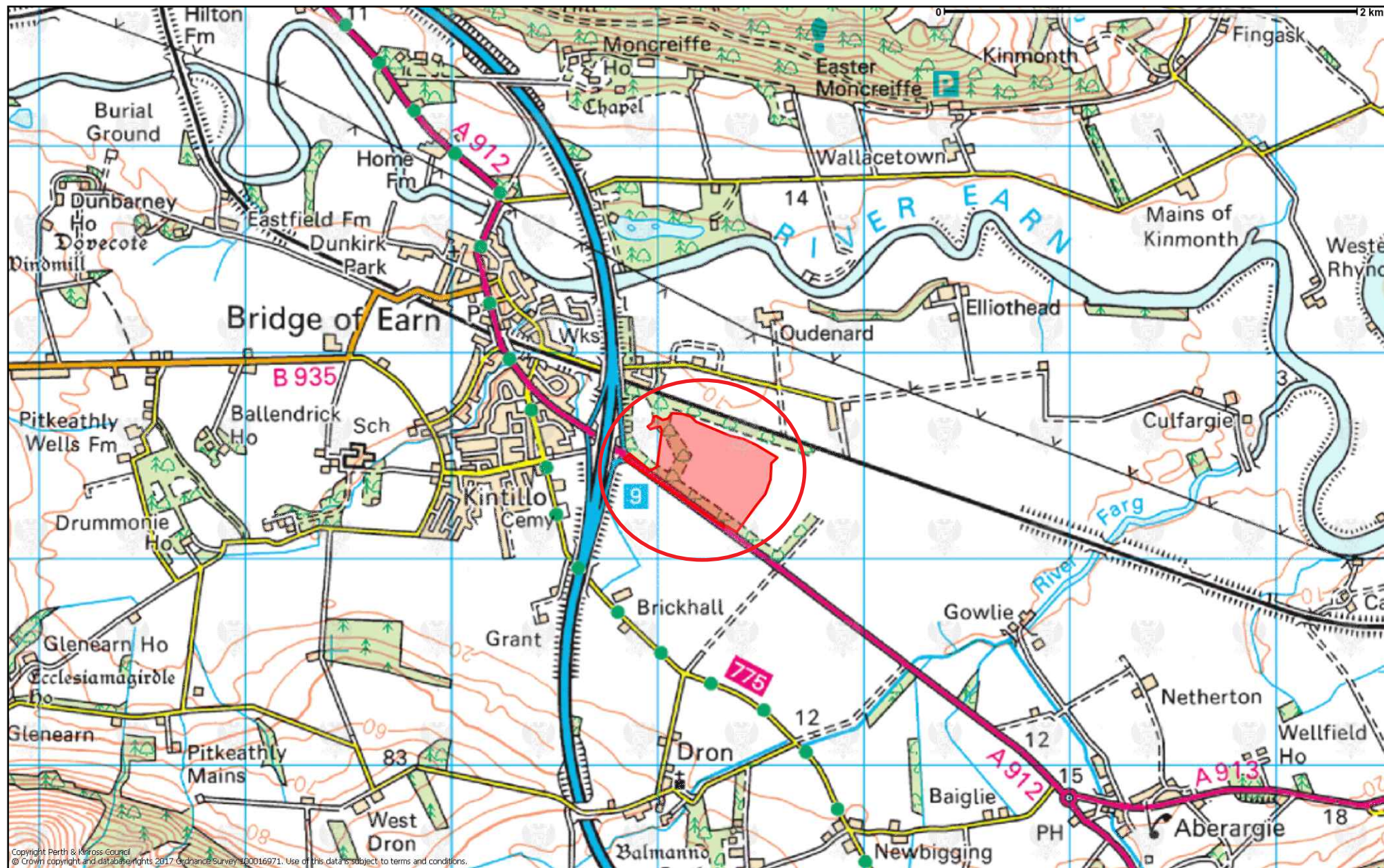
**Anne Condliffe**  
**Interim Development Quality Manager**

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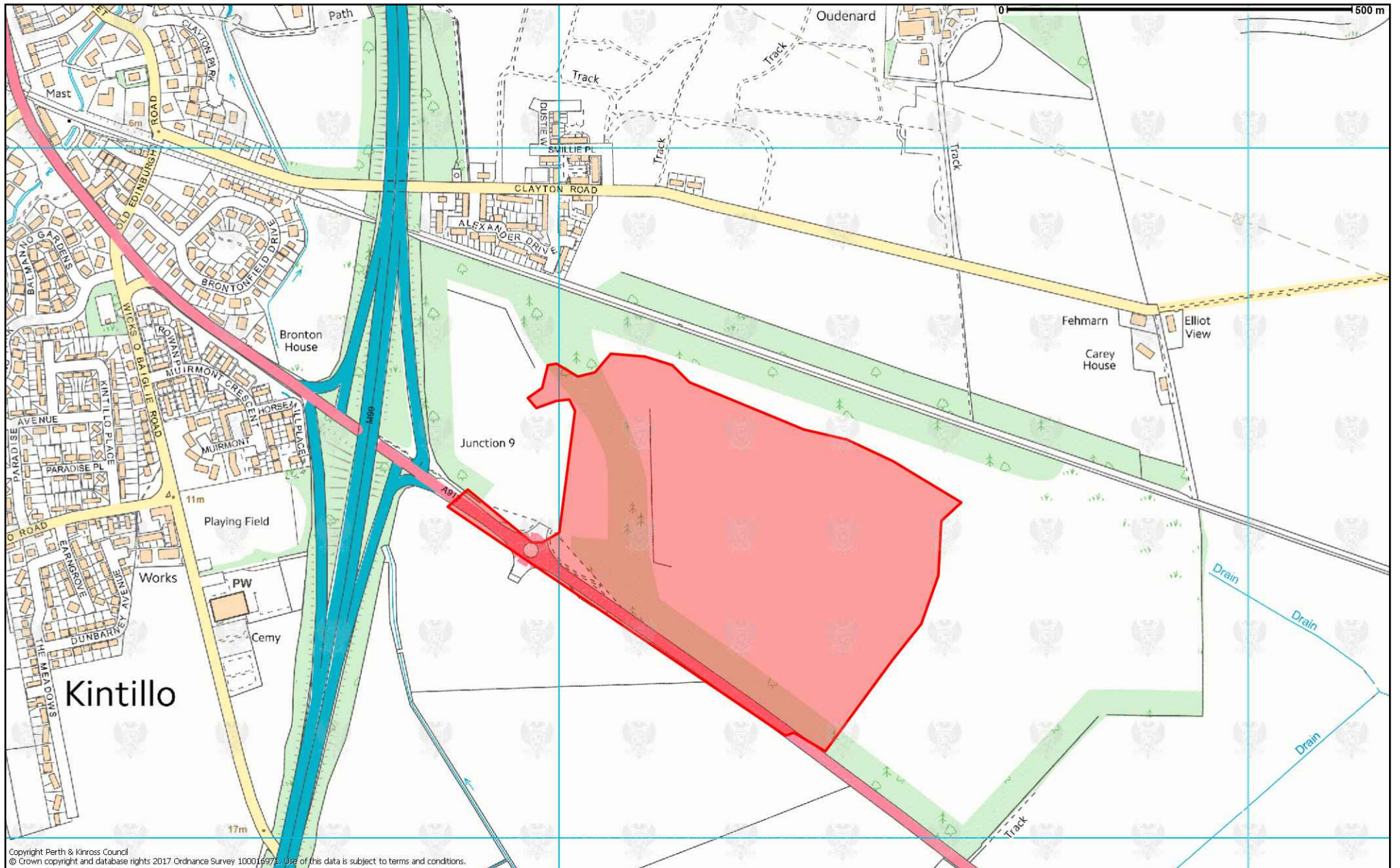
16/02156/AMM

Erection of 159 dwellinghouses with associated roads, drainage and landscaping









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16/02156/AMM

Erection of 159 dwellinghouses with associated roads, drainage and landscaping





Perth and Kinross Council  
Planning & Development Management Committee – 18 October 2017  
Report of Handling by Interim Development Quality Manager

Erection of 48 dwelling houses, landscaping and associated works on land SW of  
 Gannochy Farmhouse, Gannochy Road, Perth

Ref. No: 17/00669/FLM

Ward No: N12 Perth City Centre

### **Summary**

This report recommends approval of the detailed application for a residential development of 48 dwellinghouses, landscaping and associated works on land SW of Gannochy Farmhouse, Gannochy Road, Perth

The proposal is considered to comply with the relevant provisions of the Development Plan and there are no material considerations apparent which would outweigh it.

### **BACKGROUND**

- 1 The site is an area of gently sloping agricultural land located at the eastern edge of Perth and covers a site area of 3.34 hectares.
- 2 The western site boundary is formed by Gannochy Road and provides access to the existing Gannochy housing stock that is owned and maintained by the applicant. To the east it is bounded by agricultural land with Gannochy farm building and farmhouse to the north. To the south the site is bounded by existing housing and the tree-lined Annat Burn. The site is within the Perth Air Quality Management Area (AQMA).
- 3 The proposed site is the southern half of an allocated site (H3) in the Local Development Plan (LDP) for an affordable housing use with a notional figure of 50 dwellings identified.

### **PROPOSAL**

- 4 The proposed development is supported by a masterplan for the entire Gannochy Trust Estate and the proposed site shows the delivery of 48 affordable houses that will be maintained by the Gannochy Trust which has a large portfolio of dwellings in the immediate surrounding area. The majority of the applicants existing housing stock have simple massing and proportions with distinctive hipped roofs.
- 5 The applicant is proposing a similar but unique approach for H3. There will be mix of detached, semi-detached and terraced dwellings all with hipped roofs. Forty five (45) will be single storey with three detached dwellings providing the appearance of single storey but split over two levels. The proposed housing mix

is to complement the applicants current stock with the provision of one and two bedroom homes for individuals, couples and small families; and three bedroom family houses which have fully accessible wheelchair accommodation on the ground floor.

- 6 In terms of material palette the dwellings will be finished in a brick and timber cladding with dark grey tiles and photovoltaic panels on the roof.
- 7 An area of communal garden ground is proposed within the centre of the site and the plans show an area of open space to provide a future community allotment facility.
- 8 Vehicular and pedestrian access to the site shall be provided from three access points off Gannochy Road and there will be an internal loop road to serve all the dwellings.

### **ENVIRONMENTAL IMPACT ASSESSMENT**

- 9 Due to the scale of the proposal it was necessary to screen as to whether the proposal is an Environmental Impact Assessment (EIA) development under the EIA 2011 regulations as it was submitted before the Regulations change in June 2017. The proposal was screened and found that an EIA is not required in this instance as it did not trigger an impact on specific EIA sensitivities.

### **PRE-APPLICATION PROCESS**

- 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 as it involves more than 2 hectares of developable area. This requires pre-application consultation with the local community to be undertaken. The results of the community consultation have been submitted with the application as part of the Pre-Application Consultation (PAC) Report on Community Consultation. The Proposal of Application Notice (PAN) (reference 16/00011/PAN) outlined a public exhibition was held locally and the Ward Councillors for the area were consulted as well as Bridgend, Gannochy and Kinnoull Community Council.

### **NATIONAL POLICY AND GUIDANCE**

- 11 The Scottish Government expresses its planning policies through the National Planning Framework (NPF) 3, the National Roads Development Guide 2014, Scottish Planning Policy (SPP) 2014 and Planning Advice Notes (PAN).

#### **National Planning Framework**

- 12 The 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.

### **The Scottish Planning Policy 2014**

- 13 The SPP is a statement of Scottish Government policy on land use planning. The following sections of the SPP will be of particular importance in the assessment of this proposal:-

- Sustainability : paragraphs 24 - 35
- Placemaking : paragraphs 36 – 57
- Affordable Housing: paragraphs 126 – 131
- Valuing the Natural Environment : paragraphs 193 – 218
- Maximising the Benefits of Green Infrastructure: paragraphs 219 – 233
- Managing Flood Risk and Drainage: paragraphs 254 – 268
- Promoting Sustainable Transport and Active Travel : paragraphs 269 - 291

- 14 The following Scottish Government Planning Advice Notes (PAN) are of relevance to the proposal:-

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

### **Designing Places 2001**

- 15 The first policy statement which marks the Scottish Government's determination to raise standards of urban and rural development.

### **Designing Streets 2010**

- 16 Designing Streets is the first policy statement in Scotland for street design and marks a change in the emphasis of guidance on street design towards place-making and away from a system focused upon the dominance of motor vehicles. It has been created to support the Scottish Government's place-making agenda and is intended to sit alongside the 2001 planning policy document Designing Places, which sets out Government aspirations for design and the role of the planning system in delivering these.

## **National Roads Development Guide 2014**

- 17 This document supports Designing Streets and expands on its principles and is considered to be the technical advice that should be followed in designing and approving of all streets including parking provision.

## **DEVELOPMENT PLAN**

- 18 The Development Plan for the area comprises the TAYplan Strategic Development Plan 2012-2032 and the Perth and Kinross Local Development Plan 2014.

## **TAYPlan Strategic Development Plan 2012-2032**

- 19 TAYPlan sets out a vision for how the region will be in 2032 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 2032 the TAYplan region will be sustainable, more attractive, competitive and vibrant without creating an unacceptable burden on our planet. The quality of life will make it a place of first choice where more people choose to live, work, study and visit, and where businesses choose to invest and create jobs.”*

- 20 The following sections of the TAYplan 2012 are of particular importance in the assessment of this application.

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

- 21 Seeks to focus the majority of development in the region’s principal settlements. Perth Core Area is identified as a Tier 1 Settlement with the potential to accommodate the majority of the region’s additional development over the plan period and make a major contribution to the region’s economy.

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

- 22 Seeks to ensure that climate change resilience is built into the natural and built environment, integrate new development with existing community infrastructure, ensure the integration of transport and land uses, ensure that waste management solutions are incorporated into development and ensure that high resource efficiency and low/zero carbon energy generation technologies are incorporated with development to reduce carbon emissions and energy consumption.

### **Policy 5: Housing**

- 23 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 26,000 units up to year 2024.



## **Policy 8: Delivering the Strategic Development Plan**

- 24 States, *“To ensure that quality is designed-in to development and places, developer contributions shall be sought for new development to mitigate any adverse impact on infrastructure, services and amenities brought about by development including contributions towards schools, affordable housing, transport infrastructure and facilities (including road, rail, walking, cycling and public transport) and other community facilities in accordance with the Scottish Government Circular 1/2010”.*

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

- 25 The Local Development Plan (LDP) was adopted by Perth and Kinross Council on 3 February 2014. It is the most recent statement of Council policy and is augmented by Supplementary Guidance.
- 26 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.”*
- 27 The application site is located within the settlement boundary of Perth and is allocated (H3) for affordable housing development. The following policies are of particular importance in the assessment of this application.

## **PM1A - Placemaking**

- 28 Development must contribute positively to the quality of the surrounding built and natural environment, respecting the character and amenity of the place.

## **Policy PM1B – Placemaking**

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

## **Policy PM3 - Infrastructure Contributions**

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

## **Policy RD1 – Residential areas**

- 31 In identified areas, residential amenity will be protected and, where possible, improved. 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**

- 32 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 CF1B - Open Space Retention and Provision**

- 33 Appropriate areas of informal and formal open space should be provided as an integral part of any new development where existing provision is not adequate. Where there is an adequate supply of open space a financial contribution towards improved open space may be acceptable. Opportunities should be to create, improve and avoid the fragmentation of green networks.

#### **Policy CF2 - Public Access**

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

#### **Policy CF3 - Social and Community Facilities**

- 35 The loss or change of use of land or buildings used for community purpose will only be permitted where the availability of community facilities in the locality is not seriously affected, no suitable alternative community use can be found or alternative facilities of equivalent benefit are provided.

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

- 36 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**

- 37 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**

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

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

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

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

- 40 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 EP3A - Water, Environment and Drainage**

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

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

- 42 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**

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

### **Policy EP3D - Water, Environment and Drainage**

- 44 Development over an existing culvert or the culverting of watercourses as part of a new development will not be supported unless there is no practical alternative. Existing culverts should be opened and redundant water engineering features removed whenever possible.

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

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

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

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

## **TA1B- Transport Standards**

- 47 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.

## **OTHER POLICIES**

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

## **Open Space Standards (2001)**

- 49 Sets out the Councils adopted open space adoption standards for new residential developments, which gives developers three viable options to pursue/proposed as part of their development.

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

- 50 Corporate Plan Vision includes – Promoting a prosperous, inclusive and sustainable economy. Creating safe and sustainable places for future generations.

## **PLANNING SITE HISTORY**

- 51 The following history is of relevance;
- **16/00011/PAN:** Proposal of Application Notice (PAN) for residential development. Content of PAN agreed November 2016.

## **CONSULTATIONS**

### **EXTERNAL**

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

- 52 No objection to the proposal.

#### **Scottish Water**

- 53 No response received.

#### **Transport Scotland**

- 54 No objection to the proposal.

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

- 55 No objection to the proposal.

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

- 56 No objection to the proposal.

#### **Bridgend, Gannochy and Kinnoull Community Council**

- 57 No response received.

#### **Scone and District Community Council**

- 58 Object to the proposal.

#### **Perth Airport**

- 59 No response received.

### **INTERNAL**

#### **Environmental Health**

- 60 No objection to the proposal provided mitigation measures in applicants Air Quality Assessment are carried out.

#### **Biodiversity Officer**

- 61 The applicant's ecological survey provided sufficient baseline information to allow an assessment of the application and no objection is offered.

## **Strategic Planning and Policy**

- 62 Supports the proposal as it is consistent with the LDP.

## **Developer Negotiations/Affordable Housing**

- 63 The Gannochy Trust will operate and maintain these properties. This process ensures that these properties will fall below market rental values and as such are considered to be affordable in terms of Council Supplementary Guidance. As each of the units will be affordable no contribution towards primary education will be required.
- 64 With reference to the Council's Transport Infrastructure Developer Contributions Supplementary Guidance a financial contribution towards the cost of delivering the transport infrastructure improvements are required for the release of all development sites in and around Perth. As each of the units will be affordable. The site is within the full contribution area where a contribution of £1,775 per unit will be required.

## **Community Greenspace including Access**

- 65 No response received.

## **Transport Planning**

- 66 Following the examination of a full Transport Assessment, no objection to the proposal is offered.

## **Structures and Flooding**

- 67 No objection to the proposal and are satisfied that the flood risk at this development is low.

## **Community Waste Advisor**

- 68 No objection to the proposal but confirmed that they would like to see a glass recycling point within the site.

## **REPRESENTATIONS**

- 69 The application has attracted 3 representations with 2 against the proposal and 1 in support. The following issues in the objections are raised and addressed in the Appraisal section of this report;
- Increased congestion and pollution at Bridgend, City Centre and A94
  - Some 2 storey dwellings proposed, should all be single storey

## ADDITIONAL STATEMENTS

|    |                                              |                                                                                                                                                                                     |
|----|----------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 70 | Environment Statement                        | Screened – Not Required                                                                                                                                                             |
|    | Screening Opinion                            | Completed                                                                                                                                                                           |
|    | Environmental Impact Assessment              | Not Required                                                                                                                                                                        |
|    | Appropriate Assessment                       | Not Required                                                                                                                                                                        |
|    | Design Statement/Design and Access Statement | Submitted                                                                                                                                                                           |
|    | Report on Impact or Potential Impact         | Flood Risk and Drainage Impact Assessment, Engineering Statement, Transport Assessment, Ecology Survey and Landscape Design Statement, Air Quality Assessment, Supporting Statement |

## APPRAISAL

### Policy

- 71 Sections 25 and 37(2) of the Town and Country Planning (Scotland) Act 1997 (as amended) requires that planning decisions be made in accordance with the Development Plan unless material considerations indicate otherwise. The determining issues here are whether the proposals in principle comply with current Development Plan policy, or if there are other material considerations, which justify departure from policy.
- 72 The most relevant policies of the Development Plan are TAYplan Strategic Development Plan 2012 and Perth and Kinross Local Development Plan 2014 (LDP) including Supplementary Guidance are listed above.

### Principle

- 73 TAYplan Policy 1 (Location Priorities) focuses the majority of development to Tier 1 settlements as they have the greatest potential to accommodate the majority of the region's additional development in the next 20 years. The proposed site is located within the Tier 1 settlement of Perth and is within the Perth Core Area and therefore complies with the objective of this policy.
- 74 The principle of an affordable housing development for circa 50 dwellings has been established through its allocation (H3) in the LDP. The proposed development of 48 dwellings is slightly lower than the allocation of the site but it is acknowledged that they are proposed on the southern half of the allocation and that there is capacity for more than the indicative LDP H3 allocation. However this is a medium density proposal suitable for an edge of settlement location and national policy refers to the desirability of using land efficiently.

- 75 This planning application boundary takes in land just outwith the H3 allocation boundary for a SUDs storage pond. This land is outwith the greenbelt and its inclusion for SUDs requirements is not considered to be an issue.
- 76 The proposed density is considered to be acceptable at this location and therefore the principle of the development can be supported.

### **LDP Site Specific Requirements**

- 77 ⇒ Design to reflect the design of the surrounding residential area.
- ⇒ Planting to augment existing framework
- ⇒ Links to core path networks.
- ⇒ All units to be affordable housing.
- ⇒ Flood Risk Assessment required which will define the developable area of the site.
- ⇒ Investigate the potential for providing on-site community facilities.

### **Design to reflect the design of the surrounding residential area**

- 78 It is considered that the proposed layout would be an appropriate and sensitive addition to the existing Gannochy Estate development and is consistent with the existing high quality layout of the area. Each of the proposed house types are considered to be quite bespoke and of exceptionally high design standards in terms of scale, materials and sustainability.
- 79 The vast majority of the site is single storey which is considered appropriate and helps to integrate development with the surrounding area. Three dwellings are proposed over two levels but still manage the appearance of single storey at the front elevation.
- 80 The proposed layout takes cognisance of Designing Streets and the National Roads Development Guide and incorporates appropriate natural surveillance of open and communal space and ensures the site has appropriate levels of permeability and connectivity for all modes of transport, especially public transport, pedestrians and cyclists with footpaths connecting up with the existing network and onto public transport connections.
- 81 It is considered that the materials proposed whilst respecting the surrounding area will also provide a distinct, attractive and modern feel for this development.
- 82 The new houses will complement and enhance the original estate that was originally laid out by AK Bell in the early 20<sup>th</sup> Century and will provide much needed affordable, high quality, energy efficient housing in an attractive location and environment close to Perth City Centre.



- 83 The proposals are therefore considered appropriate in terms of design, scale and layout and satisfies the policy objectives of Designing Places, Designing Streets and Council Placemaking Policy.

### **Planting to augment existing framework**

- 84 The proposed layout plan and masterplan includes generous internal and framework planting which is considered will augment the existing area.
- 85 Gardens have been designed to give residents a manageable private space bounded by beech hedging to follow the tradition of the Gannochy Estate. Two Rowans will be planted either side of the entrances to again follow a traditional feature within Gannochy.
- 86 Some gardens will back on to communal open spaces and the applicants Landscape Strategy stipulates that hedge heights will be kept at a level that aides passive supervision between properties and allows connectivity with communal open spaces.
- 87 Both north and south boundaries are formed by hedging and some mature trees. On the southern boundary, the trees extend along the banks of the Annat Burn. The proposal is to retain these green edges and reinforce them with more tree planting. This will help screen the new development from the existing properties and create an attractive landscape buffer.
- 88 Street trees will be used where the verges will allow with easy to maintain species to not cause issues to surrounding hard surfaces. The proposed tree species of Norway Maple and Acer Platanoides 'Columare' along with specimen shrubs such as Amelanchier and Viburnum will provide all year round seasonal colour.

### **Links to core path networks**

- 89 The design and orientation of the new housing takes advantage of the existing access routes to the adjacent countryside by having an open boundary to the east. This facilitates easy links to the Annat Burn and corer path routes to Kinnoull Hill Woodland Park, Deuchny Hill as well as to Gannochy Road and Milk Boys Walk.
- 90 In addition, it is considered that there are extensive walking routes through the site and provide good permeability for pedestrians making it easy to walk to community facilities within Gannochy and beyond.

### **All units to be affordable housing**

- 91 The applicant (Gannochy Trust) will operate and maintain these properties. This process ensures that these properties will fall below market rental values and as such are considered to be affordable in terms of Council Supplementary Guidance.

### **Flood Risk Assessment required which will define the developable area of the site**

- 92 LDP Policy EP2 confirms there will be a general presumption against proposals for built development in areas where there is a significant probability of flooding from any source, or where the proposal would increase the probability of flooding elsewhere. In addition, built development should avoid areas at significant risk from landslip, erosion and storm surges.
- 93 Both a Flood Risk Assessment (FRA) and a Drainage Impact Assessment (DIA) have been submitted in support of the application. They have been assessed by SEPA and the Councils Flood Risk Officer. Neither have raised an objection to the proposal on the grounds of flood risk or drainage. The Councils Flood Risk Officer confirmed that the potential for flood risk at this location was low.

### **Investigate the potential for providing on-site community facilities**

- 94 From the masterplan Gannochy Estate are seeking to provide an area of ground for community allotments in the future. They state in their masterplan that their longer term intention is to consider the potential to extend the existing Gannochy Community hall, and to undertake an Options appraisal and Feasibility study for the Doocot Cricket pavilion as it may have potential for conversion to an event venue. At this stage, this is considered to be sufficient.

### **Traffic and Transport**

- 95 The proposed level of development is below the level of development whereby a Transport Assessment (TA) would normally be required to be submitted with a planning application. However with the site being located within the Perth Air Quality Management Area (AQMA) and there are well known congestion and pollution issues at Bridgend a full TA has been submitted in support of the proposal and has been fully assessed by Transport Planning and Transport Scotland.
- 96 Transport Scotland have no objection to the proposal and Transport Planning are satisfied that the TA is a robust assessment of the implications of the development on the local transport network.
- 97 It is acknowledged that there will be additional traffic generated by this development and the total current amount of traffic using Lochie Brae at the Bridgend junction in the pm peak (busiest peak) is 18% of the total traffic through this junction. The extra traffic which would be generated by this proposed development would be 0.62% of all total traffic using this junction. This minor increase is less than the daily average variation in traffic that could be expected at a junction of this nature, which is typically around 4%, so it can be seen that the proposal would have a negligible impact on overall traffic levels at this junction and therefore the proposal is considered acceptable in terms of traffic generation and impact on surrounding area.

### **Biodiversity**

- 98 An ecological survey was undertaken on 6 April 2017 and provided sufficient baseline information to allow an assessment of the application.
- 99 The Councils Biodiversity Officer confirmed that the current use (agricultural) of the site makes it low in biodiversity and any residential development has the potential to improve the site for biodiversity by attracting birds and insects into gardens as a result of planting and provision of food and shelter. The open space and SUDS pond should include native planting that will encourage wildlife.
- 100 The proposal for community allotment gardens is to be commended as it will provide a sense of ownership in the area and positive impact on the biodiversity value of the site.

### **Developer Contributions**

#### Affordable Housing

- 101 The Gannochy Trust will operate and maintain these properties. This process ensures that these properties will fall below market rental values and as such are considered to be affordable in terms of Council Supplementary Guidance and no contribution is required.

#### Primary Education

- 102 This proposal is within the catchment of Kinnoull Primary School. As a result of each of the units being affordable no contribution towards primary education is required.

#### Transport Infrastructure

- 103 The Council's Transport Infrastructure Developer Contributions Supplementary Guidance requires a financial contribution towards the cost of delivering the transport infrastructure improvements which are required for the release of all development sites in and around Perth. As each unit will be an affordable unit with the site located in the full contribution area, a contribution of £85,200 (£1,775 x 48) will be required.
- 104 It is recommended that the preferred method of payment would be upfront to allow early release of planning permission but the applicant may prefer to enter into a Section 75 Legal Agreement. If a Section 75 is entered into, the phasing of financial contributions will be based on completion of each unit with payments made 10 days after completion.

### **Cultural Heritage**

- 105 Both HES and PKHT have assessed the proposal due to the sites proximity to listed buildings (Murray Royal Hospital) and archaeology in the area. Neither have raised any issues regarding the proposal and have no further requirements.

## **Air Quality**

- 106 Perth and Kinross Council have a statutory duty under the Environment Act 1995 to review and assess air quality within its area. This is done by the Environmental Health Team and under these duties the whole of the city of Perth was declared an Air Quality Management Area (AQMA) on the basis of exceedances of the annual mean nitrogen dioxide (NO<sub>2</sub>) and particulate (PM<sub>10</sub>) standards and a subsequent Air Quality Action Plan (AQAP) was finalised in 2009.
- 107 This application is within the boundary of the Perth AQMA, and the scale of the application means it is likely that a number of vehicles will access the centre of Perth for work or leisure. This has the potential to have an effect on the levels of the aforementioned pollutants and the operation of the AQAP.
- 108 Due to this the applicant has submitted an air quality assessment which has been reviewed by Environmental Health. There was initial concern that the cumulative assessment did not include the recently determined Scone North development. This has now been rectified and the impacts to air quality local to this development have been quantified as negligible in terms of the Environmental Protection Scotland/Royal Town Planning Institute guidance "Delivering Cleaner Air for Scotland". Therefore, Environmental Health have no concerns with respect to air quality but have recommended a condition to ensure the mitigation measures highlighted in the applicants Air Quality Assessment are carried out.

## **Socio-Economic Impact**

- 109 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.
- 110 The development of up to 48 dwellings will provide an increase in available expenditure for the economy of Perth in particular and further afield. The Perth and Kinross Retail Study in 2014 estimates that average convenience goods available expenditure in 2019 per household will be £2,047 per annum and the average comparison goods available expenditure per household will be £3,634 per annum. Based on these figures and 48 dwellings the estimated annual expenditure on convenience and compassion goods will be in the region of £272,688. This expenditure should have a positive impact on Perth City Centre and Bridgend in particular. The proposal accords with the aspirations of the Perth City Plan 2015 - 2035 by providing additional expenditure and skilled workforce to the local economy that will help sustain the city.
- 111 The proposed development will also have a positive effect in assisting Perth and Kinross Council to achieve affordable housing land requirements.

## **LEGAL AGREEMENTS**

- 112 It is recommended that the preferred method of payment of the transport infrastructure contribution would be upfront to allow early release of planning permission.

### **DIRECTION BY SCOTTISH MINISTERS**

- 113 Under the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013, regulations 30 – 32 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**

- 114 Section 25 of the Act requires that determination of the proposal should be made in accordance with the provisions of the Development Plan, unless material considerations indicate otherwise.
- 115 The development of affordable dwellings on land that is allocated in the LDP for residential use is considered to comply with the current Development Plan.
- 116 Overall the proposal is a well-designed high quality bespoke development that complements the surrounding area whilst also creating a unique identity within the development itself. Accordingly the proposal is recommended for approval subject to the following conditions and possible associated legal agreement.

### **RECOMMENDATION**

#### **A Approve the application subject to the following conditions:**

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

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

- 2 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 2014.

- 3 The detailed landscaping and planting scheme as approved shall be commenced at the same time as commencement of the residential development and thereafter maintained to the satisfaction of the Council as Planning Authority.

Reason: In the interests of visual amenity; to ensure a satisfactory standard of local environmental quality and in pursuance of suitably satisfying placemaking policy criteria of the adopted Perth and Kinross Local Development Plan 2014.

- 4 Any planting failing to become established within five years shall be replaced in the following planting season with others of similar sizes and species to the satisfaction of the Council as Planning Authority.

Reason: In the interests of visual amenity; to ensure a satisfactory standard of local environmental quality and in pursuance of suitably satisfying placemaking policy criteria of the adopted Perth and Kinross Local Development Plan 2014.

- 5 The hours of operation at the construction stage shall be Monday to Friday 07:00 to 19:00 hours, Saturday 08:00 to 13:00 hours and no workings on a Sunday.

Reason: In the interests of public health and to prevent noise pollution.

- 6 The mitigation measure as recommended in Appendix E of the applicants Air Quality Assessment shall be carried out throughout the duration of the construction works.

Reason: In the interests of public health and to protect the Perth Air Quality Management Area.

- 7 Prior to the development hereby approved being completed or brought into use a Residential Travel Plan (RTP), aimed to encourage more sustainable means of travel, shall be submitted and approved in writing by the Council. The RTP will have particular regard to provision for walking, cycling and public transport access to and within the site and will identify the measures to be provided, the system of management, monitoring, review, reporting and the duration of the plan.

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

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

Reason: To ensure the provision of provide effective drainage for the site.

- 9 The conclusions and recommended action points within the applicants supporting biodiversity survey submitted and hereby approved shall be fully adhered to, respected and undertaken as part of the construction phase of development to the satisfaction of the Planning Authority.

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).

- 10 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 shall be submitted to the Planning Authority for retention prior to commencement of development.

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

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

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

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

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

- 13 Where it is intended to create a wetland/SUDS area wildlife kerbs shall be installed adjacent to all road gullies within 500m of wetland/SUDS.

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

- 14 Where site boundaries affect trees, the development shall fully comply with, respect and remain in full accordance with BS5837 2012: *'Trees in relation to construction, demolition and construction. Recommendations'*.

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

- 15 Prior to commencement of development, a detailed Construction Management Plan (CMP) detailing required mitigation measures and construction method

statements, including specific measures for monitoring during construction, shall be submitted to and approved in writing by the Planning Authority in consultation with Perth and Kinross Council's Environmental Health Section. Such details shall be submitted not less than two month prior to the agreed scheduled commencement date and shall incorporate detailed pollution avoidance and air quality mitigation measures for all construction elements. Thereafter the approved CMP shall thereafter be fully respected and adhered to through the construction phase of the development.

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

## **B JUSTIFICATION**

- 117 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**

- 118 If the applicant would prefer to enter into a Section 75 Legal Agreement, consent shall not be issued until the Section 75 Agreement relating to transport infrastructure contributions has been completed and signed to reflect the current planning reference 17/00669/FLM.
- 119 The legal agreement should be concluded and completed within 4 months of the date of any Committee approval. Failure to conclude a legal agreement within 4 months will result in the planning application having to be re-assessed through failing to comply with the associated developer contributions policy and will be ultimately recommended for refusal under delegated powers.

## **D INFORMATIVES**

- 1 This planning permission will last only for three years from the date of this decision notice, unless the development has been started within that period. (See section 58(1) of the Town and Country Planning (Scotland) Act 1997 (as amended).
- 2 Under Section 27A of the Town and Country Planning (Scotland) Act 1997 (as amended) the person undertaking the development is required to give the Planning Authority prior written notification of the date on which it is intended to commence the development. A failure to comply with this statutory requirement would constitute a breach of planning control under section 123(1) of that Act, which may result in enforcement action being taken.
- 3 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 advised that in terms of Section 56 of the Roads (Scotland) Act 1984 he must obtain from the Council as Roads Authority consent to open an existing road or footway prior to the commencement of works. Advice on the disposal of surface water must be sought at the initial stages of design from Scottish Water and the Scottish Environment Protection Agency.
- 6 The applicant is advised that in terms of Section 21 of the Roads (Scotland) Act 1984 they must obtain from the Council as Roads Authority consent to construct a new road prior to the commencement of roadworks. Advice on the disposal of surface water must be sought at the initial stages of design from Scottish Water and the Scottish Environment Protection Agency.
- 7 The applicants are advised that they must apply to the Roads Authority for construction consent to form a new street. Please contact The Construction and Maintenance Manager, The Environment Service, Perth and Kinross Council, Pullar House, Perth.
- 8 The applicant is advised that the granting of planning consent does not guarantee a connection to Scottish Water's assets. The applicant must make a separate application to Scottish Water Planning & Development Services team for permission to connect to the public wastewater system and/or water network and all their requirements must be fully adhered to.
- 9 The applicant is advised that the works may need a license under the Water (Controlled Activities) Regulations 2005 (CAR). The applicant should contact SEPA's Perth Environmental Protection and Improvement Team (Tel: 01738 627989) in regard to this. The applicant should ensure that all works on site comply with the best practice guidelines laid out in SEPA's published Pollution Prevention Guidance, found at [www.sepa.org.uk](http://www.sepa.org.uk)
- 10 The Council's Community Waste Adviser in the Environment Service should be contacted to clarify the bin storage and recycling requirements for the development.
- 11 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.

- 12 The applicant is reminded that, should any protected species be present a licence may be required from Scottish Natural Heritage to disturb a protected species. Failure to obtain a licence may constitute a criminal act under the Habitats Regulations and penalties are severe for non-compliance.

Background Papers: 3 letters of representation  
Contact Officer: Steve Callan – Ext 75337  
Date: 5 October 2017

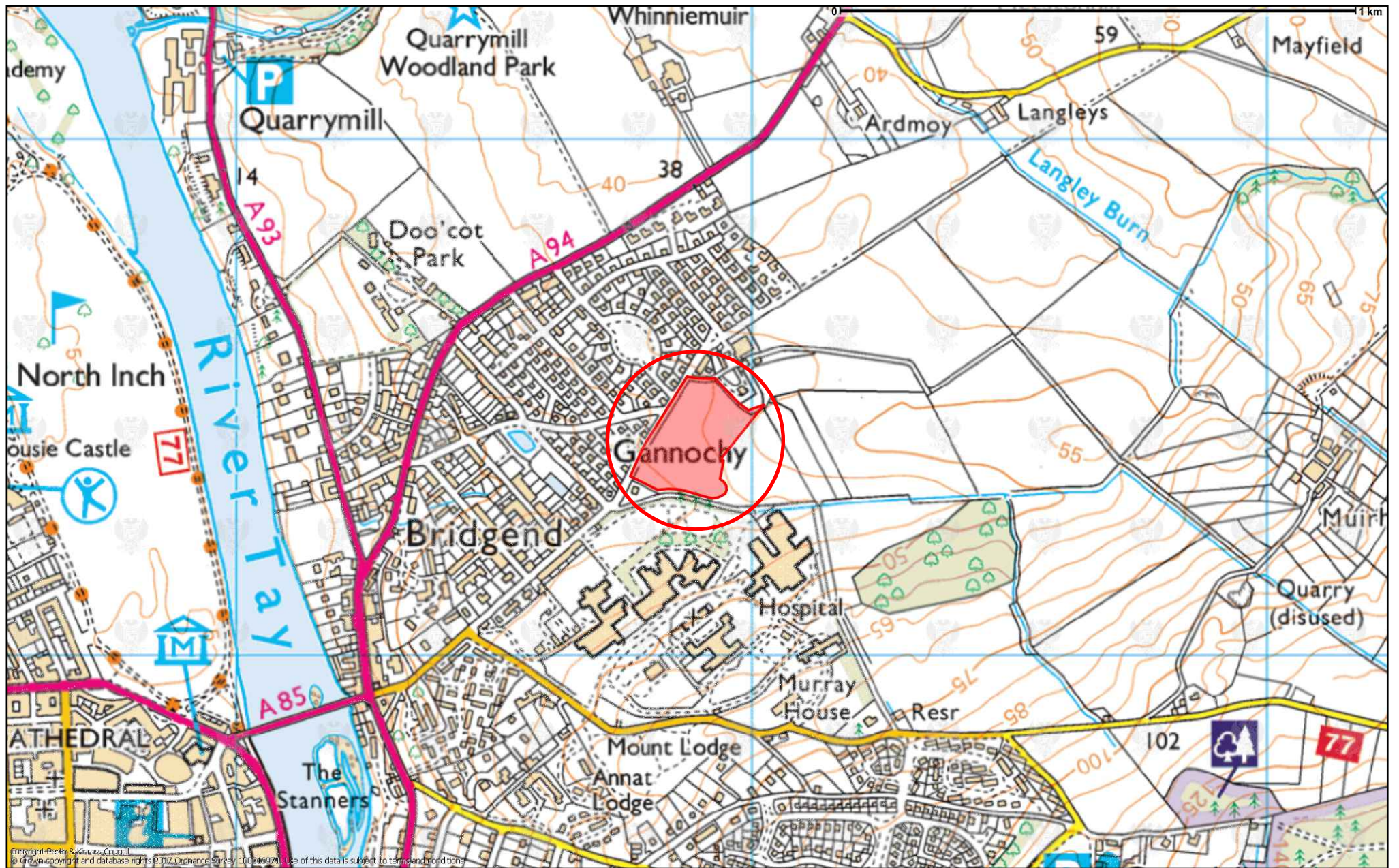
**Anne Condcliffe**  
**Interim Development Quality Manager**

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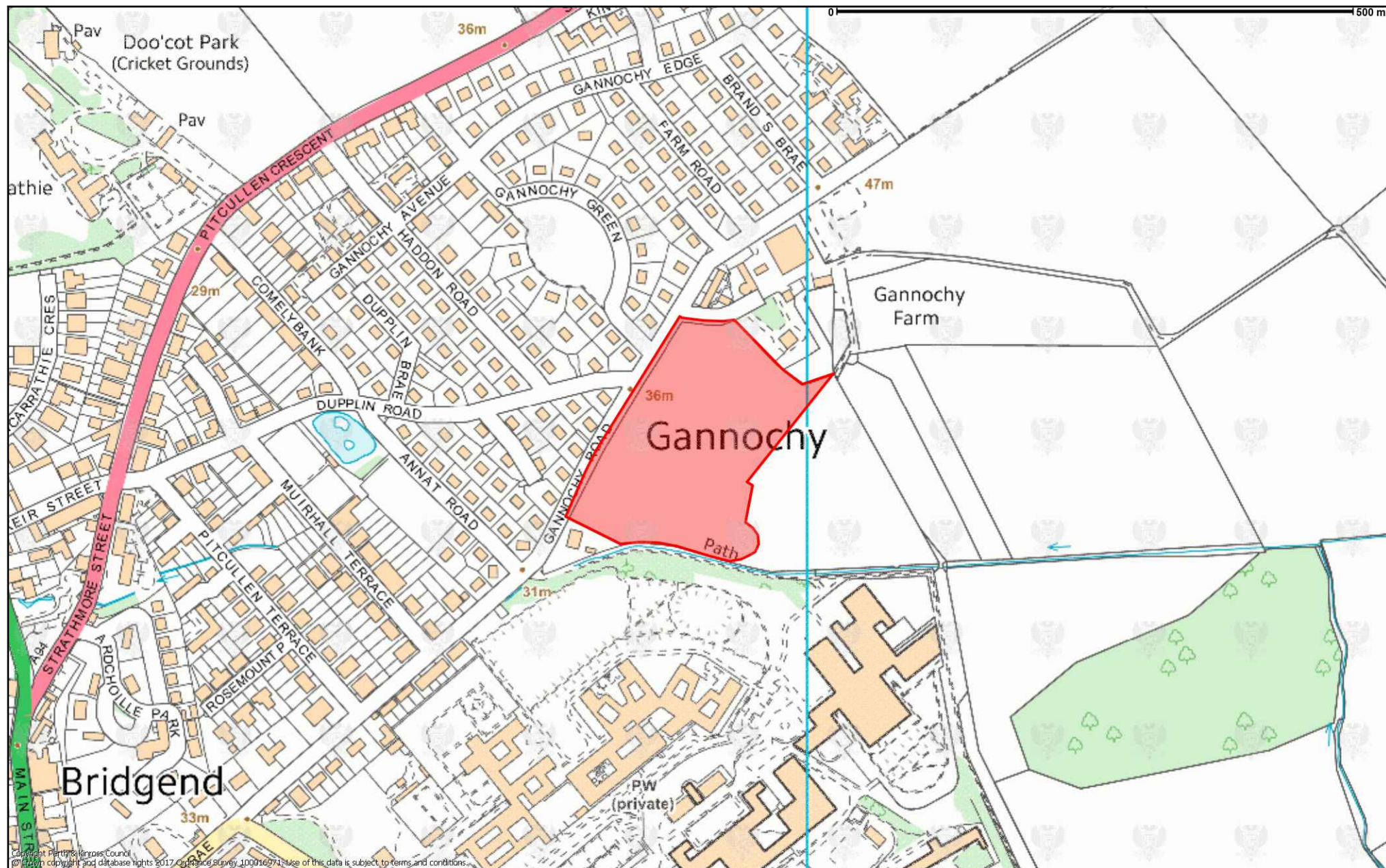
17/00669/FLM

Erection of 48no. dwellinghouses, landscaping and associated works









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17/00669/FLM

Erection of 48no. dwellinghouses, landscaping and associated works





Perth and Kinross Council  
Planning & Development Management Committee – 18 October 2017  
Report of Handling by Interim Development Quality Manager

Erection of 77. dwellinghouses, formation of landscaping, open spaces and community woodland, and associated works on land North of Linden Park Road, Milnathort

Ref. No: 17/00806/FLM  
 Ward No: P8 - Kinross-shire

### **Summary**

This report recommends approval of the application for a development comprising the erection of 77 dwellinghouses, formation of landscaping, open spaces and community woodland, and associated works on land north of Linden Park Road, Milnathort. The site, known as Pace Hill, is allocated for housing within the Perth and Kinross Local Development Plan 2014 (LDP) under site reference H49.

The development is considered to comply with the Strategic Development Plan TAYplan 2012 and the LDP. The proposal also complies with the Council's overarching economic, social and environmental objectives contained within the Community Plan, Corporate Plan and the Economic Development Strategy. The application is recommended for approval, subject to conditional control and the satisfactory conclusion of a planning obligation.

### **BACKGROUND AND PROPOSAL**

- 1 Full Planning Permission is sought for the erection of 77 dwellinghouses, formation of landscaping, open spaces and community woodland, and associated works. The site is allocated for housing within the Perth and Kinross Local Development Plan 2014 (LDP) under site reference H49 – Pace Hill, Milnathort.
- 2 The site is located on the northern edge of the Milnathort settlement boundary. The site comprises agricultural land and extends to approximately 4.7 hectares (Ha), 3.5 hectares Ha of which is the developed area as per the LDP allocation. It is bounded to the south by an existing residential development of Linden Park Road and to the north by the M90 motorway. To the west lies North Street, which leads towards Milnathort town centre, and to the east exists a tree belt with agricultural land beyond (which is allocated with the LDP for housing development under site H50 – Old Perth Road). The site itself slopes gradually down from south to north (from 135 metres Above Ordnance Datum (AOD)) to 125m AOD) with undulations across sections from east to west. Beyond the site boundary to the north the levels drop more steeply to the M90.
- 3 The proposed development layout indicates one vehicular access from North Street initially leading as a single road with paved courtyards, later splitting to create a circular distribution road and the majority of houses are orientated to



create a larger block of properties. A potential future access from the site to the adjacent site allocated site (H50) is identified in the northeast corner of the site. Non-vehicular access is also available from the west of the site near the junction with North Street, continued as pathway along Core Path MTH/133 along the northern boundary through the proposed community woodland and amenity space which would continue along the Core Path route to the east, across Old Perth Road and ultimately on to the network of public paths at Burleigh Castle towards the town and Loch Leven. This greenspace to the north accounts for the main open space provision, through which a number of additional trees and planting is indicated in the LDP site specific requirements. Other smaller areas of open space supplement the provision within the site, most notably with the retained woodland screen along the eastern boundary.

- 4 Of the 77 houses, 58 would be detached and semi-detached open market ranging in size from 2 to 5 bedrooms, all but three of which are two-storey. Affordable housing is proposed with 19 homes (25% of the total), comprising 2 bed terrace and semi-detached two-storey properties and 1 and 2 bed cottage flats. In total 18 different houses types are proposed. In terms of design the house types are contemporary variations to traditional proportions and features, with subtle changes through the site to the simple material palette of rendered and brick walls and concrete roof tiles.
- 5 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 below:
  - Pre-Application Consultation (PAC) Report;
  - Design and Access Statement;
  - Flood Risk Assessment;
  - Transport Assessment;
  - Noise Assessment;
  - Landscape Impact Assessment;
  - Ecology and Biodiversity Assessment;
  - Arboricultural Assessment;
  - Site Investigation Report; and
  - Sustainability Checklist.

### **Environmental Impact Assessment (EIA)**

- 6 Directive 2011/92/EU required the 'competent authority' (in this case Perth and Kinross Council) when giving a planning consent for particular large scale projects to do so in the knowledge of any likely significant effects on the environment. The Directive therefore sets out a procedure that must be followed for certain types of project before 'development consent' can be given.
- 7 This procedure, known as EIA, is a means of drawing together, in a systematic way, an assessment of a project's likely significant environmental effects. This helps to ensure that the importance of the predicted effects, and the scope for



reducing any adverse effects, are properly understood by the public and the relevant competent authority before it makes its decision.

- 8 A screening opinion request (16/01237/SCRN refers) was submitted in July 2016, which found that EIA was not required in this instance by virtue that the proposal would not have significant effects on the environment having regard to its location, size, nature and character of development.

## **PRE-APPLICATION CONSULTATION**

- 9 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.
- 10 A Proposal of Application Notice (PoAN) (reference 16/00008/PAN) was submitted on the 19 May 2016 initially in support of an earlier application which was withdrawn (16/01728/FLM refers). For the current application a public exhibition was held locally at Milnathort Town Hall on 7 September 2016 – which was in addition to the earlier event for the initial application on 10 June 2016. The ward Councillors at the time, Milnathort Community Council and neighbouring residents were all notified. The results of the community consultation have been submitted with the application as part of the Pre-Application Consultation (PAC) Report.

## **NATIONAL POLICY AND GUIDANCE**

- 11 The Scottish Government expresses its planning policies through the National Planning Framework (NPF) 3, Scottish Planning Policy (SPP) 2014, Planning Advice Notes (PAN), policy statements Designing Place and Designing Streets, and the National Roads Development Guide 2014.

### **National Planning Framework**

- 12 NPF3 is a long-term strategy for Scotland and is a spatial expression of the Government's Economic Strategy and plans for development and investment in infrastructure. Under the Planning etc. (Scotland) Act 2006 this is now a statutory document and material consideration in any planning application. The document provides a national context for development plans and planning decisions as well as informing the on-going programmes of the Scottish Government, public agencies and local authorities.

### **Scottish Planning Policy 2014**

- 13 Scottish Planning Policy (SPP) was published on 23 June 2014. It sets out national planning policies which reflect Scottish Ministers' priorities for operation of the planning system and for the development and use of land. The SPP promotes consistency in the application of policy across Scotland whilst allowing sufficient flexibility to reflect local circumstances. It directly relates to:

- The preparation of development plans
  - The design of development, from initial concept through to delivery
  - The determination of planning applications and appeals
- 14 Overarching topic areas relevant to this application include:
- Paragraphs 24 – 35: Sustainability
  - Paragraphs 36 – 57: Placemaking
- 15 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
- 16 A Low Carbon Place
- Paragraph 152 – 160 Delivering Heat and Electricity
  - Paragraph 190 – Planning for Zero Waste
- 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
- 19 The following Scottish Government Planning Advice Notes (PANs) are also of relevance:
- PAN 2/2010 Affordable Housing and Housing Land Audits
  - PAN 1/2011 Planning and Noise
  - PAN 2/2011 Planning and Archaeology
  - PAN 1/2013 Environmental Impact Assessment
  - PAN 44 Fitting New Housing Development into the Landscape
  - PAN 51 Planning, Environmental Protection and Regulation
  - PAN 52 Planning in Small Towns
  - PAN 60 Planning for Natural Heritage
  - PAN 61 Planning and Sustainable Urban Drainage Systems
  - PAN 63 Waste Management Planning
  - PAN 65 Planning and Open Space
  - PAN 67 Housing Quality

- PAN 68 Design Statements
- PAN 69 Planning and Building Standards Advice on Flooding
- PAN 75 Planning for Transport
- PAN 77 Designing Safer Places
- PAN 78 Inclusive Design
- PAN 79 Water and Drainage
- PAN 83 Masterplanning

### **Designing Streets 2010**

- 20 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 and is intended to sit alongside the 2001 planning policy document Designing Places, which sets out Government aspirations for design and the role of the planning system in delivering these.

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

- 21 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.

### **Place Standard (2016)**

- 22 Place Standard is a tool accessible to all, which can be used to evaluate the quality of a place. This includes places that are well-established, undergoing change, or still being planned. The tool can also help users to identify priorities.

## **DEVELOPMENT PLAN**

### **TAYPlan Strategic Development Plan 2012-2032**

- 23 TAYPlan sets out a vision for how the region will be in 2032 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 2032 the TAYplan region 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."*

- 24 The following sections of the TAYplan 2012 are of particular importance in the assessment of this application.

### **Policy 1 – Location Priorities**

- 25 Seeks to focus the majority of development in the region's principal settlements. Kinross/Milnathort is identified as a Tier 2 Settlement and has the

potential to make a major contribution the regional economy and will accommodate a smaller share of the region's additional development (most of which are directed to Tier 1 settlements such as the Perth Core Area).

## **Policy 2 – Shaping better quality places**

- 26 Seeks to ensure that climate change resilience is built into the natural and built environment, integrate new development with existing community infrastructure, ensure the integration of transport and land uses, ensure that waste management solutions are incorporated into development and ensure that high resource efficiency and low/zero carbon energy generation technologies are incorporated with development to reduce carbon emissions and energy consumption.

## **Policy 3: Managing TAYplan's Assets**

- 27 Seeks to respect the regional distinctiveness and scenic value of the TAYplan area and presumes against development which would adversely affect environmental assets.

## **Policy 5: Housing**

- 28 States that Local Development Plans shall seek to have land allocated, which is effective or capable of becoming effective to meet the housing land requirement up to 10 years from the date of the plan adoption. The policy goes on to say that to assist in the delivery of build rates, Local Development Plan shall allocate sufficient land to ensure a generous supply of effective housing sites and to provide for flexibility and choice.

## **Policy 8 – Delivering the Strategic Development Plan**

- 29 States, *"To ensure that quality is designed-in to development and places, developer contributions shall be sought for new development to mitigate any adverse impact on infrastructure, services and amenities brought about by development including contributions towards schools, affordable housing, transport infrastructure and facilities (including road, rail, walking, cycling and public transport) and other community facilities in accordance with the Scottish Government Circular 1/2010"*.

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

- 30 The LDP was adopted by Perth and Kinross Council on 3 February 2014. It is the most recent statement of Council policy and is augmented by Supplementary Guidance.
- 31 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."*

- 32 Within the LDP, the following policies are of particular importance in the assessment of this application.

### **Housing Land Allocation H49 – Pace Hill**

- 33 Identifies a residential site allocation for an indicative number of 50 residential units on a developable area of 3.5 Ha with a number of site specific developer requirements outlined as follows:

| Ref                                                                                                   | Location  | Size   | Number |
|-------------------------------------------------------------------------------------------------------|-----------|--------|--------|
| H49                                                                                                   | Pace Hill | 3.5 ha | 50     |
| <b>Site Specific Developer Requirements</b>                                                           |           |        |        |
| ⇒ A mix of housing types and sizes including low cost housing.                                        |           |        |        |
| ⇒ Road and access improvements to the satisfaction of the Council as Roads Authority.                 |           |        |        |
| ⇒ Provision of woodland screen planting along the north boundary of site incorporating public access. |           |        |        |
| ⇒ Provision of a multi-user path through woodland planting.                                           |           |        |        |
| ⇒ Noise attenuation measures.                                                                         |           |        |        |

### **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 PM2 - Design Statements**

- 36 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**

- 37 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**

- 38 In identified areas, residential amenity will be protected and, where possible, improved. Small areas of private and public open space will be retained where 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**

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

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

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

#### **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 (TA) 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 CF2 - Public Access**

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

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

- 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 NE1A - International Nature Conservation Sites**

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

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

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

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

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

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

- 49 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**

- 50 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**

- 51 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**

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

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

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

**Policy EP2 - New Development and Flooding**

- 54 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 EP3A - Water, Environment and Drainage**

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

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

- 56 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**

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

**Policy EP3D - Water, Environment and Drainage**

- 58 Development over an existing culvert or the culverting of watercourses as part of a new development will not be supported unless there is no practical alternative. Existing culverts should be opened and redundant water engineering features removed whenever possible.



### **Policy EP7A - Drainage within the Loch Leven Catchment Area**

- 59 Total phosphorus from development must not exceed the current level permitted by the discharge consents for Kinross and Milnathort waste water treatment works together with the current contribution from built development within the rural area of the catchment.

### **Policy EP7B - Drainage within the Loch Leven Catchment Area**

- 60 Developments within the Loch Leven catchment area will be required to connect to a publicly maintained drainage system incorporating phosphorus reduction measures. Exceptions will only be permitted where they are in accordance with criteria set out.

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

- 61 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**

- 62 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.

### **OTHER POLICIES**

- 63 The following supplementary guidance and documents are of particular importance in the assessment of this application:
- Developer Contributions and Affordable Housing Supplementary Guidance April 2016
  - Flood Risk and Flood Risk Assessments – Developer Guidance June 2014
  - Sustainable Design and Zero Carbon Development Supplementary Guidance May 2014
  - Landscape Supplementary Guidance 2015

### **Perth & Kinross Community Plan (2006 – 2020)**

- 64 Key aim - Create a vibrant and successful area through:
- A thriving economy including successful tourism and cultural sectors
  - A positive image locally, nationally and internationally
  - Improved infrastructure and transport links
  - A sustainable natural and built environment

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

- 65 The Corporate Plan Vision includes promoting a prosperous, inclusive and sustainable economy. Creating safe and sustainable places for future generations.

### **SITE HISTORY**

- 66 The following site/planning history is relevant to the current application:

**16/01237/SCRN:** An EIA Screening Opinion request was submitted in July 2016. It was determined that EIA was not required in this instance by virtue that the proposal would not have significant effects on the environment having regard to its location, size, nature and character of development.

**16/00008/PAN:** This Proposal of Application Notice (PoAN) for a 'Residential development with associated roads, SUDs and landscaping' was submitted on the 19 May 2016 and approved in July 2016.

**16/01728/FLM:** Sought full planning permission for the Erection of 80 dwellinghouses, formation of open space, landscaping and associated infrastructure works. Following concerns from officers in respect of layout and design, the application was withdrawn in January 2016.

**17/00885/FLL:** This application seeks full planning permission for the installation of drainage infrastructure and on land to the east of the application site and was submitted alongside and in support of this application. This application has been approved under delegated powers.

### **CONSULTATIONS**

#### **EXTERNAL**

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

- 67 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). In respect of the former they note no flood risk is apparent and run-off rates should be agreed within the local authority. In respect of the water environment, it is noted that connection to public sewerage infrastructure is proposed and that adequate SUDS (surface water) provision is made. General comment is made on sustainable waste management and contaminated land.

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

- 68 Advise that the potential for adverse effects on the integrity of the Loch Leven Special Protection Area (SPA) as a result of this development was considered in the allocation of the site in the LDP process. The site was screened out of the LDPs Habitats Regulations Appraisal as part of this process. It is noted that public drainage is proposed for foul drainage but the key issue is for surface

water drainage. The proposed SUDS will attenuate for a 1 in 200 year return plus 30% climate change allowance and then discharge at the greenfield rate; this is sufficient to protect the SPA. In terms of protected species it is noted that none were found in the surveys; however, potential within the catchment of Burleigh Burn exists from the SUDS outfall point. It is advised that within 200 metres upstream and downstream of the outfall further otter surveys are undertaken and a species protection plan be provided where findings support this. Three trees were identified to have moderate bat roost potential; if work is undertaken within 30 metres of these further a survey will be required to predict impact on bats for any license application.

#### **Scottish Water**

- 69 No response has been received.

#### **Transport Scotland**

- 70 Have no objection to the application.

#### **BP**

- 71 Have no comment to make on the proposal. The safety and integrity of the BP Forties Pipeline will not be affected.

#### **Milnathort Community Council**

- 72 Have objected to the proposal on the grounds of unsuitable access and transportation provision – including road safety, parking issues, impacts on roads/bridges; impacts on pedestrians/cyclists and traffic generated on local roads; inadequacy of infrastructure (water and sewerage); creation of precedent of scale of development; private interests (such as loss of views and loss of property value); and inaccuracy of biodiversity assessments.

#### **Kinross Community Council**

- 73 While it is out of their area, Kinross Community Council have objected to the application on the grounds that the proposed development exceeds the level of development identified in the LDP. Examples of instances of other development, in Kinross, where this has also been the case have been cited. The impact on local infrastructure and services and the ecology status of Loch Leven is also highlighted.

#### **Perth & Kinross Heritage Trust**

- 74 Have no comment concerns or recommendations in respect of archaeological mitigation.

## **INTERNAL**

### **Strategy and Policy**

- 75 The response highlights the Development Plan policy context for the assessment. In respect of TAYplan Policy 5, as summarised in Para 29 above, is relevant. Specifically the need for a mix of house type, size and tenure for the needs of the locality is important, beyond defined affordable housing. This is met through 6 two bed properties in the proposal. In terms of the LDP the site specific requirements for allocation H49 are set out. In respect of the indicative capacity of 50 homes it is stressed that this should be considered in terms of ensuring an acceptable layout and design – as the only means to establish an appropriate level of development. Overall the proposal is considered to comply with Development Plan policy in terms of design, layout and mix of houses proposed.

### **Community Greenspace**

- 76 Have commented on the proposed public open space (POS), paths, play areas and flora species. The provision for POS areas refers to common maintenance responsibilities for residents which is contrary to Council policy. Such factoring should be restricted to small areas of amenity planting only and not POS; larger functional areas should be adopted by the Council. No specification of the proposed paths has been provided which should be clarified. No concerns are raised in respect of the proposed planting species; however, further clarification of species, locations of planting and maintenance is required. No equipped play area has been proposed on site and the development is outwith the catchment of existing play areas. An off-site contribution is therefore required to contribute to the upgrade and maintenance of the nearest play area so it can provide for the needs of residents.

### **Transport Planning (TP)**

- 77 A Transport Assessment (TA) was requested. The submitted TA has been reviewed and it is confirmed that this provides a robust assessment of the impact on the local road network. The proposed development would not cause significant detriment to the local network. Within the proposal the access and layout are satisfactory and the walking and cycle links proposed link well with existing networks. No objection to the proposal is therefore raised, subject to a condition relating to confirmation of roads and drainage arrangements prior to commencement of development.

### **Environmental Health (EH)**

- 78 Environmental Health have considered the proposal in respect of noise and had regard to the Noise Impact Assessment. This assessment has been undertaken in accordance with established guidance. The assessment concludes that there are no concerns in respect of amenity issues within the properties arising from noise from the M90 road. The EH service are in agreement with these findings and have no objection to the proposal.

### **Biodiversity Officer**

- 79 The information submitted to assess the possible presence of protected species is acceptable. No major impact has been identified and the conclusions and recommendations of the assessments are sound to protect against any possible negative impact. It is therefore recommended that conditions be attached to any permission granted in this regard.

### **Development Contributions Officer**

- 80 Sets out contribution requirements required through or as a result of the development. In respect of Affordable Housing, the LDP requires an equivalent 25% contribution of the total number of houses. The requirement here is therefore 19.25 units; 19 units are proposed within the development; however, a commuted sum is required for the remaining 0.25 contribution – a sum of £3,750. In respect of primary education, the catchment primary is Milnathort Primary School, which is operating at over the 80% trigger for contributions. Therefore contributions are required to address this constraint, which is applicable to the 57.75 open market houses only and not the 19 affordable homes. The payment for each education contribution is £6,460 – a total of £373,065. These contributions may be secured through a Section 75 Planning Obligation and payable on a phased basis.

### **Community Waste Advisor**

- 81 Advise that households within the development would be on a three bin system for waste and recycle collection. For the wider development a mini glass recycling facility is requested, the specifications and location for which should be agreed with Community Waste.

### **Structures and Flooding Team (SFT)**

- 82 Have no objection to the proposal.

### **Contaminated Land Officer**

- 83 Considered the submitted Site Investigation Report and confirmed no concerns are held in respect of contaminated land.

### **REPRESENTATIONS**

- 84 The application has attracted 66 letters of representation, of which all are in objection to the proposal. This includes comment from Milnathort Community Council, Kinross Community Council (as set out in Para 73 and 74 above respectively) and Kinross-shire Civic Trust. The following concerns have been raised:

- Contrary to Development Plan;
- Development on a greenfield site/agricultural land;
- Residential is not appropriate form of development;

- Overdevelopment/density of site against LDP allocation of 50 houses;
- Suitability and safety of the proposed access on North Street;
- Construction materials for access not appropriate;
- Congestion and safety on nearby roads;
- Suitability of pedestrian routes;
- Further deterioration to road/pavement surfaces;
- Loss of car parking;
- Flood risk;
- Viability of SUDS solution;
- Impact of population increase on local services and infrastructure – health, retail, public transport and primary and secondary education;
- Inadequate employment provision;
- Adequacy of water and drainage network;
- Noise pollution;
- Two-storey height of dwellings not appropriate;
- Impact on visual amenity;
- Loss of daylight/sunlight to nearby properties;
- Overlooking of nearby properties;
- Out of character with area;
- Loss of trees;
- Loss of open space;
- Wider belt of trees on southern boundary suggested;
- The ecology submissions are incomplete/incorrect for squirrels and bats;
- Damage to powerlines and property from development; and
- Inaccuracy with survey drawings.

85 The material planning concerns raised are summarised and salient points addressed in the Appraisal section of this report. The following raised concerns are not material considerations:

- Impacts on views;
- Impacts on property prices; and
- Setting of precedent for other development.

## **ADDITIONAL STATEMENTS**

|    |                                                |                              |
|----|------------------------------------------------|------------------------------|
| 86 | Environment Statement                          | Not required                 |
|    | Screening Opinion                              | Screened – EIA not required. |
|    | Environmental Impact Assessment                | Not required                 |
|    | Appropriate Assessment                         | Not required                 |
|    | Design Statement / Design and Access Statement | Submitted                    |
|    | Report on Impact or Potential Impact           | Not required                 |

## APPRAISAL

### Policy Appraisal

- 87 Sections 25 and 37(2) of the Town & Country Planning (Scotland) Act 1997 (as amended) requires the determination of the proposal to be made in accordance with the provisions of the Development Plan, unless material considerations indicate otherwise. The determining issues here are whether the proposals comply with Development Plan policy and Supplementary Guidance or if there are other material considerations, which justify a departure from policy.

### Principle

- 88 The application site is allocated in the LDP for residential development through Site H48 in Milnathort as a Tier 2 settlement. TAYplan Policy 1 (Location Priorities) identifies that Tier 2 settlements will accommodate a share of the region's development in addition to allocations and developments within Tier 1 settlements. The proposed development of this site for residential development in this context is considered to be consistent with the objectives of TAYplan Policy 1.
- 89 As advised, the site is allocated in the LDP, which identifies an indicative number of 50 residential units within a total developable area of approximately 3.5 Ha. It is clarified at this stage that the housing numbers reflected in the site allocation is purely an indicative figure to satisfy housing land supply requirements for the housing market area and the wider LDP housing numbers. This number does not reflect a fixed site capacity; the assessment of the site in terms of scale of development is borne out of detailed site layout designs, landscape capacity studies and site context appraisals presented within this planning application. The main outcome is to produce a high standard of development rather a constraint by specific housing numbers. This matter will be considered in the Design, Scale and Layout section below (Para 91 onwards). The principle of residential development complies with the associated Development Plan policy objectives in this regard.

### Site Specific Developer Requirements

- 90 As advised, the LDP allocation for the site sets out a number of specific requirements that require consideration as part of the detailed assessment of the proposal:

| Ref                                                                                                   | Location  | Size   | Number |
|-------------------------------------------------------------------------------------------------------|-----------|--------|--------|
| H49                                                                                                   | Pace Hill | 3.5 ha | 50     |
| <b>Site Specific Developer Requirements</b>                                                           |           |        |        |
| ⇒ A mix of housing types and sizes including low cost housing.                                        |           |        |        |
| ⇒ Road and access improvements to the satisfaction of the Council as Roads Authority.                 |           |        |        |
| ⇒ Provision of woodland screen planting along the north boundary of site incorporating public access. |           |        |        |
| ⇒ Provision of a multi-user path through woodland planting.                                           |           |        |        |
| ⇒ Noise attenuation measures.                                                                         |           |        |        |

## **Design, Scale and Layout**

- 91 As discussed above, one of the key considerations for assessing this application is to achieve a high standard of development. Policies PM1A and PM1B provide the objectives for and form a basis to achieving good placemaking in respect to the wider place and setting of the development proposed as well as the design and layout of the development itself. These considerations are in themselves interrelated and are supported by the site specific requirements for the allocation and other LDP policies which complement placemaking, landscape, amenity and design considerations.
- 92 Within the northern and eastern areas of the site it is proposed to retain and enhance existing woodland to form open space which would act as buffers to what would be the new settlement edge for Milnathort at this location and complements the further buffers beyond the site and settlement boundaries that would remain. Smaller areas of green space complement this provision. This meets the specific requirement for woodland screen planting along the northern boundary as set out in the LDP allocation. This strategic approach to the design also assists the integration of the development within the landscape and separation from existing land uses – such as the dwellings on Linden Park Road to the south.
- 93 The connection of the site to the wider place and facilities within Milnathort is also identified within the specific site requirements; improving the existing public access in the north of the site along Core Path MTHT/133 and movement corridors within the site layout. Within this layout efforts have been made to avoid the roads and access arrangements being car dominated through landscape edges and road features punctuating the roads to achieve slower road speeds and assist non-vehicular movement. The layout of the proposed houses predominantly facing on to streets and larger areas of parking behind or off the principal route complements this further.
- 94 The massing and scale of the individual dwellings are considered to be appropriate responding to site conditions and in recognition of the established residential areas to the south. The amenity concerns are discussed further below. The dwellings proposed provide a good level of garden ground for the new properties which is enhanced by the open space provision on site and ease of access to countryside paths beyond. The design of the dwellings are typical in their modern design and subject to securing appropriate finishing materials are considered acceptable; this could be verified through proposed planning condition 12.
- 95 Concern has been expressed regarding the proposed number of dwellings and specifically the density of development. The number of 50 houses within the LDP is indicative and density of the development is not considered in itself a determining factor for assessing the acceptability of this proposal or be a barrier to design with a higher or lower level of development. Instead LDP policy seeks the creation of good design, respecting the wider environment and connected to the wider place. As advised, the developed area, not including the substantial woodland and open space to the north of the site, extends to 3.5



Ha. Based on the proposed 77 dwellings this would equate to a development density of approximately 22 units per Ha – which can be regarded as medium density, albeit at the low end. While this is acknowledged to be higher than the immediate housing at Linden Park Road; those properties are large detached houses on large plots which are a type which would not meet the known demands in the area. Indeed, such a layout would be contrary to the site specific objective for a mix of housing types and sizes which is being provided here. The proposed density is nevertheless comparable to other edge of town areas in Milnathort, such as housing to the southwest of the town to the west of Bridgefauld Road.

- 96 Overall, it is considered that the proposed layout and design is considered to be appropriate in terms of the placemaking objectives within the LDP and national guidance. In particular the proposal provides a strong strategic framework of landscaping and open spaces to its external, countryside boundaries and provides a very good mix of housing sizes and types – with 18 house types proposed across open market, affordable housing and in addition to the specific requirements for the latter, 6 lower cost houses through 2 bedroom properties.

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

- 97 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 site specific requirements further define the need for screen planting along the northern boundary as discussed above. The scale and type of design proposed is considered to be accommodated within the wider landscape capacity and would not cause undue adverse impact on the setting of Milnathort. Indeed, the strategic planting to the northern and eastern boundaries, as required in the LDP, will in time ensure integration within this landscape setting and provides wider public benefits for public access. In turn there will undoubtedly be a visual impact from a development of this type and scale, although it is considered that this would be acceptable subject to the mitigation of the strategic planting discussed. In this context in order to promote and secure the early planting of this structure planting framework; which is proposed through condition 16.
- 98 The public open spaces proposed are considered to provide a good level of amenity space for recreation and leisure for new and existing residents alike in terms of LDP Policy CF1 requirements. In terms of maintenance of these areas the applicant has indicated that a common maintenance responsibility for residents' is proposed. The Council's Community Greenspace (CG) Team have identified that this arrangement is contrary to Council policy, which seeks to have council adoption for larger areas of functional space with factoring arrangements being restricted to small areas of amenity planting only. It is therefore proposed to address this matter through proposed planning condition 16. The landscape planting and species are generally acceptable; however, further clarification of species, locations of planting and maintenance is also considered to be necessary. In respect of play areas it is noted that no equipped play is proposed on site. There are no concerns in this regard from CG, subject to a contribution being secured to contribute towards the upgrade

and maintenance of the nearest play area to meet the needs of future residents. These funds could be used in nearest area which is located at the Old Bowling Green, approximately 350 metres to the south of the site.

- 99 Overall, the proposed landscape approach is considered both reasonable and proportionate. Significant landscape enhancement will be secured, particularly around the outer edges of the site, providing a reasonable buffer, benefitting neighbouring amenity and consistent with the LDP site requirements, effectively ensuring the landscape character and visual amenity of the area is protected and enhanced, consistent with LDP Policies ER6 and CF1. The proposed mitigation in respect of play areas to supplement existing facilities would ensure compliance with Policy CF1B.

### **Affordable Housing**

- 100 LDP 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. The application proposes the provision of 19 affordable units on site, which falls just short of this requirement – which would equate to 19.25 units. It is proposed that the 0.25 unit equivalent shortfall can however be secured through an appropriate commuted sum. These contributions can be secured through a Section 75 Obligation and the requirements of Policy RD4 would be fully met. It is also again highlighted that, beyond this statutory provision, the proposal does provide 6 smaller houses to also fulfil the site requirements for lower cost housing. This creates a wider variety of houses to meet local market demands.

### **Amenity**

- 101 It is noted that concerns have been expressed in representations about amenity impacts from the development, particularly the houses along the southern (common) boundary with Linden Park Road. The properties proposed in this area are two-storey detached. It is however noted that where the properties 'back' on to each other, the proposed houses are a minimum distance of 16 metres from common boundaries, and a minimum 25 metres back-to-back, with a proposed finished floor level 2.5-4 metres lower than these properties would be achieved. Furthermore, the existing trees would be supplemented to provide an enhanced buffer.
- 102 In this context the amenity for these properties are considered to be protected. It is not considered that the existing properties would experience any adverse impact through overlooking. The Building Research Establishment (BRE) document 'Site Layout Planning for Daylight and Sunlight – a guide to good practice 1991' sets guidelines on how to assess the potential impact on light. Fundamentally the development is proposed is entirely to the north of existing houses and this configuration and relationship ensures any possible impact is minimised. Given this orientation and separation distances a reasonable level of both daylight and sunlight will be maintained for neighbouring properties, both existing and proposed. Concern was also expressed about views from existing properties; however, as highlighted earlier the loss of a view is not a

material planning consideration. It is considered that in any case maintenance of an adequate separation and preservation of light levels illustrates that these proposed dwellings would not have an overbearing effect on the existing houses.

- 103 By association to the above the amenity level for the proposed properties is also considered to be acceptable with respect to overlooking and lighting considerations. The private amenity space afforded to each property is considered to be proportionate in scale to the dwelling house and will be capable of providing the standards expected for private use for leisure, airing clothing, recycling and waste storage. This proposal is adequate to cater for occupants needs in this regard. Again it is also highlighted that wider open space for recreation is being provided within the north and east of the site and wider services exist within the locality.
- 104 Overall, the policy criteria for Policy RD1 are considered to have been satisfied in the proposal.

### **Traffic, Transport and Access**

- 105 LDP Policy TA1 requires local road networks be capable of absorbing the additional traffic generated by the development and that a satisfactory access to the network is to be provided. SPP 2014 emphasises the importance of locating development in places well served by public transport and a wide choice of transport modes, including on foot and by cycle.
- 106 The application has been supported by a Transport Assessment (TA) which considers the site, its context and layout and tests the proposal against accessibility requirements for non-vehicular movement as well as vehicular accessibility. The TA is considered to provide a robust assessment in all respects. The concerns from third parties in representations in respect of access and traffic issues are noted and these have been reviewed in undertaking an assessment. It is considered that the proposed access on to North Street is considered to be acceptable. Indeed, it was accepted through the allocation process in the LDP that this would provide the only realistic connection to the public road network. Furthermore, it is not considered that the proposed development would cause any significant issues within the local road network – the traffic levels from this development can be accommodated. The applicant has indicated that a potential future vehicular access from this site is being allowed for but not directly provided through the woodland belt to the west, which would facilitate connection to the adjacent Site H50 (known in the LDP as Old Perth Road). There are no specific requirements within the LDP allocation for Site 49 to make such a connection and such a connection could undermine the preservation of the woodland belt as a buffer between the sites as the LDP allocations identifies. The site specific requirements for Site H50 calls for a multi-user route from Pace Hill to Old Perth Road not a vehicular access. The provision of an enhanced route on Core Path MTH/133, as discussed below, will address this. The benefits or otherwise for any vehicular connection is therefore not considered essential but could nevertheless be explored through applications for Site H50. In respect of the layout and design

of the internal road network an appropriate number of parking spaces are provided, ensuring parking requirements arising from the development remains within its boundaries. A condition is proposed to confirm final specifications of roads and drainage arrangements prior to commencement of development; proposed condition 11 refers.

- 107 In summary the proposed development is considered to comply with the requirements of LDP policies TA1A and TA1B.

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

- 108 In terms of walking and cycling accessibility, it is noted that excellent access is proposed within the site which provides onward connection to path networks to the north and routes to facilities and services within the town. It is approximately a 1 kilometre walking route to the Primary School, which is similar to many housing areas to the east of Milnathort. It has been highlighted through consultation that the specification of the internal paths and core path to the north of the site (Core Path MTH/133) requires further detail for agreement for both during construction and permanently; which is proposed through condition 13. The upgrading of this path meets specific requirements for the LDP allocation for this site and also supports the requirement for the allocation of the nearby Site H50 – for the provision of a multi-user route from Pace Hill to Old Perth Road via Core Path MTH/133. It is also deemed appropriate to require any diversions to the core path to be agreed and for a signage strategy to inform, and to further encourage, users that this route is still available both during and post-construction (proposed planning conditions 14 and 15 to address).
- 109 This provision overall is considered to comply with the site specific requirements in relation to public access being maintained and enhanced. It is also consistent with LDP policies TA1B and CF2 in this regard.

### **Biodiversity**

- 110 LDP Policies NE1 and EP7 are relevant considerations in respect of possible impacts arising from the development on the Loch Leven Special Protection Area (SPA). The applicant has submitted an Ecology and Biodiversity Assessment to consider such impacts. In their response, SNH advise that the potential for adverse effects on the integrity of the Loch Leven (SPA) will be addressed through the foul and surface water drainage arrangements and they have no concerns in this regard. The objectives of these policies are therefore met.
- 111 Other biodiversity considerations are relevant to the assessment. Through LDP Policy NE3, 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. Concerns have been expressed in representation in this respect. The proposal seeks to develop existing fields currently used for growing arable crops, as such there is likely to be a relatively low impact on biodiversity. Both SNH and the Council's Biodiversity Officer

accept the competency and findings of the submitted assessments and the surveys therein. It is noted by SNH that potential exists near to the outfall for the proposed SUDS outfall for the presence of otters and that further surveys should be undertaken prior to the commencement of these works which should inform any necessary species protection plan. Proposed condition 2 addresses the further requirements for assessment in this regard. In respect of bats, three trees have modest roost potential and if works are undertaken within 30 metres of these further pre-commencement surveys are necessary; proposed condition 3 addressed.

- 112 In terms of wider and more general biodiversity consideration the development, has potential to provide opportunities to enhance the site for biodiversity by including bat roost and bird nest sites in the proposed buildings. The landscape proposals would provide a good mix of planting, with mixed native species hedging and woodland planting as well as meadow grass planting. It is considered that these measures and other mitigation are appropriate to protect other wildlife and provide enhancement of habitat; proposed conditions 4-10 refer.
- 113 Policy NE2 encourages the retention of trees and the promotion of development designs that take account of tree surveys within proposals. Existing trees or woodland, especially those with high value will be protected. The applicant has assessed the site and adjacent land in their Arboricultural Assessment; in turn this has informed the proposed tree retention and protection plan and the additional landscaping proposals. This assessment acknowledges that the woodland belt to the east of the application site is subject of a Tree Preservation Order (TPO) – which took effect on 20 February 2017. The area and trees covered by this TPO fall outwith the existing application site and all works proposed are, in turn, beyond the defined Root Protection Areas (RPA) of the trees except the upgrading of the existing core path and underground surface water drainage outfall pipe (up to the site boundary only) which fall within the defined RPA. To this extent it is accepted that the development proposed would cause only minimal direct impact on the trees covered by the TPO. It is considered necessary to seek verification of all construction works within the RPA (and associated Construction Exclusion Zones required under proposed Condition 6) and additionally verification of pathway specification (as proposed in Conditions 13 and 14). These measures would secure the provision of adequate mitigation and protection for trees including the area covered by the TPO, ensuring compliance with the objectives of Policy NE2. As advised above, the applicant proposed in a concurrent planning application (ref: 17/00885/FLL) for the installation of drainage infrastructure – from the outlet from the SUDS basin, through the woodland and farmland and ultimately to an outfall at the Hatton/Burleigh Burn. The potential impact on these trees from the greater length of drainage works is assessed through that application. In terms of trees on the site it is evident that one sole tree (a hawthorn shrub) within the site would be lost as a result of the proposal. Indeed these are being protected and supplemented through new tree planting, most notably in the community woodland proposal on the northern boundary but also along the southern boundary and interspersed throughout the site. Having regard to the retention and enhancements being proposed there are no

concerns with respect to Policy NE2. A planning condition is suggested to ensure compliance with the tree retention and protection proposals (proposed condition 6). This is supplemented by other conditions being recommended for landscaping provision discussed earlier (proposed condition 16).

- 114 In summary, both SNH and the Councils Biodiversity Officer has confirmed that the habitat and ecological survey undertaken is satisfactory, appropriately identifying the presence of key biodiversity features and good future biodiversity opportunities. Overall, the proposed approach and background findings are considered to be consistent with LDP Policies NE3, NE4 and ER6.

### **Cultural Heritage**

- 115 LDP Policy HE2 seeks to protect unscheduled sites of archaeological significance and their settings and, where it is likely that archaeological remains exist, the developer will be required to arrange for an archaeological evaluation to be carried out. Through assessment of the site and the known and potential archaeological value of the site and near to it, PKHT have confirmed that no archaeological recommendations or mitigation is necessary. There are no conflicts therefore with Policy HE2.

### **Flood Risk and Surface Water Drainage**

- 116 LDP policy EP2 states there will be 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.
- 117 In respect of flood risk there are no known or identified issues identified from available SEPA maps and no issues have been identified in the applicant's Flood Risk Assessment. Neither SEPA nor the Council's SFT have raised any concerns in respect of flood risk on the site or elsewhere as a result of the proposed development.
- 118 Policy EP3C requires all new development to employ SUDS measures. In line with regulations, when the development exceeds 50 dwellings, a minimum of two levels of SUDS treatment will be required, proposed to be provided in a variety of forms. Again neither SEPA nor the SFT have any concerns in this regard and are satisfied that adequate provision is made within the proposed SUDS system. The proposal raises no issues in this regard. The outfall for the SUDS is, as advised above, subject of a separate application.

### **Waste Collection**

- 119 Waste collection is considered to be appropriately addressed through the provision and access to individual properties. It is recommended that up to three mini glass recycling points are considered to be integrated within the site by the developer, which is recommended to be covered via an Informative.

## **Contaminated Land**

- 120 Policy EP12 requires consideration of possible contamination to land. The application has submitted a Site Investigation Report which concludes that there are no concerns in this regard. The Council's Contaminated Land Officer has confirmed there are no concerns for this site given the site's current and previous agricultural use.

## **Noise**

- 121 Policy EP8 seeks to protect sensitive receptors from development that generates high levels of noise and also protect proposed noise sensitive land uses from sources of unacceptable noise. As advised in the summary of Environmental Health's consultation response, the applicant submitted a Noise Impact Assessment to assess the possible impacts of noise from the M90 road on the proposed properties. EH agree with the conclusion of the report that this source of noise would cause no unacceptable amenity impacts on the proposed houses and therefore do not object to, or require any further mitigation measures as part of, the proposal. No concerns are held in respect of Policy EP8 in relation to noise.

## **OTHER CONSIDERATIONS**

### **Developer Contributions**

- 122 A Section 75 legal agreement is required to secure infrastructure associated with Site H49 to ensure it complies with Policy PM3 - Infrastructure Contributions and associated Supplementary Guidance on Developer Contributions. The specific requirements in this regard are set out in Legal Agreements below.

### **Phasing**

- 123 Discussion is provided above in respect of the need to ensure phasing details for the delivery of landscaping elements, such as open space and pathways and their connection. This matter is proposed to be addressed through proposed planning condition 16. Given the scale of residential development it is not recommended that any specific phasing of the housing itself is necessary.

### **Economic Impact**

- 124 During the construction period jobs will be created and sustained, supporting indirect employment and revenue that this volume of construction activity will generate from employees spending on local goods and services. Additional residents to the area will also support existing local employment and services in the area.
- 125 The Perth and Kinross Retail Study (2014) estimates that average convenience goods available expenditure in 2019 (per household) will be in the region of £2000 per annum and the average comparison goods available expenditure will

be in excess of £3600 per annum. Applying these figures to the overall scale of development proposed here, the estimated annual expenditure on convenience and comparison goods could conservatively be calculated to be in excess of £1 million.

- 126 Overall, the economic benefits of this allocated housing site are considered to be significant and not adversely compromising the ongoing viability of the neighbouring land uses, which are considered to be mutually compatible.

## **LEGAL AGREEMENTS**

- 127 A legal agreement under section 75 of the Town and Country Planning (Scotland) Act 1997 is required to secure infrastructure that will be impacted by the proposal. For this application the required contributions to be secured are:

- Affordable Housing;
- Primary Education;
- Open Space maintenance security; and
- Off-site Play Area contributions.

## **DIRECTION BY SCOTTISH MINISTERS**

- 128 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 EIA screening opinion, call in, or notification relating to this application.

## **CONCLUSION AND REASONS FOR RECOMMENDATION**

- 129 As set out in Para 87, planning legislation requires that decisions are made in accordance with Development Plan policy unless material considerations indicate otherwise. In this case the application seeks permission for the erection of 77 houses on a site that covers the extent of the residential allocation H49 identified in the Perth and Kinross LDP. Housing development in this location of Milnathort as a Tier 2 settlement is also compatible with the location priorities set out in TAYplan Policy 1.
- 130 The layout and design of the proposed development is considered to be acceptable. The internal layout and design of the dwellings is of a good standard. The proposed landscape framework and footpath access opportunities meets the site specific developer requirements as set out in allocation H49 and ensures a good standard of place and integration within the wider area. The site is reasonably well contained by existing landscape features and is within the defined development boundary; with positive enhancement to the northern edge being achieved. A good level of amenity for the new residents would be achieved and cause no unacceptable impact on the amenity of occupants of nearby properties. Collectively the development offers good potential for positive sense of place. The proposal will have an impact on the number of vehicles on the local road network; however, that impact is not considered to be significant and the levels indicated can be accommodated



without adverse impact. In respect of other considerations, the site has reasonably good accessibility to nearby services. Education impacts and other impacts on infrastructure associated with the proposal, such as play provision, can be mitigated and no objections have been received from consultees.

- 131 Overall, is considered competent and compliant with the key principles of the LDP and is recommended for approval, subject to appropriate detail and mitigation being secured via conditional control and an associated legal agreement. Account has been given to the matters raised in representation and these have been addressed in the appraisal above. There are no material considerations present however that warrants a refusal of the proposal.

## **RECOMMENDATION**

### **A Approve the application subject to the following direction and conditions:**

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

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

- 2 Prior to the commencement of any development hereby approved, pre-construction surveys to identify the presence of any otter holts within 200 metres both upstream and downstream from proposed Sustainable Urban Drainage System (SUDS) outfall in the Hatton/Burleigh Burn shall be submitted to the Planning Authority for approval. If otters are identified within this area the survey should be supported by a species protection plan. Thereafter works shall be undertaken in complete accordance with the approved surveys and any species protection plan.

Reason: In the interests of employing best practice ecology and to ensure there is no adverse impact on Otters as a European Protected Species.

- 3 Prior to the commencement of any construction works within 30 metres of trees TN6, TN7 and TN9, highlighted in Annex 2 of the Phase 1 Habitat and Protected Species Survey Report by MacArthur Green, date 2 May 2017 as having moderate bat roost potential, further surveys of these trees is required to assess the impact of the works on roosting bats are required. These surveys shall be submitted to the Planning Authority for approval no more than 6 weeks before any such works is to commence. If the surveys identify the presence of roost(s), Scottish Natural Heritage will be consulted in respect of any need and implications for any application for a licence.

Reason: In the interests of employing best practice ecology and to ensure there is no adverse impact on bats as a European Protected Species.

- 4 In addition to the specific requirements of Conditions 2 and 3, should works not commence within 12 months of the approval further pre-construction ecological

surveys shall be required to be submitted to the planning authority for approval not more than 6 weeks prior to commencement of approved works. Thereafter any works shall be carried in in complete accordance with any mitigation or exclusion measures identified.

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).

- 5 In addition to the specific requirements of Conditions 2, 3 and 4, the conclusions and recommended action points within the supporting biodiversity survey submitted and hereby approved shall be fully adhered to, respected and undertaken as part of the construction phase of development.

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).

- 6 Prior to the commencement of the development hereby approved, the following shall be submitted for the further written agreement of the Council as Planning Authority:
- a) A 1:200 scale site plan which identifies the Construction Exclusion Zone (CEZ) and Root Protection Areas (RPA). The CEZ and RPAs as agreed shall be strictly adhered to during construction of the development and the protection measures, once in place, shall remain in place for the duration of construction;
  - b) A scheme that details protection methods for the CEZ and for all trees on site (other than those marked for felling on the approved plans) which have RPAs which fall within the site shall be retained and protected (including those subject of Milnathort Tree Preservation Order No 1 2017). The scheme shall provide that all fencing adheres to BS 5837 2012: Trees in Relation to Design, Demolition and Construction and incorporate measures identified in the submitted 'Arboricultural Impact Assessment/Method Statement' prepared by Urban-Arb dated 5 May 2017; and
  - c) A scheme for the technical delivery of any development within the Root Protection Area (RPA) of the trees subject of the Milnathort Tree Preservation Order No 1 2017, such as pathways and underground drainage infrastructure. The pathway specifications shall comply with BS 5837 2012: Trees in Relation to Design, Demolition and Construction and the drainage infrastructure with The National Joint Utilities Group (NJUG) Guidelines Volume 4: NJUG Guidelines for the Planning, Installation and Maintenance of Utility Apparatus in Proximity to Trees and identify and incorporate appropriate mitigation measures for the protection of these trees.

Reason: In the interest of tree protection in the interests of biodiversity and amenity of the area.

- 7 Prior to the commencement of development, scheme outlining measures for the protection of animals from being trapped in open excavations and/or pipe and culverts shall be implemented for the duration of the construction works of the development hereby approved shall be submitted for the approval of the Planning Authority. The measures may include creation of sloping escape ramps for animals, which may be achieved by edge profiling of trenches/excavations or by using planks placed into them at the end of each working day and open pipework greater than 150 mm outside diameter being blanked off at the end of each working day. The approved scheme as agreed shall be implemented during construction of the development.

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

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

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

- 9 Where it is intended to create semi-natural habitats, all species used in the planting proposals as detailed in drawing No. C1533.004 Rev: A shall be locally native species of local provenance unless otherwise agreed in writing with the local planning authority.

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

- 10 The developer shall incorporate swift bricks and bat roost bricks at eaves height in a minimum of 50 properties, which shall be usable prior to the occupation of each property where the bricks have been installed.

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) or vulnerable bird populations.

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

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

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

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

- 13 Prior to the occupation of any residential plot, details of the specification including materials of all footpaths and cycleways shall be submitted to the Planning Authority for further approval. For paths in the areas identified in the 'Arboricultural Impact Assessment/Method Statement' prepared by Urban-Arb dated 5 May 2017, the specification shall include incorporation of specifications suitable within any Root Protection Areas. The agreed detail shall thereafter be implemented prior to the completion of the development.

Reason: In the interest of pedestrian and cycle safety and protection of trees.

- 14 Prior to the commencement of the development hereby approved, a management plan indicating any temporary diversions and signage needed to facilitate the development and/or any works proposed to Core Path MTH/133 as part of the development shall be submitted for the further agreement of the Council as Planning Authority. The plan as agreed shall be implemented in accordance with the timings identified in the plan.

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

- 15 Prior to the commencement of development, a scheme for an onsite signage strategy for the direction and route of Core Path MTH/133 and other routes through the site, for the purposes of identifying public access routes, shall be submitted for further written approval prior to the Planning Authority. The strategy shall include details for the timing and delivery of the scheme following the completion of any temporary diversion agreed under Condition 14 and shall thereafter be provided in accordance with the approved details prior to the occupation of any dwellinghouse hereby approved.

Reason: In the interests of promoting recreational amenity facilities to the wider area, and to ensure a satisfactory standard of environmental quality.

- 16 Prior to the commencement of development, and notwithstanding the submitted detail, further landscaping specification and a landscape management plan shall be submitted to and agreed in writing by the Council as Planning Authority, which includes:

- a) Identification of long-term design objectives (including location and specification of species for all areas), management responsibilities and maintenance schedules for all landscape areas (other than small privately-owned domestic gardens); and

- b) a detailed delivery plan confirming the phased delivery of the site in respect of landscaping (including of public open spaces and pathways) and associated construction works. This plan shall specify that the phasing for delivery of the areas of open space, woodland and parkland indicated to the north, east and south of the site on the approved landscape and planting drawings shall be planted in accordance with the open space standards of the Planning Authority and completed in advance of the occupation of any phase of development.

Thereafter the landscape management plan and scheme shall be fully implemented as agreed

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

## **B JUSTIFICATION**

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

## **C PROCEDURAL NOTES**

Consent shall not to be issued until a Section 75 Agreement relating to planning contributions set out in Para 127 above has been completed. 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 may result in the planning application being re-assessed through failing to comply with the associated policy requirements and will be ultimately recommended for refusal under delegated powers.

## **D INFORMATIVES**

- 1 This planning permission will last only for three years from the date of this decision notice, unless the development has been started within that period. (See section 58(1) of the Town and Country Planning (Scotland) Act 1997 (as amended).
- 2 Under Section 27A of the Town and Country Planning (Scotland) Act 1997 (as amended) the person undertaking the development is required to give the Planning Authority prior written notification of the date on which it is intended to commence the development. A failure to comply with this statutory requirement would constitute a breach of planning control under section 123(1) of that Act, which may result in enforcement action being taken.
- 3 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 should be advised that in terms of Section 21 of the Roads (Scotland) Act 1984 he must obtain from the Council as Roads Authority consent to construct a new road prior to the commencement of roadworks. Advice on the disposal of surface water must be sought at the initial stages of design from Scottish Water and the Scottish Environmental Protection Agency.
- 6 The applicant is advised that the detailed design of all SUDS shall conform to 'PKC Flooding and Flood Risk Guidance Document (June 2014)', or any subsequent update.

Associated with this, it is recommended that the following information and design should be embedded within the final drainage details:

- In the event that the soakaway overtops due to a capacity issue or siltation over time, the surrounding ground should be contoured such to allow a volume of water to be retained before it can overland flow elsewhere. I.e. the land would be graded down to the soakaway (very gently). This would make it easier to identify a problem with the soakaway in the future because it would pond around it. This would provide additional protection to surrounding land/property.
  - A clear indication of the design standard of all the SUDS features on the design and As-Built drawings.
- 7 Please consult the Street Naming and Numbering Officer, The Environment Service, Perth and Kinross Council, Pullar House, 35 Kinnoull Street, Perth PH1 5GD.
  - 8 The applicant is advised that the granting of planning consent does not guarantee a connection to Scottish Water's assets. The applicant must make a separate application to Scottish Water Planning & Development Services team for permission to connect to the public wastewater system and/or water network and all their requirements must be fully adhered to.
  - 9 No work shall be commenced until an application for building warrant has been submitted and approved.

- 10 The applicant is recommended to contact the Council Contamination Officer immediately if any ground contamination is found during construction of the development.
- 11 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.
- 12 The applicant is recommended to incorporate a mini glass recycling point in strategic areas within the approved development to compliment the kerbside recycling services that will be provided. In order to comply with the 'Household Charter', each household should have access to 10 litres of recycling capacity per week, which would roughly equate to 3 mini glass points over the development. Further details of the requirements can be sought in discussion with the Council Waste Services Team.

Background Papers: 67 letters of representation  
Contact Officer: Jamie Scott  
Date: 5 October 2017

**Anne Condliffe**  
**Interim Development Quality Manager**

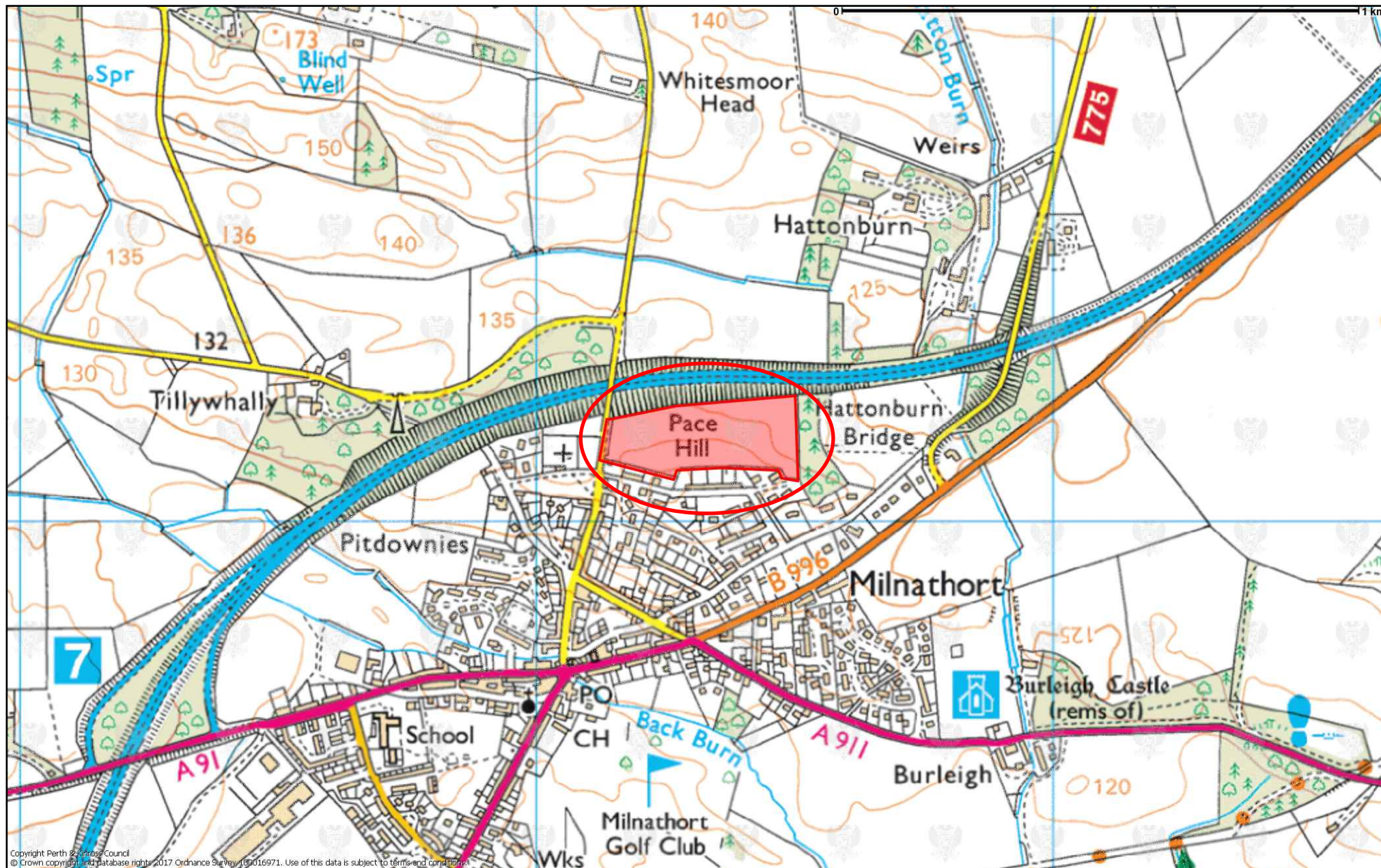
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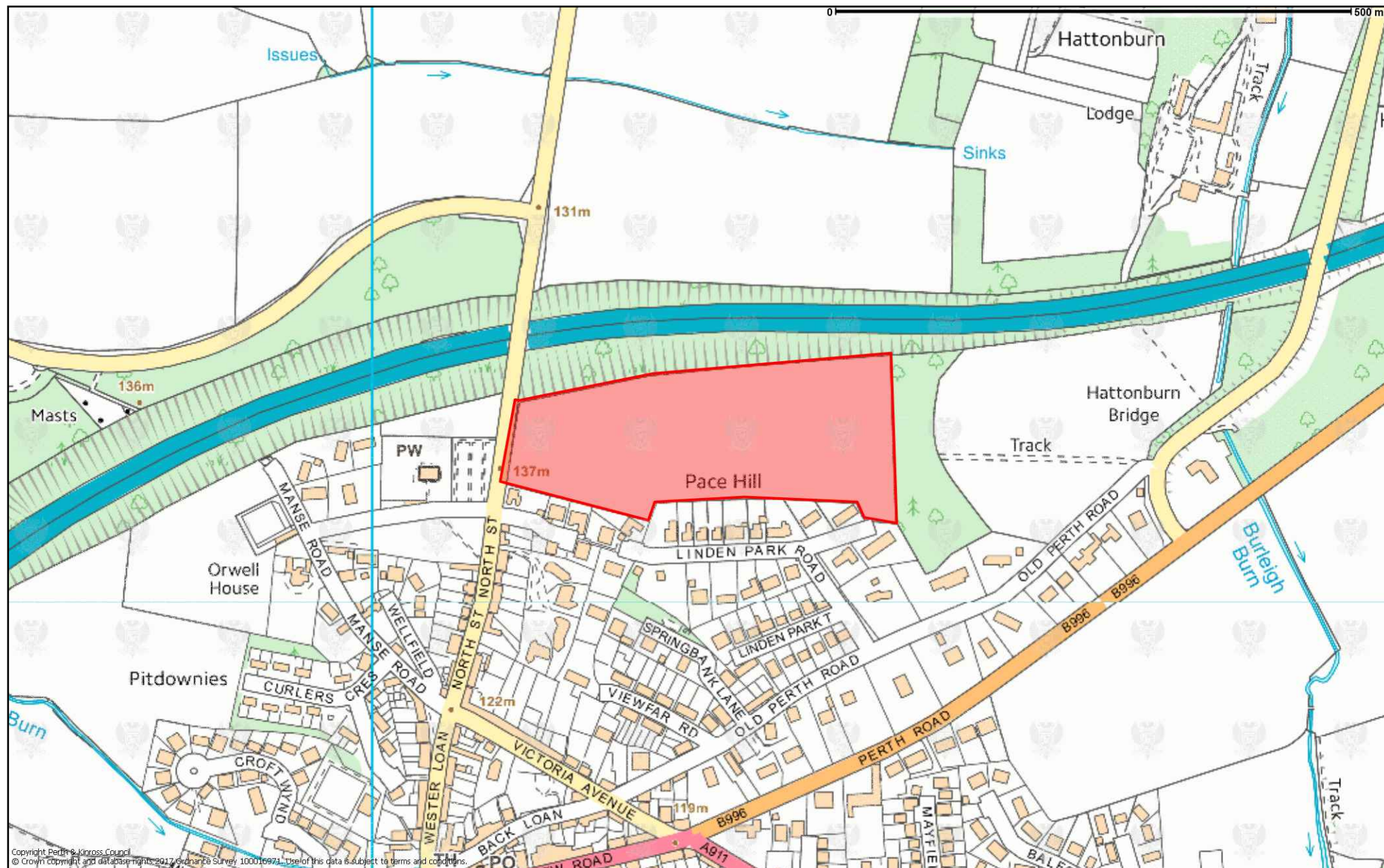
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Erection of 77no. dwellinghouses, formation of landscaping, open spaces and community woodland, and associated works









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17/00806/FLM

Erection of 77no. dwellinghouses, formation of landscaping, open spaces and community woodland, and associated works





Perth and Kinross Council  
Planning & Development Management Committee – 18 October 2017  
Report of Handling by Interim Development Quality Manager

Erection of 71 dwellinghouses and associated works at land at Moyness Park – Blackthorn Place, Blairgowrie

Ref. No: 17/00838/FLM

Ward No: P3 - Blairgowrie and Glens

### **Summary**

This report recommends approval of the application for a development comprising the erection of 71 dwellinghouses and associated works at land Moyness Park / Blackthorn Place, Blairgowrie. The site is located within the Blairgowrie/Ratray settlement boundary as identified in the Perth and Kinross Local Development Plan 2014 (LDP) but is not specifically allocated for any purpose. The site benefits from an extant planning permission for residential development.

The development is considered to comply with the Strategic Development Plan TAYplan 2012 and the LDP. The proposal also complies with the Council's overarching economic, social and environmental objectives contained within the Community Plan, Corporate Plan and the Economic Development Strategy. The application is recommended for approval, subject to conditional control.

### **BACKGROUND AND PROPOSAL**

- 1 Full Planning Permission is sought for the erection of 71 dwellinghouses and associated works, to include roads, drainage and landscaping. The entire development is proposed as affordable housing. The site is located within the LDP defined Blairgowrie/Ratray settlement boundary on Blackthorn Place, a development site as Area 2 of Moyness Park. The site benefits from an extant planning permission for a residential development, which has been implemented on site – with 7 houses being erected and the principal access and roads being formed. Without a specific allocation within the LDP the site is regarded as an existing residential site within the settlement.
- 2 The site is located in the south western area of Blairgowrie, within and adjacent to established residential areas and community facilities. The site comprises land that has been developed through an extant planning permission with evidence of this being characterising the site, such as the aforementioned houses and road network, and extends to approximately 1.6 hectares (Ha). It is bounded to the north by an existing residential development around McLaren Park (which was Area 1 of Moyness Park); to the east by further established residential area beyond Berrydale Road, off Elm Drive; to the south by agricultural and undeveloped land (which is allocated within the LDP for housing development under site H64 – Blairgowrie South); and to the west by Blairgowrie Community Campus and the Cemetery further to the south. The site itself is broadly level, originally exhibiting modest sloping gradually towards

the southwest, which is reflective of the development that has taken place. Beyond the southern boundary of the site the levels drop generally to the south, which is reflected in the existing and proposed drainage routes.

- 3 The proposed development looks to build from the 'blueprint' of development previously approved and implemented on site in terms of overall layout and road arrangements. Through this it is proposed to retain the existing vehicular access that has been formed from Berrydale Road that enters Blackthorn Place, and thereafter provide a circular orientation to the road layout with the majority of houses orientated to face this road. A small number of houses and one of the cottage flat blocks would be accessed via, and face on to, roads off-shooting from the main roadway. Non-vehicular access is also proposed, with footpath linkages from the Blackthorn Place access and from three footpaths to the north, south and east – connecting to McLaren Park, Elm Drive (which is a continuation of Berrydale Road) and the access road to Blairgowrie Community Campus respectively. The wider routes to the north and south in turn would connect to core path routes in the town. The proposed layout incorporates areas of tree planting along the southern boundary to complement an identified green space for the completed area of development adjacent to the site access. Further landscaping is proposed within the site, centred on the path network that runs north to south through the development with other pockets of green space and trees.
- 4 As advised, all of the proposed 71 houses are for the purpose of affordable housing. It is indicated that the tenures would be mixed, with 46 provided for social rent, 13 for sale through shared equity schemes and the remaining 12 for mid-market rent. Within this total 44 would be terraced properties; 16 cottage flats; 3 bungalows (1 detached, 2 semi-detached); and 8 semi-detached houses, with all houses and cottage flat buildings being two-storey. The bedroom count in the proposed houses range from 1 bed (8 no), 2 bed (32), 3 bed (25) and 4 bed (6). In terms of design the house types are contemporary variations to traditional proportions and features, with rendered and brick walls and concrete roof tiles.
- 5 The current application is supported by the following documents, the assessment of which will be addressed in the Appraisal section below:
  - Pre-Application Consultation (PAC) Report;
  - Design and Access Statement;
  - Affordable Housing Statement;
  - Drainage Assessment;
  - Transport Assessment; and
  - Geo-Environmental Assessment.

### **Environmental Impact Assessment (EIA)**

- 6 Directive 2011/92/EU required the 'competent authority' (in this case Perth and Kinross Council) when giving a planning consent for particular large scale projects to do so in the knowledge of any likely significant effects on the

environment. The Directive therefore sets out a procedure that must be followed for certain types of project before 'development consent' can be given.

- 7 This procedure, known as EIA, is a means of drawing together, in a systematic way, an assessment of a project's likely significant environmental effects. This helps to ensure that the importance of the predicted effects, and the scope for reducing any adverse effects, are properly understood by the public and the relevant competent authority before it makes its decision.
- 8 Screening for EIA was undertaken following submission of the application. It has been found that EIA was not required in this instance by virtue that the proposal would not have significant effects on the environment having regard to its location, size, nature and character of development.

### **PRE-APPLICATION CONSULTATION**

- 9 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.
- 10 A Proposal of Application Notice (PoAN) (reference 10/00014/PAN) was submitted in September 2010 in support of the application made in 2010 (10/02100/FLM refers).  
This PoAN is, in terms of the Development Management Procedures (Scotland) Regulations 2013 sufficient for an unlimited period for a development of the same character of 'Residential Development'. No further statutory pre-application was therefore required; however, the applicant elected to undertake further engagement. A public event in support of the current proposal was held on 16 February 2017 at the Blairgowrie Community Campus. The ward Councillors at the time and Blairgowrie & Rattray Community Council were all notified and invited to attend. The results of the community consultation have been incorporated within the Pre-Application Consultation (PAC) Report.

### **NATIONAL POLICY AND GUIDANCE**

- 11 The Scottish Government expresses its planning policies through the National Planning Framework (NPF) 3, Scottish Planning Policy (SPP) 2014, Planning Advice Notes (PAN), policy statements Designing Place and Designing Streets, and the National Roads Development Guide 2014.

#### **National Planning Framework**

- 12 NPF3 is a long-term strategy for Scotland and is a spatial expression of the Government's Economic Strategy and plans for development and investment in infrastructure. Under the Planning etc. (Scotland) Act 2006 this is now a statutory document and material consideration in any planning application. The document provides a national context for development plans and planning



decisions as well as informing the on-going programmes of the Scottish Government, public agencies and local authorities.

### **Scottish Planning Policy 2014**

- 13 Scottish Planning Policy (SPP) was published on 23 June 2014. It sets out national planning policies which reflect Scottish Ministers' priorities for operation of the planning system and for the development and use of land. The SPP promotes consistency in the application of policy across Scotland whilst allowing sufficient flexibility to reflect local circumstances. It directly relates to:

- The preparation of development plans
- The design of development, from initial concept through to delivery
- The determination of planning applications and appeals

- 14 Overarching topic areas relevant to this application include:

- Paragraphs 24 – 35: Sustainability
- Paragraphs 36 – 57: Placemaking

- 15 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

- 16 A Low Carbon Place

- Paragraph 152 – 160 Delivering Heat and Electricity
- Paragraph 190 – Planning for Zero Waste

- 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

- 19 The following Scottish Government Planning Advice Notes (PANs) are also of relevance:

- PAN 2/2010 Affordable Housing and Housing Land Audits
- PAN 1/2011 Planning and Noise



- PAN 2/2011 Planning and Archaeology
- PAN 1/2013 Environmental Impact Assessment
- PAN 44 Fitting New Housing Development into the Landscape
- PAN 51 Planning, Environmental Protection and Regulation
- PAN 52 Planning in Small Towns
- PAN 60 Planning for Natural Heritage
- PAN 61 Planning and Sustainable Urban Drainage Systems
- PAN 63 Waste Management Planning
- PAN 65 Planning and Open Space
- PAN 67 Housing Quality
- PAN 68 Design Statements
- PAN 69 Planning and Building Standards Advice on Flooding
- PAN 75 Planning for Transport
- PAN 77 Designing Safer Places
- PAN 78 Inclusive Design
- PAN 79 Water and Drainage
- PAN 83 Masterplanning

### **Designing Streets 2010**

- 20 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 and is intended to sit alongside the 2001 planning policy document Designing Places, which sets out Government aspirations for design and the role of the planning system in delivering these.

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

- 21 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.

### **Place Standard (2016)**

- 22 Place Standard is a tool accessible to all, which can be used to evaluate the quality of a place. This includes places that are well-established, undergoing change, or still being planned. The tool can also help users to identify priorities.

### **DEVELOPMENT PLAN**

#### **TAYPlan Strategic Development Plan 2012-2032**

- 23 TAYPlan sets out a vision for how the region will be in 2032 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 2032 the TAYplan region 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.”*

- 24 The following sections of the TAYplan 2012 are of particular importance in the assessment of this application.

**Policy 1 – Location Priorities**

- 25 Seeks to focus the majority of development in the region’s principal settlements. Kinross/Milnathort is identified as a Tier 2 Settlement and has the potential to make a major contribution the regional economy and will accommodate a smaller share of the region’s additional development (most of which are directed to Tier 1 settlements such as the Perth Core Area).

**Policy 2 – Shaping better quality places**

- 26 Seeks to ensure that climate change resilience is built into the natural and built environment, integrate new development with existing community infrastructure, ensure the integration of transport and land uses, ensure that waste management solutions are incorporated into development and ensure that high resource efficiency and low/zero carbon energy generation technologies are incorporated with development to reduce carbon emissions and energy consumption.

**Policy 3: Managing TAYplan’s Assets**

- 27 Seeks to respect the regional distinctiveness and scenic value of the TAYplan area and presumes against development which would adversely affect environmental assets.

**Policy 5: Housing**

- 28 States that Local Development Plans shall seek to have land allocated, which is effective or capable of becoming effective to meet the housing land requirement up to 10 years from the date of the plan adoption. The policy goes onto say that to assist in the delivery of build rates, Local Development Plan shall allocate sufficient land to ensure a generous supply of effective housing sites and to provide for flexibility and choice.

**Policy 8 – Delivering the Strategic Development Plan**

- 29 States, *“To ensure that quality is designed-in to development and places, developer contributions shall be sought for new development to mitigate any adverse impact on infrastructure, services and amenities brought about by development including contributions towards schools, affordable housing, transport infrastructure and facilities (including road, rail, walking, cycling and public transport) and other community facilities in accordance with the Scottish Government Circular 1/2010”.*

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

- 30 The LDP was adopted by Perth and Kinross Council on 3 February 2014. It is the most recent statement of Council policy and is augmented by Supplementary Guidance.
- 31 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.”*
- 32 Within the LDP, the following policies are of particular importance in the assessment of this application.

### **Policy PM1A - Placemaking**

- 33 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**

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

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

- 35 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**

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

### **Policy PM4 - Settlement Boundaries**

- 37 For settlements which are defined by the settlement boundary in the LDP, development will not be permitted, except within the defined settlement boundary.

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

- 38 In identified areas, residential amenity will be protected and, where possible, improved. Small areas of private and public open space will be retained where

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**

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

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

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

#### **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 (TA) 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 CF2 - Public Access**

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

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

- 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 NE2A - Forestry, Woodland and Trees**

- 45 Support will be given to proposals which meet the six criteria in particular where forests, woodland and trees are protected, where woodland areas are

expanded and where new areas of woodland are delivered, securing establishment in advance of major development where practicable.

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

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

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

**Policy EP2 - New Development and Flooding**

- 51 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 EP3A - Water, Environment and Drainage**

- 52 Proposals which do not accord with the Scotland River Basin Management Plan and any relevant associated Area Management Plans will be refused

unless they are considered to be of significant specified benefit to society and / or the wider environment.

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

- 53 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**

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

#### **Policy EP3D - Water, Environment and Drainage**

- 55 Development over an existing culvert or the culverting of watercourses as part of a new development will not be supported unless there is no practical alternative. Existing culverts should be opened and redundant water engineering features removed whenever possible.

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

- 56 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**

- 57 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.

#### **OTHER POLICIES**

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

## **Perth & Kinross Community Plan (2006 – 2020)**

59 Key aim - Create a vibrant and successful area through:

- A thriving economy including successful tourism and cultural sectors
- A positive image locally, nationally and internationally
- Improved infrastructure and transport links
- A sustainable natural and built environment

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

60 The Corporate Plan Vision includes promoting a prosperous, inclusive and sustainable economy. Creating safe and sustainable places for future generations.

## **SITE HISTORY**

61 The following site/planning history is relevant to the current application:

**05/00091/FUL:** Submitted in February 2005 and sought full planning permission for the erection of 46 dwellinghouses. The application was withdrawn in July 2005.

**05/01427/FUL:** Submitted in July 2005 and sought full planning permission for the erection of 42 houses, roads and footpaths etc. The application was approved in November 2005 (as a Committee decision) and has been implemented on site.

**08/01732/FUL:** Submitted in September 2008 and sought permission for the erection of 12 houses on the site. This application in effect sought 'changes to the house types – the 12 houses proposed replacing 10 previously approved under 05/01427/FUL. The development would have had an overall total of 44 dwellings. This application was approved in November 2008.

**10/00014/PAN:** This Proposal of Application Notice (PoAN) for 'Residential development' was submitted in September 2010 and was approved later that month.

**10/02100/FLM:** Validated in January 2011 and sought permission for the erection of 100 residential properties and associated works. The application was withdrawn in December 2013.

**14/00517/FLL:** Submitted in March 2013 and sought permission to modify the extant planning permission (05/01427/FUL – erection of 42 dwellinghouses etc.) to specifically change the design of house type plot 43. This application was refused in May 2014 for the reason that the proposed layout and design of the dwelling offended LDP Policy PM1B.

**17/00047/FLM:** Sought permission for the erection of 71 dwellinghouses and associated works. This application was returned to the applicant in February 2017.

**17/00961/AMM:** Concerns an application, by the same applicant, on site allocated for housing in the LDP to the immediate south (H64 – Blairgowrie South) of the boundary for this application. Approval of Matters Specified in Conditions is sought for the erection of 117 dwellinghouses, garages and associated works (relative to Planning Permission in Principle ref: 10/01360/IPM). This application is pending determination.

## **CONSULTATIONS**

### **EXTERNAL**

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

- 62 Have no objection to the application. In respect of surface water drainage SEPA initially observed that the proposed Sustainable Urban Drainage System (SUDS) with sufficient capacity would be provided and foul drainage would be directed to existing public infrastructure. SEPA have since supplemented this response in respect of SUDS following concerns discussed with a local resident and the Council's Structures and Flooding Team, identifying that a means must be found to reduce the flow rate of the outfall from existing SUDS basins to reduce flood risk to a single property – Brelade. The concerns stem from possible increase in flood risk arising from capacity in SUDS, while noting that this is a matter for Perth and Kinross Council to address in their capacity as Flood Prevention Authority. SEPA have confirmed in their final response that they do not object to the proposal on the basis of the information submitted by the applicant and are content to leave this to the Council to ensure no increase in flood risk occurs.

#### **Scottish Water**

- 63 Have no objection to the application. It is highlighted that there is sufficient capacity at both the Lintrathen Water Treatment Works and the Blairgowrie Waste Water Treatment Works.

#### **Blairgowrie & Rattray Community Council**

- 64 Have not objected to the proposal. They consider that there is much-needed affordable housing provision in Blairgowrie. Concerns have been raised in respect of the density of development and limited external amenities (bin stores etc. and play areas). The design of the dwellings is considered to be suburban in nature. The level of proposed car parking is suggested as being insufficient. A query was raised as to whether provision is being made for the drop-off/pick-up point to serve the Community Campus. Existing problems with parking and congestion problems along the road network in the vicinity.



## **INTERNAL**

### **Transport Planning (TP)**

- 65 A Transport Assessment (TA) was requested. The submitted TA has been reviewed and it considered that the TA provides a robust assessment of the traffic implications of the development and TP are satisfied that the local road network would not suffer any significant adverse effects as a result of the proposal. With regards to parking, it is confirmed that the schedule of parking within the development provides adequate parking through a mixture of on and off-street parking for residents and unallocated bays for visitors. The site has good walking and cycling connections, together with adequate public transport provision. The proposal would benefit from a Residential Travel Plan (RTP), which will be designed to encourage the use of sustainable transport options. No objection to the proposal is given, provided the conditions in respect of pedestrian and traffic safety are attached to any permission.

### **Environmental Health (EH)**

- 66 Have no adverse comments to make on the application.

### **Biodiversity Officer**

- 67 Notes that the site is within 500 metres from an established pond where amphibians are known to be present and therefore it is recommended that measures to protect amphibians are incorporated in to any approval. Further, it is recommended that a proportion of two-storey properties incorporate suitable nests boxes and roost options for particular species of birds and bats respectively.

### **Development Contributions Officer**

- 68 It is noted that each of the proposed units are affordable housing in tenure. In respect of education capacity, no contribution would be sought towards primary school provision on the basis the development is affordable housing in tenure, in accordance with the Council's Developer Contributions Supplementary Guidance.

### **Community Waste Advisor**

- 69 Advise that households within the development would be one a three bin system for waste and recycle collection. For the wider development a mini glass recycling facility is requested to complement kerbside collections, the specifications and location for which should be agreed with Community Waste. The Operations team may require communal bins for the flatted properties.

### **Structures and Flooding Team (SFT)**

- 70 Have no objection to the application, subject to planning conditions. Initially concern was raised in respect of known issues with excess discharge from a

SUDS basin, higher than its original design proposed, to the east of the site causing overland flow towards a single residential property, Brelade. It is proposed that this basin be used for surface water drainage for the development. Further information was sought and submitted in response to this matter. The design and construction issues with the SUDS basin and system were identified and his survey information has been used to provide an improved design to the system to current standards (1 in 200 years). This proposal results in the system having a greatly reduced outflow protecting the land and property Brelade from flood risk and accounts fully for the drainage from the development site. Two planning conditions are requested to ensure this is delivered.

## **REPRESENTATIONS**

71 The application has attracted 103 letters of representation, of which all are in objection to the proposal and includes comment from Blairgowrie & Rattray Community Council (as set out in Para 64 above):

- Contrary to Development Plan;
- Residential is not appropriate form of development;
- Overdevelopment/density of site;
- Lack of open space;
- Loss of open space;
- Loss of trees
- Lack of parking spaces & on street parking issues;
- Congestion and safety concerns on roads;
- Road improvements are needed;
- Connection between Elm Drive and Hazelwood Road needed;
- Flood risk;
- Impact on drainage infrastructure;
- Noise pollution;
- Impact on local services and infrastructure – health, primary and secondary education;
- Inadequate employment opportunity in the area;
- The design of houses/flats proposed out of character with the area;
- Development will not integrate with the area;
- Large scale affordable housing development not appropriate – should be integrated within mixed developments;
- Proportion of affordable housing is too high – greater mix of tenures needed;
- Houses should be for private sale / contingency for shared equity not selling;
- Anti-social behaviour;
- Proximity to the school is too close;
- Development would impact on school use;
- Impact on visual amenity;
- Overlooking of nearby properties;
- Concerns over acceptability of Geo-Environmental Assessment;

- 72 Some general comments were provided in representation:
- The need for affordable housing in Blairgowrie is accepted
- 73 The material planning concerns raised are summarised and salient points addressed in the Appraisal section of this report. The following raised concerns are not material considerations:
- Impacts on property prices; and
  - Setting of precedent for other development.

## **ADDITIONAL STATEMENTS**

|    |                                                |                              |
|----|------------------------------------------------|------------------------------|
| 74 | Environment Statement                          | Not required                 |
|    | Screening Opinion                              | Screened – EIA not required. |
|    | Environmental Impact Assessment                | Not required                 |
|    | Appropriate Assessment                         | Not required                 |
|    | Design Statement / Design and Access Statement | Submitted                    |
|    | Report on Impact or Potential Impact           | Not required                 |

## **APPRAISAL**

### **Policy Appraisal**

- 75 Sections 25 and 37(2) of the Town & Country Planning (Scotland) Act 1997 (as amended) requires the determination of the proposal to be made in accordance with the provisions of the Development Plan, unless material considerations indicate otherwise. The determining issues here are whether the proposals comply with Development Plan policy and Supplementary Guidance or if there are other material considerations, which justify a departure from policy.

### **Principle**

- 76 The application site is not specifically allocated within the LDP but is located within the defined Blairgowrie /Ratray settlement boundary and as such Policy PM4 is relevant. As advised above, the site does benefit from an extant planning permission which has been implemented on site and is therefore in place in perpetuity and the LDP status reflects this as an existing, partially developed, residential site. These factors are significant material consideration in the determination of the application therefore.
- 77 Blairgowrie /Ratray is a Tier 2 settlement as defined in TAYplan Policy 1 (Location Priorities). These settlements will accommodate a share of the region's development in addition to allocations and developments within Tier 1 settlements. The proposed development of this site for residential development in this context is considered to be consistent with the objectives of TAYplan Policy 1.

- 78 As advised, the site is within the defined settlement boundary and is not allocated within the LDP. Policy PM4 supports development in defined boundaries, which of course will be subject to satisfactory compliance with other relevant LDP policies. As an existing residential site the principle of residential development complies with the associated Development Plan policy objectives in this regard. The continued development of the site for residential development is therefore considered to be acceptable.
- 79 It is noted that concerns are expressed in representation in respect of the number of houses proposed and therefore the density of development being sought on the site. The assessment of the site in terms of an appropriate scale of development is borne out of detailed site layout designs, landscape capacity studies and site context appraisals presented within this planning application. The main outcome is to produce a high standard of development rather a constraint by specific housing numbers. This matter will be considered in the Design, Scale and Layout section below.

### **Design, Scale and Layout**

- 80 As discussed above one of the key considerations for assessing this application is to achieve a high standard of development. Policies PM1A and PM1B provide the objectives for and form a basis to achieving good placemaking in respect to the wider place and setting of the development proposed as well as the design and layout of the development itself. These considerations are in themselves interrelated and are supported by the site specific requirements for the allocation and other LDP policies which complement placemaking, landscape, amenity and design considerations.
- 81 As advised above, the site presently sits in a partly developed state from the previously approved and implemented planning permission (05/01427/FUL), with the general road configuration from that development and some underlying infrastructure (and indeed foundations) in place. The proposal here is developed from this loop road configuration with the majority of proposed dwellings orientated to face on this road and its offshoots to the south and west. This general layout arrangement largely replicates that of the implemented scheme, albeit with a higher number of smaller dwellings. A larger area of parking serving the cottage flats is proposed behind the principal route. Other parking areas front alongside the roads with associated landscaping. Complementing this road structure are pathway connections to the north and south which are enhanced by a connecting landscape treatment which link to the wider area path networks. Path connections are also available on to Berrydale Road on the western boundary and alongside the sole site entrance where Blackthorn Place connects to Berrydale Road. A buffer is proposed in the form of a treeline along Berrydale Road, on the approach road the school and part of the common boundary with the Community Campus, softening the built form in this visible location. Considered collectively these features would result in an acceptable layout that responds well to the site.
- 82 Turning to the design of the dwellings and cottage flats, the massing and scale of the individual buildings are predominantly two-storey (68 homes) with 3

single-storey bungalows. This is considered to be appropriate responding to site conditions and recognises the prevailing two-storey dwellings in the area – notably the existing 7 properties at the entrance to Blackthorn Place and McLaren Park to the immediate north. The design of the dwellings are typical in their modern design with rendered and brick walls and concrete roof tiles and, subject to securing appropriate finishing materials to complement the established materials and colour in the area, are considered acceptable. It is proposed this could be verified through proposed planning condition 8.

- 83 Concern has been expressed in representation about the scale of dwellings proposed and the density of the site should permission be granted. LDP placemaking and design policy seeks the creation of good design, respecting the wider environment and connected to the wider place. Density of the development is not in itself considered a determining factor for assessing the acceptability of this proposal, which should be based on design considerations. An indication of density is provided for context however; the site extends to approximately 1.6 Ha and based on the total number of 71 units represents a development density of approximately 44 dwellings per Ha. It is recognised that this is a medium to high density for development that is certainly above that present in the immediate areas with a larger total number of buildings and built form. Other development's within Perth and Kinross have been approved and built to a similar density and have been very successful, such as Muirton Park, Perth at 45 dwellings per hectare (planning permission 16/00401/FLM). Within this development it is however highlighted that the approach generally throughout the proposal is for smaller homes. It is noted that the 16 cottage flats proposed – within two buildings – would occupy a very similar built area and building scale to 4 detached homes nearby and externally these properties would give the appearance in terms of massing as 4 semi-detached houses. An assessment of bed numbers has been undertaken as an indicative guide to compare against the approved scheme. This development here proposes 171 beds in total. The scheme implemented under permission 05/01427/FUL had 170 beds (6 x 5 bed, 32 x 4 bed and 4 x 3 bed houses). Whilst this, like density, is indicative of the scale of development and potential impacts it is apparent that the developments are nearly identical in terms of likely populations, and impact on infrastructure and services etcetera. The dwellings proposed provide a reasonable level of garden ground that is commensurate for the properties proposed with access to wider recreation space and ease of access to countryside paths available. Taken as a whole within the wider place, incorporating the larger residential extension to Blairgowrie in which the development would sit, the proposed design and layout, at the density indicated, is considered to be acceptable. Indeed the development would provide for a similar level of residential accommodation to the approved scheme but in smaller sized homes to address a known demand in the market.
- 84 Overall, it is considered that the proposed layout and design is considered to be appropriate in terms of the placemaking objectives within the LDP and national guidance. In particular the proposal provides a good residential amenity for future residents across a wide choice of house sizes.

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

- 85 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.
- 86 The layout and modest scale of development proposed are as such that it is considered that it can be fully accommodated within the wider landscape capacity and would not cause undue adverse impact. The assessment of visual impact is restricted to impacts on built form and not any loss of view to existing residential properties, which is not a material consideration. Given the context of other residential developments nearby and adequate separation being provided between these and the proposed development there would be no overbearing effect on existing residents. There are therefore no concerns in respect of landscape or visual impact.
- 87 As advised, pockets of open space are provided within the scheme. These are considered to complement the scale of development. As advised above, buffers in the form of lines of trees are proposed along Berrydale Road, on the approach road to the school and part of the common boundary with the Community Campus, softening the built form and assisting the protection of amenity in these locations. The applicant has suggested the use of semi-mature/heavy standard of trees (circa 4 metres in height) on the school access road area which would provide an immediate positive impact. This can be secured through proposed condition 10. The proposed dwellings will have access to recreation and amenity spaces in the parks and countryside routes within the town; in this regard there is a sports/playing field at Piggy Lane some 175 metres to the southeast of the application site. The development proposes very good connections to this area and wider recreational opportunity in the town and surrounding countryside through the access routes proposed. It is also noted within the application for the LDP allocated site to the immediate south (17/00961/AMM) by the same applicant a play area is proposed which, if approved, would complement and be available for use by residents in the current proposal.
- 88 Overall there are no concerns in respect of the landscape or visual impacts of the development. The development integrates well within its context and provides good connections to wider services such as parks and other open spaces.

## **Affordable Housing**

- 89 LDP Policy RD4 requires that a minimum of 25% of the total number of houses for open market housing, above a threshold of 5 units, for which planning consent is being sought, is to be in the form of affordable housing. The application proposes that each unit within the entire development would be affordable housing in various tenures for both the council and another Registered Social Landlord to meet existing local demand. In this respect the proposal does not strictly require consideration against this policy. It has been suggested in representation that this development avoids the applicant and

other developers from paying the required developer contributions. This is not the case; this development by the Council and an RSL instead is being funded, in part, by 'banked' developer contributions in the form of commuted sums received from developments in the Housing Market Area. All of these developments, and the applicant's other development to the south, are required to and have met the obligations under Policy RD4. It is evident that the development clearly would provide a significant contribution towards need in Blairgowrie and Rattray. The applicant's Affordable Housing Statement supports this conclusion, identifying a high demand for affordable housing on the Blairgowrie waiting list for the Common Housing Register (CHR) (a total of 308 applicants), the lack of new housing stock to meet this demand with – with only 17 flats being built within the last 5 years insufficient to meet this demand – and the tenure mix and sizes of houses proposed meeting the identified need on the CHR. The proposed tenure mix was altered following public consultation. The Statement also advises that Local Letting Plan and a Neighbourhood Agreement would be considered as a means to create a balanced and sustainable community and propose neighbourliness.

### **Amenity**

- 90 It is noted that concerns have been expressed in representation about amenity impacts from the development, particularly the houses beyond the northern boundary with McLaren Park.
- 91 It is not considered that the existing properties would experience any adverse impact through overlooking. The separation distances between the gable end of the existing properties and the rear elevation of the proposed houses are a minimum of 12 apart. It is noted that the arrangement between the properties is as such that they do not back on to each other, and instead are at 90 degrees. In terms of effects on light, The Building Research Establishment (BRE) document 'Site Layout Planning for Daylight and Sunlight – a guide to good practice 1991' sets guidelines on how to assess the potential impact on light. Given the separation distances a reasonable level of both daylight and sunlight will be maintained for neighbouring properties, both existing and proposed. By association to the above the amenity levels for the proposed properties is also considered to be acceptable with respect to overlooking and lighting considerations. It is recognised that the use and operation of the school as a sensitive receptor in respect of amenity requires consideration. The proposed plots 35-43 on the western boundary are a minimum of 14 metres from the boundary and the school sits at a higher level than the proposed dwellings, with a gabion wall measuring approximately 2 metres separating the two uses in this location. In the southwest corner the block of cottage flats (plots 27-34) sits some 7 metres from the boundary; however the gable end of this property contains no windows, an intervening screen of trees is proposed and is only immediately adjacent to the access and parking area of the school. In these circumstances the amenity of the school and its users is considered to be adequately protected.
- 92 Within the site the private amenity space afforded to each property is considered to be proportionate in scale to the dwelling house and will be

capable of providing the standards expected for private use for leisure, airing clothing, recycling and waste storage. This proposal is adequate to cater for occupants needs in this regard. Again it is also highlighted that recreation opportunities are available within a reasonable walking distance of the site.

- 93 General concerns are raised in the majority of representation in respect to the tenure of properties and the perceived potential for anti-social behaviour. It is established in planning law that these matters are not material to the consideration of a planning application. The Affordable Housing section above does highlight the possible use of a Local Letting Plan and a Neighbourhood Agreement to proactively address such concerns; however, that would be for the Council as Housing Authority and their partner RSLs to address. Anti-social or criminal matters would ultimately be a matter for Police Scotland and noise or pollution issues primarily the responsibility of the Council's Environmental Health Service or Police Scotland. The proactive approach of the Council and the RSL as developers and landlords would nevertheless be critical to preventing and managing the properties in respect of anti-social issues. The neighbourliness of the development phases of the scheme could be encompassed within a voluntary Good Neighbour Agreement (GNA) between the developers and the Community Council or a 'community body', available through Section 75(D) of the Town and Country Planning (Scotland) Act 1997, to show commitment in this regard. This could set agreement for the information to be provided to a community body regarding the nature of and progress of development on a site. The Planning Authority cannot however make a GNA a requirement for the grant of any planning permission.
- 94 Overall, the policy criteria for Policy RD1 are considered to have been satisfied in the proposal.

### **Traffic, Transport and Access**

- 95 LDP Policy TA1 requires local road networks be capable of absorbing the additional traffic generated by the development and that a satisfactory access to the network is to be provided. SPP 2014 emphasises the importance of locating development in places well served by public transport and a wide choice of transport modes, including on foot and by cycle.
- 96 The applicant has submitted a Transport Assessment (TA) in support of the application, which considers the site, its context and layout and tests the proposal against accessibility requirements for non-vehicular movement as well as vehicular accessibility. There are concerns within representation in respect of access and traffic issues are noted and these have been reviewed in undertaking an assessment. The TA is considered to provide a robust assessment in all respects. The Council's Transport Planning (TP) team have reviewed all information in the TA and considered public comment. TP are satisfied that the local road network would not suffer any significant or adverse effects as a result of the proposal and it can be accommodated. Representation raises the suggestion of a connection from Berrydale Road to Hazelwood Road and to the A94 (Perth Road) beyond. Whilst not a requirement for this development, it is highlighted that this connection is a conditional requirement



of permission 10/01360/IPM, and indeed the LDP allocation for that site, and must be delivered as part of the development on this land (with an application for Matters Specified currently under consideration: 17/00961/AMM). In respect of parking provision, it is confirmed that sufficient spaces are provided for both resident and visitors and indeed provision is made in excess of the National Roads Development Guide (NRDG). The NRDG outlines guidance for numbers of parking provision for categories of development including housing, which is sub-divided for tenure of housing (private homes and housing association being examples, the latter having a greater requirement for parking provision). The developer originally proposed 83 parking spaces which complied with the NRDG for an affordable housing development. However, having regard to potential for additional parking demand from within the site, particularly for the 13 low-cost home ownership/shared equity and the edge-of-town location, an increase in provision was sought. A total provision of 101 spaces is now being provided – with additional spaces primarily being allocated to low-cost home ownership/shared equity properties recognising they could be characterised as private homes with potentially a greater parking needed. This ensures that all parking demand is accommodated on site and would have no net effect on the existing on-street parking issues related to the nearby Community Campus. While the scale of development is small, the management of construction traffic is also proposed to ensure that the impacts of the development recognise and address existing pressure points on the road network, such as the beginning and end of the school day, in the interest of road and pedestrian safety (proposed planning condition 13).

- 97 Subject to the proposed planning conditions 6 and 13, which would ensure detail and provision in respect of pedestrian and traffic safety, the proposal is considered to comply with the requirements of LDP policies TA1A and TA1B.

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

- 98 In terms of walking and cycling accessibility it is noted that the TA highlights that the site has good access to walking and cycling connections as well as good provision for public transport options – with regular services available on nearby Perth Road (the A94) and Golf Course Road. The internal configuration within the site maximises these connection opportunities through the internal path network with three connections to existing routes to the north, south and east – which can connect to Core Path BLAI/21, BLAI/22 and BLAI/29 & 45 respectively. To increase the possible use of these routes it is considered that the proposal would benefit from a Residential Travel Plan (RTP), which is recommended to be addressed through proposed planning condition 7.
- 99 This provision overall is considered to comply with the site specific requirements in relation to public access being maintained and enhanced. It is also consistent with LDP policies TA1B and CF2 in this regard.

### **Biodiversity**

- 100 LDP Policy NE3 is a relevant consideration in respect of possible biodiversity impacts or opportunities arising from the development. Through LDP Policy

NE3, 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. Concerns have been expressed in representation in this respect. The proposal seeks to develop what is effectively an existing development site, as such there is a very low impact on biodiversity. The Council's Biodiversity Officer notes however that features beyond the site exists; with an established pond where amphibians are known to be present some 500 metres away. In the interests of protecting these species it is recommended that a condition be attached to any permission granted for protection measures. Further, opportunity exists for enhancement to biodiversity to address known shortages of suitable nesting and roosts for specific bird species and bats in the locality. The incorporation of nest boxes and roosts within some two-storey properties is therefore recommended to address this need (proposed condition 5 refers). These measures address the requirements of Policy NE3.

### **Flood Risk and Surface Water Drainage**

- 101 LDP policy EP2 states there will be 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. Policy EP3C requires all new development to employ SUDS measures. In line with regulations, when the development exceeds 50 dwellings, a minimum of two levels of SUDS treatment will be required, proposed to be provided in a variety of forms.
- 102 In respect of flood risk the applicant has submitted assessments on drainage and consultation has been undertaken with both SEPA and the Council's Structures and Flooding Team (SFT). The site is not at risk from fluvial sources with no watercourses being within or adjacent to the site. SEPA's flood mapping does however highlight the presence of spots of flooding nearby through surface water. The existing situation is compounded by the existing SUDS basin exceeding designed flows rates which causes overland flows to the south with ponding and flooding to land around or within the curtilage of a single dwelling, known as Brelade. The basin in question was adopted by the Council in 2009 and has been identified by the SFT as infrastructure requiring improvement. The application proposes to connect the development area to these existing SUDS arrangements as would have been the case for the extant permission (which could be built out without further intervention). Through consultation both SEPA and the SFT have highlighted this matter and additional information was sought from the applicant to address. The applicant has proceeded by seeking to resolve this existing deficiency in the system and in response surveys of the system were undertaken and measures have been identified to alter and improve the design have been presented. It is also highlighted that the 'catchment area' for surface water from new development from roofs and hardstanding areas is lower here than what was approved within the historic extant permission. Nevertheless the applicant has undertaken to lower risk of flooding and the Council's SFT are satisfied that the alterations result in a much reduced flow and therefore reduced flood risk to neighbouring

and properties. On this basis, and subject to planning conditions to secure the early delivery of the improvements, they do not object to the application. SEPA have also confirmed that as the matter relates to surface water they do not object and are content to defer this matter to the Council, who are the authority responsible for flooding from SUDS systems.

- 103 Subject to the aforementioned measures being delivered as proposed through planning condition 11 the proposal satisfies the LDP policy requirements in terms of flood risk and surface water drainage.

### **Waste Collection**

- 104 Waste collection is considered to be appropriately addressed through the provision and access to individual properties. It is recommended that up to three mini glass recycling points are considered to be integrated within the site by the developer, which is recommended to be covered via an informative (see informative 12).

### **Noise**

- 105 Policy EP8 seeks to protect sensitive receptors from development that generates high levels of noise and also protect proposed noise sensitive land uses from sources of unacceptable noise. The consultation response from Environmental Health's has raised no concerns in this regard. While it is noted that some disruption and impact of amenity would be caused to existing properties nearby through the construction of the dwellings this is a common and indeed unavoidable outcome of any development. It is known that the development will be completed as a single phase development thus minimising the exposure to this noise than what could have been experience from a longer term project. To assist the protection of amenity in nearby properties it is proposed to restrict the hours of construction to achieve further mitigation in this regard through a proposed planning condition (12). Similarly, the management of construction traffic is also proposed to be addressed in the interest of road and pedestrian safety and the amenity of residents (proposed planning condition 13). With these measures in place there are no concerns regarding conflict with LDP Policy EP8.

## **OTHER CONSIDERATIONS**

### **Developer Contributions**

- 106 Policy PM3 - Infrastructure Contributions and associated Supplementary Guidance on Developer Contributions set out requirements for developer contributions. On this occasion no Section 75 legal agreement is required, as no contributions are due or being sought.

### **Phasing**

- 107 Discussion is provided above in respect of the need to ensure phasing details for the delivery of landscaping elements, such as open space and pathways

and their connection. This matter is proposed to be addressed through proposed planning condition 9.

- 108 In terms of the phasing of the houses, the applicant has indicated that the development would be built out to a continuous build programme. However, there is a phasing programme within this proposed, within the first phase of development would be the 13 shared equity housing, located adjacent to the existing 7 properties. Thereafter the development would progress with the 12 mid-market houses further in to the site with the 46 social rent properties being last and predominantly located within the central and western parts of the site. The location and phased build of the site could be verified through a planning condition (again condition 9 refers) again to assist with minimising disruption to residents and building the development inward from the entrance to Blackthorn Place in the interest of visual amenity.

### **Economic Impact**

- 109 During the construction period jobs will be created and sustained, supporting indirect employment and revenue that this volume of construction activity will generate from employees spending on local goods and services. Additional residents to the area will also support existing local employment and services in the area.
- 110 The Perth and Kinross Retail Study (2014) estimates that average convenience goods available expenditure in 2019 (per household) will be in the region of £2000 per annum and the average comparison goods available expenditure will be in excess of £3600 per annum. Applying these figures to the overall scale of development proposed here, the estimated annual expenditure on convenience and comparison goods could conservatively be calculated to be in excess of £1 million.

### **LEGAL AGREEMENTS**

- 111 No legal agreement under section 75 of the Town and Country Planning (Scotland) Act 1997 is required on this occasion.

### **DIRECTION BY SCOTTISH MINISTERS**

- 112 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 EIA screening opinion, call in, or notification relating to this application.

### **CONCLUSION AND REASONS FOR RECOMMENDATION**

- 113 As set out in Para 74, planning legislation requires that decisions are made in accordance with Development Plan policy unless material considerations indicate otherwise. In this case the application seeks permission for the erection of 71 houses on a site is an existing residential site within the settlement boundary, which has been implemented and is partially developed. This complies with LDP policies in respect of development within a defined

settlement boundary. Housing development in this location of Blairgowrie as a Tier 2 settlement is also compatible with the location priorities set out in TAYplan Policy 1.

- 114 The layout and design of the proposed development is considered to be acceptable. The internal layout and design of the dwellings is of a good standard. A good level of amenity for the new residents and causes no unacceptable impact on the amenity of occupants of nearby properties. The development does represent a change of house styles than exists at present; however, these smaller units will address an identified need in the area. The proposal will have an impact on the number of vehicles on the local road network; however, that impact is not considered to be significant and the levels indicated can be accommodated without adverse impact. In respect of other considerations, the site has reasonably good accessibility to nearby services and recreational facilities.
- 115 Overall, is considered competent and compliant with the key principles of the LDP and is recommended for approval, subject to appropriate detail and mitigation being secured via conditional control. Account has been given to the matters raised in representation and these have been addressed in the appraisal above. There are no material considerations present however that warrants a refusal of the proposal.

## **RECOMMENDATION**

### **A Approve the application subject to the following direction and conditions:**

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

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

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

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).

- 3 All road gullies within 500m of a waterbody or Sustainable Urban Drainage (SUDS) basin shall have 'wildlife kerbs' installed adjacent to the gully. The details for which shall be submitted to the Planning Authority for approval and

installed thereafter in accordance with the approved detail prior to the occupation of any dwellinghouse hereby approved.

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).

- 4 No works which include the creation of trenches, culverts or the presence of pipes will commence until measures to protect animals from becoming trapped in open excavations and/or pipes and culverts are submitted to and approved in writing by the planning authority. The measures could include, but are not restricted to, creation of sloping escape ramps from trenches and excavations and securely sealing open pipework at the end of each working day.

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

- 5 The developer shall incorporate swift bricks and bat roost bricks at eaves height in a minimum of 40% of all 2 storey properties. These bricks shall be usable prior to the occupation of each property where the bricks have been installed.

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) or vulnerable bird populations.

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

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

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

Reason: In the interest of promoting sustainable modes of transport.

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

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

- 9 No development shall commence until a detailed delivery plan confirming the phased delivery of the site to landscaping (public open spaces and tree lines) and construction works (incorporating the route and construction phasing for dwellings and location of any site/construction compounds) has been submitted and approved in writing by the Planning Authority. Once approved, the development shall be implemented in accordance with the delivery plan.

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

- 10 In association with Condition 9, prior to the commencement of development details for the specification, species and maintenance of the landscaping, open space and tree line areas shall be submitted to the Planning Authority for further approval. The phasing and delivery of the tree areas should incorporate provision in advance of the occupation of any dwellinghouse within any respective phase of the development in accordance with the required phasing programme (Condition 9) and agreed in writing with the Planning Authority prior to the commencement of the development. Once approved, the landscape specification shall be implemented in accordance with the approved scheme.

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

- 11 Development shall not commence on site until detailed proposals developed design of proposes to mitigate flood risk from the Sustainable Urban Drainage (SUDS) basin shall be submitted for the further written agreement of the Council as Planning Authority. Development shall not commence on site until all flood mitigation measures agreed as part of the agreed scheme are completed to the satisfaction of the Council as Planning Authority.

Reason: To ensure the provision of effective drainage for the site and mitigate flood risk to the surrounding area.

- 12 The hours of operation for all construction activity shall be restricted to between 0700 hours and 1900 hours Monday to Saturday only, with no operations permitted on Sundays.

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

- 13 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), a Construction Traffic Management Scheme (TMS) which shall include the following:

- (a) restriction of construction traffic to approved routes and the measures to be put in place to avoid other routes being used;

- (b) timing of construction traffic to minimise impact on local communities particularly at school start and finishing times, on days when refuse collection is undertaken, on Sundays and during local events;
- (c) 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 compound(s);
- (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 interests of pedestrian and traffic safety, in the interests of free traffic flow and residential amenity.

## **B JUSTIFICATION**

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

## **C PROCEDURAL NOTES**

None required.

## **D INFORMATIVES**

- 1 This planning permission will last only for three years from the date of this decision notice, unless the development has been started within that period.



(See section 58(1) of the Town and Country Planning (Scotland) Act 1997 (as amended)).

- 2 Under Section 27A of the Town and Country Planning (Scotland) Act 1997 (as amended) the person undertaking the development is required to give the Planning Authority prior written notification of the date on which it is intended to commence the development. A failure to comply with this statutory requirement would constitute a breach of planning control under section 123(1) of that Act, which may result in enforcement action being taken.
- 3 As soon as practicable after the development is complete, the person who completes the development is obliged by Section 27B of the Town and Country Planning (Scotland) Act 1997 (as amended) to give the Planning Authority written notice of that position.
- 4 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 should be advised that in terms of Section 21 of the Roads (Scotland) Act 1984 he must obtain from the Council as Roads Authority consent to construct a new road prior to the commencement of roadworks. Advice on the disposal of surface water must be sought at the initial stages of design from Scottish Water and the Scottish Environmental Protection Agency.
- 6 The applicant is advised that the detailed design of all SUDS shall conform to 'PKC Flooding and Flood Risk Guidance Document (June 2014)', or any subsequent update.

Associated with this, it is recommended that the following information and design should be embedded within the final drainage details:

- In the event that the soakaway overtops due to a capacity issue or siltation over time, the surrounding ground should be contoured such to allow a volume of water to be retained before it can overland flow elsewhere. I.e. the land would be graded down to the soakaway (very gently). This would make it easier to identify a problem with the soakaway in the future because it would pond around it. This would provide additional protection to surrounding land/property.
- A clear indication of the design standard of all the SUDS features on the design and As-Built drawings.

- 7 Please consult the Street Naming and Numbering Officer, The Environment Service, Perth and Kinross Council, Pullar House, 35 Kinnoull Street, Perth PH1 5GD.
- 8 The applicant is advised that the granting of planning consent does not guarantee a connection to Scottish Water's assets. The applicant must make a separate application to Scottish Water Planning & Development Services team for permission to connect to the public wastewater system and/or water network and all their requirements must be fully adhered to.
- 9 No work shall be commenced until an application for building warrant has been submitted and approved.
- 10 The applicant is recommended to contact the Council Contamination Officer immediately if any ground contamination is found during construction of the development.
- 11 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.
- 12 The applicant is recommended to incorporate a mini glass recycling points in an appropriate location within the approved development to compliment the kerbside recycling services that will be provided. In order to comply with the 'Household Charter', each household should have access to 10 litres of recycling capacity per week, which would roughly equate to 3 mini glass points over the development. Further details of the requirements can be sought in discussion with the Council Waste Services Team. Further, The Environment Service Operations may request communal bins for the flatted properties; it is recommended that the developer make contact with the Community Waste Team to discuss this further.

Background Papers: 103 letters of representation  
 Contact Officer: Jamie Scott  
 Date: 5 October 2017

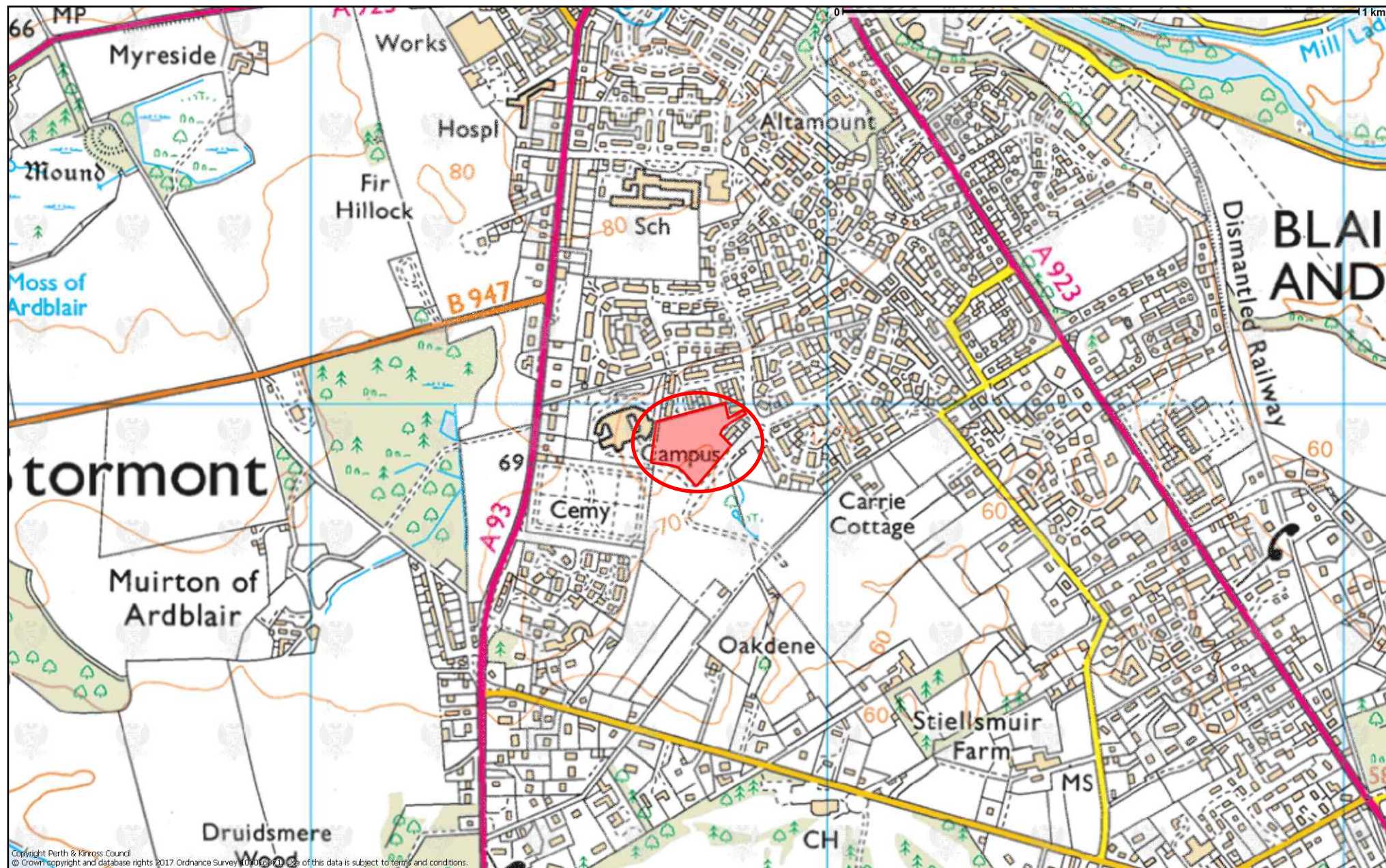
**Anne Condcliffe**  
**Interim Development Quality Manager**

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17/00838/FLM

Erection of 71no. dwellinghouses and associated works









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17/00838/FLM

Erection of 71no. dwellinghouses and associated works





Perth and Kinross Council  
Planning & Development Management Committee – 18 October 2017  
Report of Handling by Interim Development Quality Manager

Siting of 14 static caravan chalet units for holiday accommodation, partial infill of pond and associated landscaping on land Tummel Valley Holiday Park Tummel Bridge Pitlochry PH16 5SA

Ref. No: 16/01715/FLL  
Ward No: N4 Highland

### Summary

This report recommends approval of the detailed application for the siting of 14 static caravan chalet units for holiday accommodation, partial infill of pond and associated landscaping on land at Tummel Valley Holiday Park, Tummel Bridge, near Pitlochry. The development is considered to comply with the current Development Plan. The application is recommended for approval, subject to conditions.

### BACKGROUND AND PROPOSAL

- 1 Planning permission is sought for the siting of 14 static caravan chalet units for holiday accommodation, partial infill of pond and associated landscaping at Tummel Valley Holiday Park, Tummel Bridge. The application site is part of an existing holiday park that is located on two sides of the B8019 public road at Tummel Bridge. The application site is currently used as an area for touring caravans and is located in a part of the park to the north of the public road. The proposal is to alter the area where there are currently 28 touring caravan pitches to form 14 static pitches. The application site extends to around 1.1 hectares.
- 2 The site is part of one of a number of holiday parks owned by Parkdean Holiday Parks Ltd across the UK. The company has seven other parks in Scotland.
- 3 The site licence issued by Perth and Kinross Council limits the total number of units (including chalets, tourers and statics) to 276. The statement submitted with the application states that there are currently 200 pitches on the park. Occupancy of the site for touring caravans is limited, by the site licence, to 7.5 months of the year, excluding the period between 1<sup>st</sup> November and 15<sup>th</sup> March. Occupancy of static caravans is not subject to this restriction and where the units have their own facilities and are suitably protected against frost they can be occupied all year round.
- 4 Permission was previously granted for the change of use of the touring pitches and partial infill of the pond to form 28 static stances in 2003 (03/01536/FUL).

## **NATIONAL POLICY AND GUIDANCE**

- 5 The Scottish Government expresses its planning policies through the National Planning Framework 3, the Scottish Planning Policy (SPP) 2014 and Planning Advice Notes (PAN), Designing Places, Designing Streets and the National Roads Development Guide.

### **The Scottish Planning Policy 2014**

- 6 The Scottish Planning Policy (SPP) was published on 23 June 2014. It sets out national planning policies which reflect Scottish Ministers' priorities for operation of the planning system and for the development and use of land. The SPP promotes consistency in the application of policy across Scotland whilst allowing sufficient flexibility to reflect local circumstances. It directly relates to:

- The preparation of Development Plans.
- The design of development, from initial concept through to delivery.
- The determination of planning applications and appeals.

- 7 Of relevance to this application are;

- Paragraphs 24 – 35: Sustainability
- Paragraphs 36 – 57: Placemaking

- 8 A Natural, Resilient Place;

- Paragraphs 254 – 268 Managing Flood Risk & Drainage

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

- 9 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**

- 10 The Development Plan for the area consists of the Approved TAYplan Strategic Development Plan June 2012 and the Perth and Kinross Local Development Plan February 2014.

### **TAYplan Strategic Development Plan (June 2012)**

- 11 TAYPlan sets out a vision for how the region will be in 2032 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 2032 the TAYplan region 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.”*



- 12 The following section of the TAYplan 2012 is of particular importance in the assessment of this application.

**Policy 3: Managing TAYplan's Assets**

- 13 Seeks to respect the regional distinctiveness and scenic value of the TAYplan area and presumes against development which would adversely affect environmental assets.

**Perth and Kinross Local Development Plan 2014**

- 14 The Local Development Plan (LDP) was adopted by Perth and Kinross Council on 3 February 2014. It is the most recent statement of Council policy and is augmented by Supplementary Guidance.

- 15 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."*

- 16 Under the LDP, the following policies are of particular importance in the assessment of this application.

**Policy PM1A - Placemaking**

- 17 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 adaptation.

**Policy PM1B - Placemaking**

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

**Policy ED4A - Caravan Sites, Chalets and Timeshare Dev**

- 19 Encouragement will be given to the retention and improvement of existing caravan and camping sites, provided the improvements are compatible with adjoining land uses. There shall be no presumption in favour of residential development if any of the above uses ceases.

**Policy ED4C - Caravan Sites, Chalets and Timeshare Dev**

- 20 Favourable consideration will be given to new chalet and timeshare / fractional ownership developments where it is clear that these cannot be used as permanent residences and where they satisfy the criteria set out. There shall be no presumption in favour of residential development if any of the above uses ceases.

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

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

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

- 22 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 NE1 - Environment and Conservation Policies**

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

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

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

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

- 25 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**

- 26 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 EP2 - New Development and Flooding**

- 27 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 EP5 - Nuisance from Artificial Light and Light**

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

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

- 29 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 EP15 - Development within the River Tay Catchment Area**

- 30 Nature conservation in the River Tay Catchment Area will be protected and enhanced. To ensure that there are no adverse effects on the River Tay SAC listed criteria will be applied to development proposals in Acharn, Balnaguard, Camserney, Croftinloan/Donavoured/East Haugh/Ballyoukan, Fortingall, Grandtully/Strathtay/Little Ballinluig, Logierait, Tummel Bridge, Concraigie and Kinloch, Bankfoot and Kirkmichael.

#### **OTHER POLICIES**

- 31 The following supplementary guidance and documents are of particular importance in the assessment of this application.
- Flood Risk and Flood Risk Assessments – Developer Guidance June 2014.

#### **Planning Site History**

- 32 There have been numerous applications on the holiday park site. The more recent and relevant include:

03/01536/FUL Change of use of existing touring pitches and partial infill of pond to form 28 static stances at 19 November 2003 Application Permitted under delegated powers

03/01895/FUL Refurbishment of water supply and storage, formation of concrete base and installation of stage 1 tank 16 December 2003 Application Permitted under delegated powers

06/01897/FUL Replacement of 30 existing holiday chalets with new holiday lodges and adjustment of existing road 12 October 2006 Application Permitted under delegated powers

06/02577/FUL Erection of LPG compound to service new lodges 29 January 2007 Application Permitted under delegated powers

17/00217/FLL Siting of 2no. holiday accommodation units 8 March 2017 Application Withdrawn

#### **CONSULTATIONS**

## **EXTERNAL**

### **Scottish Environment Protection Agency**

- 33 Conditions required with regard to requirement for construction method statement. Also comments made with regard to flood risk and occupancy restrictions.

## **INTERNAL**

### **Transport Planning**

- 34 No objections. The proposed development is effectively a modification of a previous consent to replace an area of touring caravan pitches with static caravan lodges. The previous consent was for 28 units compared to the 14 units applied for as part of this application. The traffic generated by static caravans is likely to be less than that generated by touring caravans and the proposal to have fewer (but larger) units will also be a net reduction in overall trips generated.

### **Environmental Health**

- 35 No adverse comments. The Caravan Site Licence for this site will require to be updated to take account of any further units here; contact should be made with the Environmental Health Team to arrange this.

### **Flooding Team**

- 36 Following receipt of further information the Flood Officer does not object subject to conditions including submission of a Flood Action Plan prior to commencement of development.

### **Biodiversity Officer**

- 37 Following discussion with the company's ecologist and the submission of further details of the works to the pond and a tree survey the Biodiversity Officer does not object. Conditions are requested with regard to protected species surveys and ecological monitoring being carried out.

## **REPRESENTATIONS**

- 38 The application has attracted 18 letters of objection. The following issues were raised by the objectors:

- Traffic and road safety
- Noise
- Impact on wildlife
- Visual amenity

- Flood risk
- Light pollution
- Over intensive development
- Impact on water supply
- Capacity of existing sewage treatment facility – insufficient capacity for new lodges, existing treatment facility often smells in summer.
- Road is unsuitable for transporting caravans - plan for transport of caravans

### **Response to issues**

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

### **ADDITIONAL STATEMENTS**

40

|                                                |                                                          |
|------------------------------------------------|----------------------------------------------------------|
| Environment Statement                          | Not required                                             |
| Screening Opinion                              | Not required                                             |
| Environmental Impact Assessment                | Not required                                             |
| Appropriate Assessment                         | Not required                                             |
| Design Statement / Design and Access Statement | Supporting statement submitted.                          |
| Reports on Impact or Potential Impact          | Flood Risk Assessment, Phase 1 Habitat Survey submitted. |

### **APPRAISAL**

#### **Policy**

- 41 Sections 25 and 37(2) of the Town and Country Planning (Scotland) Act 1997 as amended by the 2006 Act require that planning decisions be made in accordance with the Development Plan unless material considerations indicate otherwise. The Development Plan for the area comprises the approved TAYplan 2012 and the adopted Perth and Kinross Local Development Plan 2014.
- 42 The determining issues in this case are whether; the proposal complies with Development Plan policy; or if there are any other material considerations which justify a departure from policy.

## **Principle**

- 43 The site is within an area where tourism policies of the Perth and Kinross Local Development Plan 2014 are supported. Policy ED4 is of particular relevance and supports tourism uses specifically referring to caravan sites, chalets and timeshare developments. This encourages the retention and improvement of existing caravan and camping sites provided the improvements are compatible with adjoining land uses and the site makes a positive contribution to the local economy.
- 44 Whilst the principle is in accordance with the Development Plan the details will be assessed in terms of policies including placemaking, trees, biodiversity, noise and light pollution.
- 45 The site is also within the River Tay catchment where policy EP15 seeks to safeguard the River Tay SAC.

## **Design and Layout**

- 46 The proposal is to replace 28 existing caravan pitches sited to the south of a small lochan. This will be partially infilled on the southern edge to accommodate the proposed static caravans and will be expanded on the northern side.
- 47 The static caravans, described as holiday lodges in the supporting statement, will occupy double pitches and each lodge will be sited on a concrete hardstanding base with two parking spaces alongside each pitch. They will be finished in timber with green/grey tiled pitched roofs, similar to lodges approved on the area to the south of the B8019 in 2006. Each unit will have a decked area to the front and side and will measure around 12 m x 6 m.
- 48 The holiday lodges will be accessed via the existing caravan park access off the B8019. The site will be landscaped with trees and grassed areas. The site is well within the body of the holiday park and will not have any visual impact outside of the holiday park boundaries.
- 49 The original submission stated that the applicant would like the lodges to have 12 month occupancy. Currently the touring pitches are available for 7.5 months of the year. For reasons set out later in the report it is proposed to restrict occupancy to 9 months of the year.

## **Landscape and biodiversity**

- 50 The site is in an area where there are existing trees with woodland around the edge. The site also contains a small lochan which will be modified as part of the proposed works. The work to the pond, realigning it by filling in the southern edge and extending it to the north will have an effect on the ecology of the pond and the surrounding area. However it is proposed to mitigate any adverse ecological impact from the works by amending the design of the pond to incorporate features which are likely to contribute to an overall increase in

biodiversity gain for the site. These features will include increasing the wetted perimeter of the pond through the inclusion of a series of spits and bays, graded banks and the retention along the northern edge of existing trees and shrub where possible. Additional planting of native trees and shrub will be included within the landscape design including native/wild flora pond mix, and the use of existing vegetation taken from the existing southern edge before infilling has taken place. A small copse will be planted to the south of the site (located to the north of the existing toilet block), to strengthen the green corridor network throughout the site. Further planting of trees and shrubs will be undertaken between each caravan bay.

- 51 The Council's Biodiversity Officer commented on the original submission and requested some amendments to the original information due to some inaccuracies in the submission. It was also noted that the site is designated as Ancient Woodland and Semi-natural Woodland, although the majority of the development site is not woodland, it is apparent that a number of trees will be affected by the proposals. No tree survey was originally provided to support the application however this was provided following a request by the case officer.
- 52 A tree survey has now been submitted and various recommendations have been made as part of this. A condition will be attached to ensure works are carried out in accordance with the Tree Survey (condition 12). A Landscape and Ecological Management Plan of the Site will also be produced (planning condition 5).
- 53 The Biodiversity Officer notes that the possible presence of European Protected Species is a material consideration. The requirement for surveys including bat survey was discussed with the Council's biodiversity Officer and applicant's ecologist. The Biodiversity Officer noted that the timing of the original submission was not suitable for a bat survey and agreed to pre-commencement condition requiring a bat survey be undertaken. This will be requested by condition (condition 11). Environmental monitoring will also be required as part of the Construction and Environmental Management Plan (condition 3).

### **Residential Amenity**

- 54 The site is within the Loch Tummel settlement boundary and as such there is residential development within the village that is not associated with the caravan park. However the closest residential property to the application site is over 100 metres away. There are no issues with overlooking or overshadowing of exiting residential properties from the proposed lodges. The use of the land will not change from its existing holiday accommodation use and the change to static caravans should not have any impact in terms of existing residential amenity.

## **Roads and Access**

- 55 The site is accessed from the public road by the existing access with some changes being made to the internal road layout on the approach to the lodge site. There have been some objections to the proposal in terms of traffic and road safety however my colleagues in Transport Planning do not object and note that the proposed development is effectively a modification of a previous consent to replace an area of touring caravan pitches with static caravan lodges. The previous consent was for 28 units compared to the 14 units applied for as part of this application. It is noted that the traffic generated by static caravans is likely to be less than that generated by touring caravans and the proposal to have fewer (but larger) units will also be a net reduction in overall trips generated.
- 56 There have been some concerns about the impact, of the delivery of the lodges to the site, on local road users and whether the lodges will be escorted and whether the public would be notified in advance. This issue was covered at an open event held by the caravan park where it was confirmed that whilst load widths of 6 metres do not legally require a police escort the delivery companies can be asked to provide an escort and Parkdean Resorts will ensure an escort is provided. It was also advised that a weeks' notice could be given of intended delivery dates and whether a.m. or p.m. Parkdean Resorts have indicated that signs would be put in place on community noticeboards and also along the road from the A9 to give advance notice of deliveries.

## **Drainage and Flooding**

### **Flood Risk**

- 57 There have been representations from members of the public with regard to flood risk at the site.
- 58 The original submission suggested that the application site lies within an area with a very low chance of flooding from the adjacent river. However additional information was requested by the Council's Flood Officer due to the fact that the SEPA surface water flood map indicates that the area is at risk from localised surface water flooding. A Flood Risk Assessment (FRA) was requested in order to fully assess the implications of the partial in-fill of the pond in terms of drainage and groundwater issues.
- 59 This information was submitted in February 2017 and neighbours were re-notified of the new information. The agent also held a community consultation event on Thursday 16<sup>th</sup> March 2017 at which at least 14 members of the public and ward Councillors attended.
- 60 Since then there has been dialogue between the agent and the Council's Flood Risk Officer with SEPA also being consulted. There has also been some contact with Scottish and Southern Energy (SSE) with regard to releases of water in connection with the nearby power station that could have implications with regard to flood risk.



- 61 From a flood risk perspective, the primary concern is risk to life of the people who may be staying in the chalets at any one time. SEPA have provided information indicating that the months during which there is the highest risk of flooding to that area of the site are December to March inclusive. The particular location of the proposed chalets is within the known overland flow-path of water which overflows from the River Tummel during certain rainfall events; the remainder of the park, with the exception of the access road, is predominantly out with the area of risk.
- 62 In SEPA's comments they suggest a 7.5 month opening season for the chalets to avoid the months during which there is most risk of flooding. Following discussions with the Flood Officer I am of the view that, given the highest risk of flooding is during December, January and February, the chalets should not be occupied during this time and could therefore operate from the beginning of February to the end of November giving a nine month season.
- 63 The Flood Officer notes that the reasons for the concern include the uncertainty around the flood maps for the area with SEPA acknowledging that their maps do not take into account the overland flow following a release of water from the SSE dam upstream. A detailed hydraulic model which takes into account SSE releases would be required to determine the actual flood water depth and extents along the full overland flow path. It is also important to take into account the variable and extreme winter weather that can be experienced at this location in addition to local knowledge of the site and behaviour of the river under different environmental conditions. I discussed with the Flood Officer whether this information to supply further detail of the overland flow path was required prior to determination and it was agreed that the information could be supplied as part of the information required for a Flood Action Plan be submitted prior to commencement of any works on site. It is therefore recommended that a condition to require a Flood Action Plan be attached to any consent (condition 8).
- 64 Given the uncertainties around flood risk at this site and the temporary nature of the occupancy, a 9 month season (vacant during Dec, Jan and Feb) for these chalets is in line with Scottish planning Policy which promotes a precautionary approach to flood risk management. A condition to this effect is recommended on any approval (condition 14).

### **Foul Drainage**

- 65 There have been concerns expressed by neighbours that there is insufficient capacity in the existing sewage treatment facility for the proposed development and that the existing treatment facility often smells in summer.
- 66 In response to these concerns the agent notes that the last 4 years annual SEPA reports on the sewage treatment system have all been ranked Excellent, and this includes for no significant odour. It is also stated by the agent that the existing treatment plant currently serves the 28 touring caravan pitches on the application site and in addition the shower/toilet block for the touring area. Assuming 4 people per caravan then the proposal will result in  $14 \times 4 =$

56 person capacity, compared to  $28 \times 4 = 112$  person capacity therefore reducing the load on the treatment plant by more than 50% taking into account that the shower/toilet block will also no longer be used once the lodges are developed.

- 67 It is also noted that the concerns with regard to odour is not to do with the capacity of the treatment plant but would be related to maintenance of the foul water sewer. This can be addressed by following an appropriate foul water maintenance plan with regular inspection and cleaning. It is noted that Parkdean Resorts will instruct a CCTV survey of the sewer system to identify and repair any blockages/damage in the system, including replacement of manhole covers if required. This work will be carried out by the contractor who installed the treatment plant.

### **Surface Water Drainage**

- 68 The initial submission did not include information about Sustainable Urban Drainage Systems (SUDS). It is expected that surface water from all developments should be treated by SUDS in line with Scottish Planning Policy (Paragraph 268). SUDS help to protect water quality and reduce potential for flood risk.
- 69 It is noted by SEPA that the submitted Flood Risk and Drainage Assessment dated March 2017 sets out a surface water drainage strategy. SEPA is satisfied that the proposed permeable surfaces and swale/ vegetated channel are appropriate SUDS for the site.
- 70 A condition will be attached to ensure SUDS are put in place (conditions 9 and 10).

### **Construction Method Statement**

- 71 Policy EP15 of the Local Development Plan is relevant to this site and requires that a Construction Method Statement (CMS) is provided where the development site will affect a watercourse in the River Tay Catchment area. No CMS has been submitted with the application but given that the proposed development includes the partial infilling and alteration of the lochan SEPA require that a detailed site specific CMS is submitted. The CMS must set out mitigation to ensure that works do not cause pollution of the water environment and should include measures to avoid impacts on ground and surface water and to ensure that hydraulic connectivity of the marshy grassland area.
- 72 SEPA has requested that a suspensive condition be attached to any consent which the Council is minded to approve, to ensure that a CMS is submitted and approved in advance of works commencing on site (condition 2).

### **Light Pollution**

- 73 There is potential for light pollution from the development. Although none is indicated on the plans it is understood that some lighting will be required. A

condition requiring agreement of any proposed lighting scheme is recommended to be attached to any consent (condition 13)

### **Waste and recycling**

- 74 The existing arrangements on site for waste and recycling provision will not be affected by this proposal. The existing facilities will be utilised by occupants of the new lodges.

### **Developer Contributions**

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

### **Economic Impact**

- 76 It is expected that there will be a positive economic impact from the proposed investment in the park.

### **LEGAL AGREEMENTS**

- 77 No legal agreements are required as part of this proposal.

### **DIRECTION BY SCOTTISH MINISTERS**

- 78 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**

- 79 In conclusion, the application must be determined in accordance with the adopted Development Plan unless material considerations indicate otherwise. In this case the application seeks consent for siting of 14 caravan chalet units and associated works within an existing holiday park. This complies with LDP policies which support improvements to existing facilities subject to considerations such as flood risk and ecological impact. Safeguards will be put in place through conditions to ensure there are no adverse impacts as part of the works. It is therefore considered the proposal does comply with the relevant provisions of the adopted plan. There are no material considerations that would justify departing from the Development Plan. On that basis the application is recommend for approval subject to conditions.

## **RECOMMENDATION**

### **A Approve the application subject to the following conditions:**

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

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

- 2 Development shall not commence until a detailed Construction Method Statement (CMS) has been submitted to the Council as Planning Authority and agreed in consultation with SNH and SEPA. 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 stock piles, 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.

- 3 Development shall not commence until a detailed Construction Environmental Management Plan (CEMP) detailing environmental mitigation measures and construction method statements, including specific measures for environmental monitoring during construction, shall be submitted for the further written agreement of the Council as Planning Authority in consultation with SNH and/or SEPA. Such details shall be submitted not less than two months prior to the agreed scheduled commencement date and shall incorporate detailed pollution avoidance and mitigation measures for all construction elements. Thereafter the development shall be fully undertaken in accordance with the agreed CEMP. For clarification, the CEMP shall include information to satisfy the matters referred to in the consultation response from SEPA and dated 13 June 2017.

Reason - In the interest of proper site management.

- 4 Prior to the commencement of the development hereby approved, a detailed landscaping and planting scheme for the site shall be submitted for the further

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

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

- 5 Prior to the occupation of the development or any phase of the development, whichever is the sooner, a landscape and ecological management plan for the site shall be submitted for the further written agreement of the Council as Planning Authority. The Plan shall include long term design objectives, management responsibilities and maintenance schedules for all landscape areas and include details of tree and woodland management and watercourse and pond management. The landscape and ecological management plan as agreed shall, where appropriate, include phased implementation concurrent with the development and shall be fully implemented and thereafter maintained.

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

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

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

- 7 Any planting failing to become established within five years shall be replaced in the following planting season with others of similar size, species and number.

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

- 8 Prior to the commencement of development a Flood Action Plan shall be prepared for the site and submitted for the further agreement in writing of the Planning Authority in consultation with the Council's Structures and Flooding Section. This should detail access and egress arrangements during a flooding event.

Reason - The site is located within the 1/200 (0.5% AEP) flood extent and therefore has a medium to high risk of flooding.

- 9 Concurrent with the initiation of the development hereby approved and for the duration of construction, a temporary surface water treatment facility which accords with SUDS principles shall be implemented on site and maintained for the duration of the approved development works. The temporary surface water treatment facility shall remain in place until the permanent surface water drainage scheme is implemented.

Reason - To ensure the appropriate management of construction surface water run-off to minimise flooding and avoid discharge of sediment/pollution to the local water environment or neighbouring property, in the interests of residential and environmental amenity.

- 10 Storm water drainage from all paved surfaces, including the access, shall be disposed of by means of suitable a Sustainable Urban Drainage System to meet the requirements of best management practices.

Reason - To ensure the provision of effective drainage for the site.

- 11 Prior to commencement of the works a full bat activity survey shall be submitted to the planning authority for approval.

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 The conclusions and recommended action points within the supporting biodiversity survey and tree surveys submitted and hereby approved shall be fully adhered to, respected and undertaken as part of the construction phase of development.

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

- 13 Prior to the installation of any external lighting, the details of all external lighting shall be submitted for the further written agreement of the Council as Planning Authority. The scheme shall include details of light spill, brightness of the lighting and the proposed hours of operation. The agreed lighting scheme shall be implemented and maintained in full accordance with the agreed scheme.

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

- 14 The development hereby approved shall only be occupied between 1<sup>st</sup> March and 30<sup>th</sup> November and shall be used solely for holiday accommodation and shall not be occupied as the sole or main residence of any occupant.

Reason - In order to clarify the terms of the permission; to control and restrict the use of the building and allow the premises to be vacant during the months of the year at most risk of flooding.

## **B JUSTIFICATION**

- 80 The proposal is considered to comply with the Development Plan and there are no other material considerations that would justify a departure therefrom.

## **C PROCEDURAL NOTE**

- 81 None required.

## **D INFORMATIVES**

- 1 This planning permission will last only for three years from the date of this decision notice, unless the development has been started within that period. (See section 58(1) of the Town and Country Planning (Scotland) Act 1997 (as amended).
- 2 Under Section 27A of the Town and Country Planning (Scotland) Act 1997 (as amended) the person undertaking the development is required to give the Planning Authority prior written notification of the date on which it is intended to commence the development. A failure to comply with this statutory requirement would constitute a breach of planning control under section 123(1) of that Act, which may result in enforcement action being taken.
- 3 As soon as practicable after the development is complete, the person who completes the development is obliged by Section 27B of the Town and Country Planning (Scotland) Act 1997 (as amended) to give the Planning Authority written notice of that position.
- 4 An application for Building Warrant may be required.
- 5 The applicant should take cognisance of the advice contained in SEPA's letter dated 13 June 2017. Regulatory advice is also available from the local SEPA office at:

Broxden Business Park  
Lamberkine Drive  
PERTH  
PH1 1RX

Tel: 01738 627989

Email : [planning.se@sepa.org.uk](mailto:planning.se@sepa.org.uk)

- 6 The applicant is reminded that, should any protected species be present a licence may be required from Scottish Natural Heritage to disturb a protected species. Failure to obtain a licence may constitute a criminal act under the Habitats Regulations and penalties are severe for non-compliance.

- 7 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.
- 8 The Caravan Site Licence for this site will require to be updated. Contact should be made with Perth and Kinross Council Environmental Health Team tel. 01738 476415.

Background Papers: 18 letters of representation  
Contact Officer: Persephone Beer Ext 75354  
Date: 5 October 2017

**Anne Condcliffe**  
**Interim Development Quality Manager**

|                                                                                                                                                                                                                                                             |
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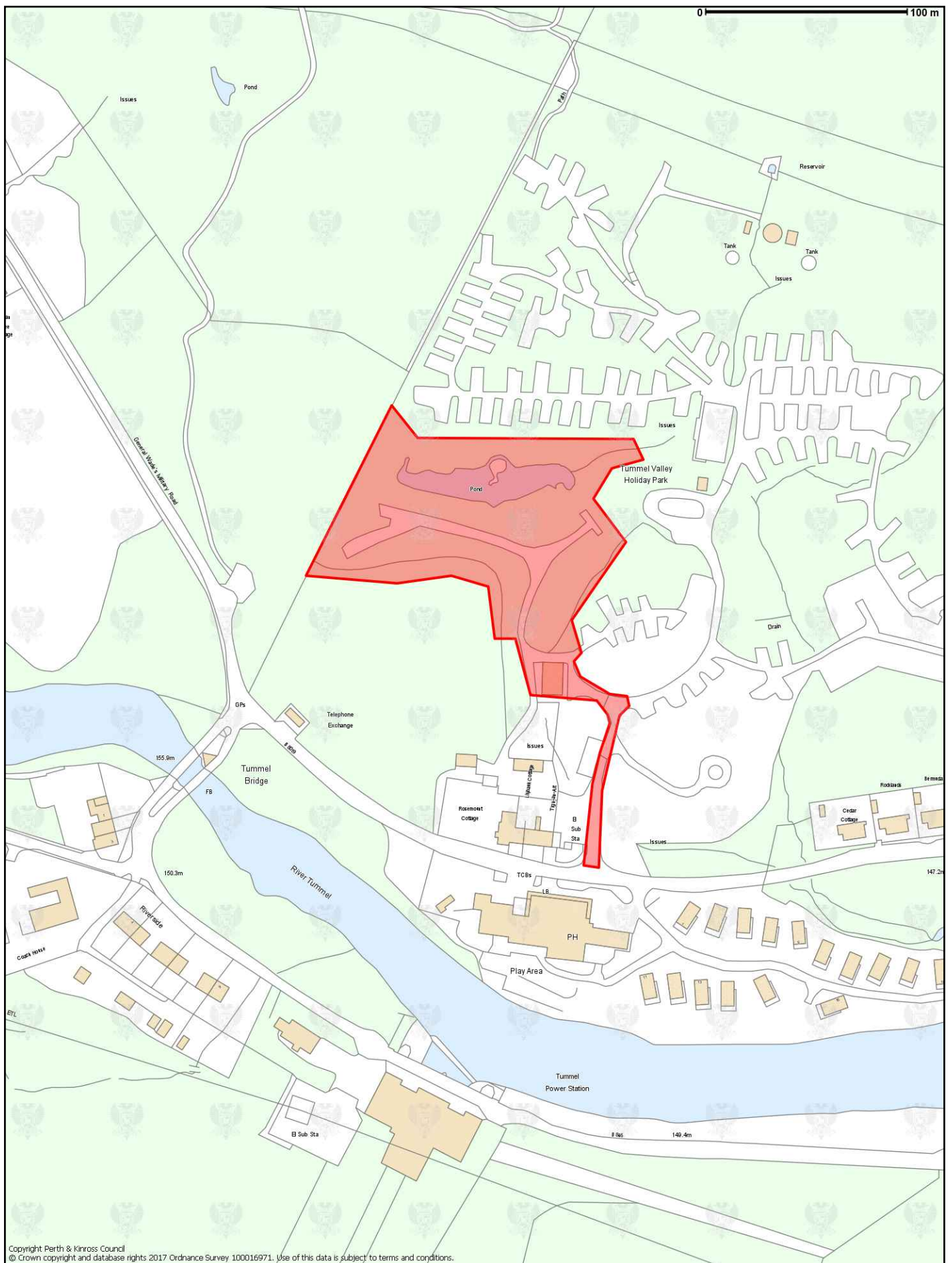
16/01715/FLL

Siting of 14 static caravan chalet units for holiday accommodation, partial infill of pond and associated landscaping









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16/01715/FLL

**Siting of 14 static caravan chalet units for holiday accommodation, partial infill of pond and associated landscaping**





Perth and Kinross Council  
Planning & Development Management Committee – 18 October 2017  
Report of Handling by Interim Development Quality Manager

Change of use and alterations to nursery school to form holiday/staff accommodation, erection of 2 holiday/staff accommodation units and siting of 4 static caravans/chalets for holiday/staff accommodation (in part retrospect) at Boreland Farm, Fearnan, Aberfeldy

Ref. No: 17/00788/FLL  
 Ward No: P4 - Highland

### **Summary**

This report recommends approval of the application for change of use and alterations to nursery school to form holiday/staff accommodation, erection of 2 holiday/staff accommodation units and siting of 4 static caravans/chalets for holiday/staff accommodation (in part retrospect). The development proposal is considered to comply with the relevant provisions of the Development Plan and there are no material considerations apparent which would outweigh the Development Plan.

### **BACKGROUND AND PROPOSAL**

- 1 The application site is located to the northwest of the village of Fearnan out with the settlement boundary. Boreland Farm occupies a sloping site on the north banks of the River Tay comprising of a mix of agricultural land with a grouping of buildings that sit on a plateau. There are 5 dwellinghouses located to the northeast of the main building group which are in separate ownership.
- 2 The existing buildings consist of the main original farmhouse, former nursery, outbuildings to the north and west used for bunkhouse accommodation. A large corrugated iron barn is to the east of the farmhouse used for storage.
- 3 The proposal is for change of use and alterations to nursery school to form holiday/staff accommodation. This is in retrospect as the change of use has taken place and alterations have been completed. A further two holiday/staff accommodation lodges and the siting of 4 chalets for holiday/staff accommodation are proposed.
- 4 The two lodges would be timber clad and flat roofed design. One is located to the southwest of the existing farmhouse on the same building line. The other would be located to the northwest within a clearing in the existing woodland. The four smaller chalets are to be located in small clearings within the woodland to the north of the existing grouping. These units would be timber clad with a pitched roof. This is historically where permission was granted for the siting of static caravans which have since been removed (one further static is still to be removed from an area to the northwest of the main buildings).
- 5 Boreland Farm has operated in an ad hoc fashion historically with various planning applications and enforcement investigations when it was under the

previous owner. Historically we can evidence, from the site history that bunkhouse accommodation and a Bed & Breakfast has operated from the site for more than 10 years.

- 6 The current owners have removed a number of unauthorised caravans, generally tidied up the site and carried out much needed repairs and maintenance.
- 7 The access to the site is via the existing private track that branches off from the residential street Dalchiaran which joins the public road connecting Fearnan and Fortingall. There is a large gravelled parking area and no parking is proposed at the lodges.
- 8 The proposal constitutes a local development and public consultation is not required as part of the formal application process. The applicant has however engaged in dialogue with the Community Council and Fearnan Village Association in an attempt to resolve issues raised in letters of representation. They have also submitted a Noise Management Plan in an attempt to address concerns.

## **NATIONAL POLICY AND GUIDANCE**

- 9 The Scottish Government expresses its planning policies through the National Planning Framework (NPF) 3, the National Roads Development Guide 2014, Scottish Planning Policy (SPP) 2014 and Planning Advice Notes (PAN).

### **National Planning Framework**

- 10 The 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.

### **The Scottish Planning Policy 2014**

- 11 The SPP is a statement of Scottish Government policy on land use planning. The following sections of the SPP will be of particular importance in the assessment of this proposal:
  - Sustainability : paragraphs 24 – 35
  - Placemaking : paragraphs 36 – 57
  - Promoting Rural Development : paragraphs 74 – 83
  - Supporting Business and Employment : Paragraphs 92 – 108
  - Valuing the Natural Environment : paragraphs 193 – 218
  - Maximising the Benefits of Green Infrastructure: paragraphs 219 – 233
  - Promoting Sustainable Transport and Active Travel : paragraphs 269 – 291

## **DEVELOPMENT PLAN**

- 12 The Development Plan for the area comprises the TAYplan Strategic Development Plan 2012-2032 and the Perth and Kinross Local Development Plan 2014.

### **TAYPlan Strategic Development Plan 2012-2032**

- 13 TAYplan sets out a vision for how the region will be in 2032 and what must occur to bring about change to achieve this vision. The vision for the area as set out in the plan states that:

*“By 2032 the TAYplan region 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.”*

- 14 The following section of the TAYplan 2012 is of particular importance in the assessment of this application:

#### **Policy 3: Managing TAYplan’s Assets**

- 15 To assist in growing the year-round role of the tourism sector.

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

- 16 The Local Development Plan (LDP) was adopted by Perth and Kinross Council on 3 February 2014. It is the most recent statement of Council policy and is augmented by Supplementary Guidance.
- 17 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.”*

The relevant policies are;

#### **PM1A - Placemaking**

- 18 Development must contribute positively to the quality of the surrounding built and natural environment, respecting the character and amenity of the place.

#### **Policy PM1B - Placemaking**

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

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

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

### **Policy TA1B- Transport Standards**

- 21 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 ED3 - Rural Business and Diversification**

- 22 Favourable consideration will be given to the expansion of existing businesses and the creation of new business. There is a preference that this will generally be within or adjacent to existing settlements. Outwith settlements, proposals may be acceptable where they offer opportunities to diversify an existing business or are related to a site specific resource or opportunity. This is provided that permanent employment is created or additional tourism or recreational facilities are provided or existing buildings are re-used. New and existing tourist related development will generally be supported. All proposals are required to meet all the criteria set out in the policy.

### **Policy ED4C - Caravan Sites, Chalets and Timeshare Development**

- 23 Favourable consideration will be given to new chalet and timeshare / fractional ownership developments where it is clear that these cannot be used as permanent residences and where they satisfy the criteria set out.

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

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

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

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

### **OTHER GUIDANCE**

- 26 The following supplementary guidance and documents are of particular importance in the assessment of this application:
- Sustainable Design and Zero Carbon Development Supplementary Guidance May 2014
  - Green Infrastructure Supplementary Guidance November 2014

### **PLANNING SITE HISTORY**

- 27 08/01762/FUL Siting of 5 static caravans approved under delegated powers 03.12.2008



08/01785/FUL Erection of 2 terraces for erecting polytunnels delegated refusal 05.01.09

05/02091/FUL Siting of 5 caravans for temporary workers/students approved at Development Control Committee 21.02.06

03/00487/FUL Resite portable building to paddock field for use as nursery school and after school care, office and meeting place for Trust approval under delegated powers 09.05.03

01/01641/FUL Siting of temporary building for the use of nursery school and after-school-care (in retrospect) delegated refusal 07.02.02

## **CONSULTATIONS**

### **EXTERNAL**

#### **Scottish Water**

- 28 No objections with regards to infrastructure capacity.

#### **Glen Lyon and Loch Tay Community Council**

- 29 The Community Council have raised issues related to the current use of buildings on the site, the proposal being contrary to Development Plan, the inappropriate siting of proposed buildings, concerns over occupancy numbers, increase in noise and increase in traffic.

### **INTERNAL**

#### **Transport Planning**

- 30 No objection to the proposal and no planning conditions recommended.

#### **Environmental Health**

- 31 No objection, recommendations related to noise management and odour.

## **REPRESENTATIONS**

- 32 66 letters of representation have been lodged, 30 in support and 36 objections. This includes comment received from Glen Lyon and Loch Tay Community Council (as outlined above) and Fearnan Village Association. The following issues were raised:

#### **Objections**

- Noise
- Contrary to Development Plan
- Incompatible with environment

- Inappropriate current use (stag/hen parties)
- No economic benefit to local community
- Traffic and road safety
- Overdevelopment
- Anti-social behaviour
- Loss of privacy
- Waste disposal (siting of bins at road end)
- Littering
- Visual impact

#### Support

- Increased provision of holiday accommodation
- Employment opportunities

- 33 The Appraisal section of this report responds to the material planning concerns raised.

### ADDITIONAL STATEMENTS

|    |                                                |              |
|----|------------------------------------------------|--------------|
| 34 | Environment Statement                          | Not required |
|    | Screening Opinion                              | Not required |
|    | Environmental Impact Assessment                | Not required |
|    | Appropriate Assessment                         | Not required |
|    | Design Statement / Design and Access Statement | Submitted    |
|    | Report on Impact or Potential Impact           | None         |

### APPRAISAL

- 35 Sections 25 and 37(2) of the Town & Country Planning (Scotland) Act 1997 (as amended) requires the determination of the proposal to be made in accordance with the provisions of the Development Plan, unless material considerations indicate otherwise. The determining issues here are whether the proposals comply with Development Plan policy and Supplementary Guidance or if there are other material considerations, which justify a departure from policy.

#### Policy

- 36 The site is within an area where tourism policies of the Perth and Kinross Local Development Plan 2014 are supported.
- 37 The site has an established holiday use. The Planning Enforcement Officer has been involved in relation to issues regarding the operation of this site for more than 10 years. An application in 2008 noted that bunkhouse accommodation and Bed and Breakfast were in operation with the site having a long established self-catering use. Historically there has also been touring caravans, static caravans, tents, yurts etc. located within the site.

- 38 This application is to consider the additional units on the site and the change of use (in retrospect) of the nursery building to holiday use and whether the site has the capacity to accommodate an increase in the number of units.
- 39 The principle of a holiday use on the site is established and Policy ED3 Rural Business and Diversification is supportive of the expansion of existing businesses in rural areas. They will be supported where they provide permanent employment or visitor accommodation.
- 40 Policy ED3 outlines criteria for development that requires amongst other criteria that proposals are satisfactorily accommodated within the landscape capacity of any particular location and will not detrimentally impact on amenity of residential properties within or adjacent to the site.
- 41 Policy ED4C relates to Chalets, Timeshare and Fractional Ownership developments. The policy states that proposals should not constitute either over-development of the site or its setting.
- 42 It is considered in policy terms that the existing landscape framework and site area can accommodate the increase in development satisfactorily. For reasons detailed in further sections of the report the proposal is considered to comply with other local development plan policy.

### **Use/Occupancy**

- 43 The site has an existing holiday use and the proposal is to extend this use. Concerns have been raised about the bunkhouse style of development and the marketing towards stag and hen parties. A holiday use in this location is considered acceptable and unfortunately the Planning Authority has no remit to control the individual groups occupying the units.
- 44 The applicant is also seeking to use some of the lodges/chalets for staff accommodation. This is welcomed as having an onsite staff presence would allow monitoring of the site 24 hours a day and allow any issues arising on the site to be addressed quickly. The number of units to be used for staff accommodation however would need to be controlled by condition, detailed in condition 2.

### **Design and Layout**

- 45 The site has a large overall area, however, the development is contained to the existing building group siting on a plateau with the planted rising hillside forming a backdrop.
- 46 The proposal is to site a large flat roof two bedroom lodge (type 1) with open plan living/dining to the southwest of the farmhouse set on the existing building line. This would occupy a gap in the landscape which is defined and contained by the existing buildings and an existing mature planting belt with the proposed lodge much lower in height than the existing building grouping. A further lodge

(type 1) is proposed to the northwest of the farmhouse across the access track in a clearing.

- 47 Within a small woodland area to the north of the access track, tucked in behind the existing building grouping, 4 smaller three bedroom chalets (type 2) are proposed. These chalets will be accessed via woodland tracks.
- 48 The design of the structures is considered acceptable for the woodland setting and will complement the existing building on the site and can be accommodated without loss of trees. The layout is acceptable and reinforces the existing grouping of buildings.

### **Landscape/Visual Amenity**

- 49 The site rises with the buildings at Boreland siting above the settlement of Fearnan and at a distance of over 370metres from the settlement. Five of the proposed lodges/chalets are located behind the existing building line screened within a wooded area. The sixth lodge is proposed to the southwest of the farmhouse on the same building line. Whilst the lodge will be visible the design being single storey and the timber cladding finish combined with the rising topography and mature planting will mitigate and reduce the visual impact. A condition will be added to ensure that the existing trees on the site are retained and protected, detailed in condition 3.

### **Residential Amenity**

- 50 The site has an existing holiday use. The four smaller chalets are located in an area where previously static caravans were sited. The larger lodges are positioned further away beyond the existing holiday buildings. It is considered therefore that the proposed structures would not have a detrimental impact on residential amenity in terms of loss of privacy, overlooking or loss of daylight.
- 51 The current use is marketed towards stag parties and as such, Environmental Health have in the past received complaints regarding this type of use. These arise from shouting and music from members of the parties external to the bunkhouse.
- 52 The proposed chalets are around 20 metres away from existing residential properties and if not appropriately managed there could be a loss of residential amenity arising from this development at these properties.
- 53 Environmental Health considers that this can be managed satisfactorily and a noise management plan has been submitted. The plan outlines the site's current operating procedures and measures that they are putting in place. The difficulty however lies with there being an existing holiday use on the site to which this management plan would apply but could not be linked by condition as they fall out with the redline site boundary. If the noise was determined to be arising from one of the existing units in planning terms we would have no control and the issue would fall back on the other relevant bodies; Police, Environmental Health etc.

- 54 The submission of the Noise Management Plan is welcomed however I am reluctant to add it as a condition on the planning permission as I consider it would not meet the conditions tests set out in Circular 4/1998 due to much of the details and controls being out with the control of the Planning Authority.
- 55 The lodges also have wood burning stoves and these in themselves can lead to odour complaints, particularly if they are not used in line with manufacturer's instructions a condition is therefore recommended to ensure these are operated properly, detailed in condition 5.

### **Wider Access**

- 56 Boreland Farm owns a private section of shoreline which is situated at the southwest corner of the estate (approx. 0.6 miles west along the A827 road from Fearnan's War memorial). There is another area of shoreline adjacent to the village which has been allegedly accessed by guests from Boreland and caused disturbance. This area is privately owned by owners of the Shoreside development (Tigh-Na-Loan).
- 57 The Planning Authority has no remit to control the access to this area and this issue is a private matter. The Management Plan submitted however does demonstrate how the applicant is tackling the issue with guests being advised that they have no access to this area. They have also confirmed that they are in the process of strimming an access path through Boreland Farm which will give direct access from the accommodation to the shoreline by foot and once complete will be signposted. I consider that the provision of this path although not within the redline site and in the area outlined in blue (in the applicants control) would be reasonable to added as a condition on the consent, detailed in condition 4.

### **Antisocial Behavior**

- 58 I acknowledge the concerns of residents regarding the potential behavior of guests, particularly in relation to stag parties. Issues raised relate to rowdiness, loud noise or partying which may be at odds with the prevailing character of the area. However, there is no certainty that occupation of the development by large groups would inevitably give rise to such problems and if it did arise I consider this could be addressed satisfactorily through the use of powers under the Environmental Protection Act 1990 or the Anti-Social Behaviour etc (Scotland) Act 2004.

### **Waste Collection/Bin storage**

- 59 A bin collection area is located at the junction of the private access track and Dalcharian. This area accommodates council bins which serve the private households adjacent to Boreland Farm. The agent has confirmed that refuse from Boreland Farm has been picked up by a private company and this has been in operation since 2016.
- 60 General littering within the area cannot be controlled by the Planning Authority.

## **Drainage**

- 61 The new lodges will utilise the existing drainage facilities on the site. Water connections will be to the existing public supply.

## **Road and Access**

- 62 There is an existing access via a private access track which connects to the residential street Dalcharian then onto the public road from Fearnan to Fortingall. The site also has a large gravelled parking and turning area which the applicant has stated could accommodate approx 40 cars.
- 63 The traffic generated by such a leisure development would largely be at off peak times (Fri-Mon), with an increase in vehicle trip generation in the region of 15-20 a day during this period. This figure is derived from the use of TRICS (based off of Trip Rate information of similar sites nationally) and estimated increase in maximum occupancy of 64. Taking a worst case scenario suggested by one of the objections of 104 guests produces a vehicle trip rate increase in the region of 20-25 a day during this period.
- 64 The existing access road and junction are to a satisfactory standard and has sufficient operational capacity to accommodate this increase in traffic.
- 65 The Road Safety section of the council also raised no concerns regarding the application.

## **Developer Contributions**

- 66 No developer contributions required.

## **Economic Impact**

- 67 The extension of the holiday use will attract further tourism into the local area and provide employment in the servicing of the facility. The site may also increase spending on local goods and services. The applicant has also stated that they have been working with local businesses to create shared tourism opportunities for example with local businesses such as Highland Safari and Nae Limits.

## **LEGAL AGREEMENTS**

- 68 No legal agreement required.

## **DIRECTION BY SCOTTISH MINISTERS**

- 69 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**

- 70 In conclusion, the application must be determined in accordance with the adopted Development Plan unless material considerations indicate otherwise. In this respect, it is considered the proposal does comply with the relevant provisions of the adopted plan. There are no material considerations that would justify departing from the Development Plan. On that basis the application is recommend for approval subject to conditions.

## **RECOMMENDATION**

### **A Approve the application subject to the following**

- 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 development hereby approved shall be used solely for holiday accommodation and staff accommodation. Furthermore no more than 2 of the approved cabins at any one time shall be used as staff accommodation. For the avoidance of doubt the holiday accommodation shall not be occupied as the sole or main residence of any occupant and the staff accommodation shall only be occupied by someone employed by Boreland Farm Limited.

Reason - In order to control and restrict the use of the units.

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

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

- 4 Prior to the occupation of the new units hereby approved a path to link the holiday accommodation with the shorefront area under the applicants control will be formed and signposted. Details of this shall be submitted to and agreed in writing with the Council as Planning Authority.

Reason - In order to safeguard the residential amenity of the area.

- 5 The stoves shall only operate on fuel prescribed and stored in accordance with the manufacturer's instructions. The stoves and flues and any constituent parts shall be maintained and serviced in accordance with the manufacturer's

instructions. No changes to the biomass specifications shall take place without the prior written agreement of the Council as Planning Authority.

Reason - In order to safeguard the residential amenity of the area.

## **B JUSTIFICATION**

- 71 The proposal is considered to comply with the Development Plan and there are no other material considerations that would justify a departure therefrom.

## **C PROCEDURAL NOTES**

- 72 None.

## **D INFORMATIVES**

- 1 As soon as practicable after the development is complete, the person who completes the development is obliged by section 27B of the Town and Country Planning (Scotland) Act 1997 (as amended) to give the planning authority written notice of that position.
- 2 An application for Building Warrant may be required.

Background Papers: 66 letters of representation  
Contact Officer: Joanne Ferguson – Ext 75320  
Date: 5 October 2017

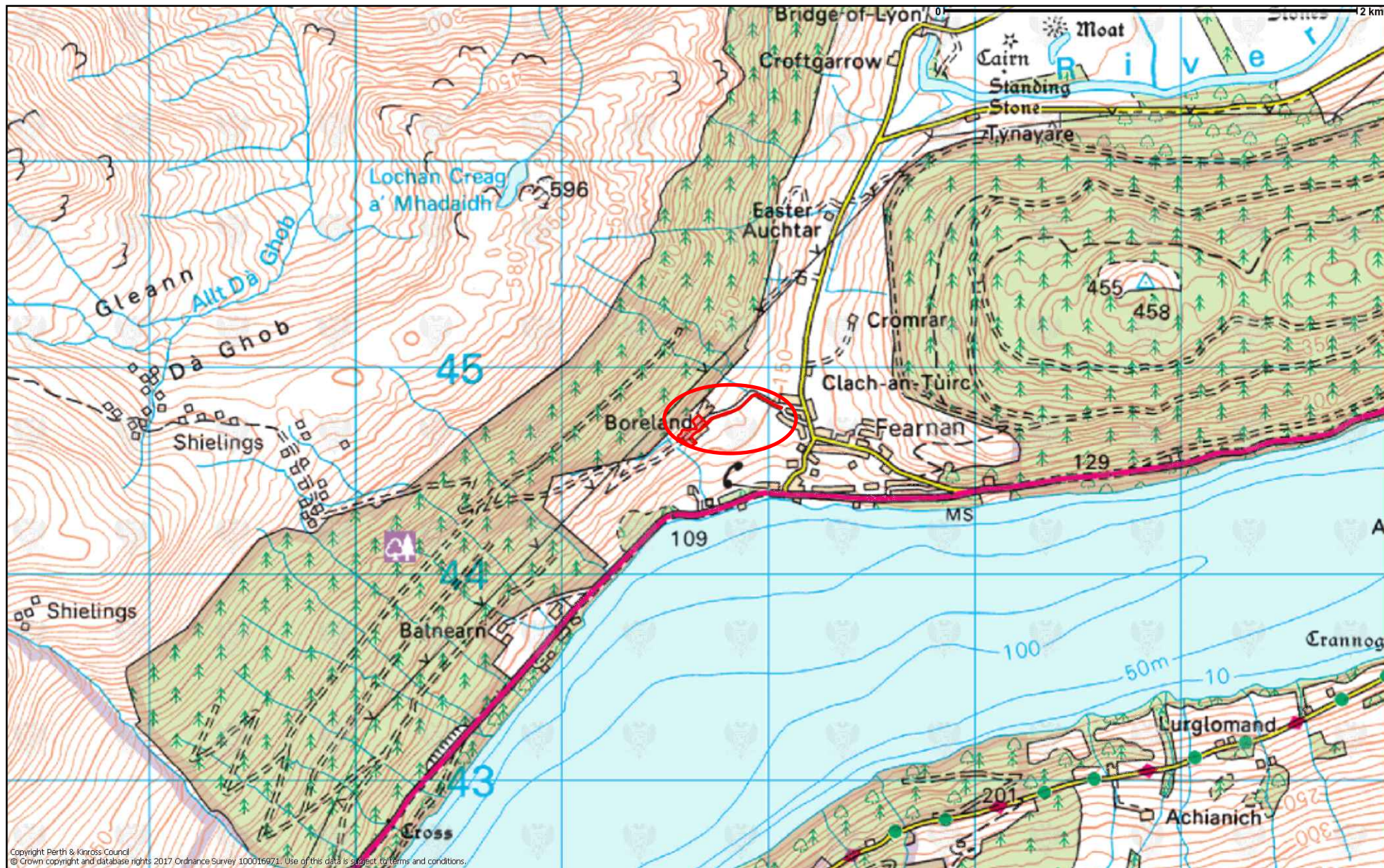
**Anne Condliffe**  
**Interim Development Quality Manager**

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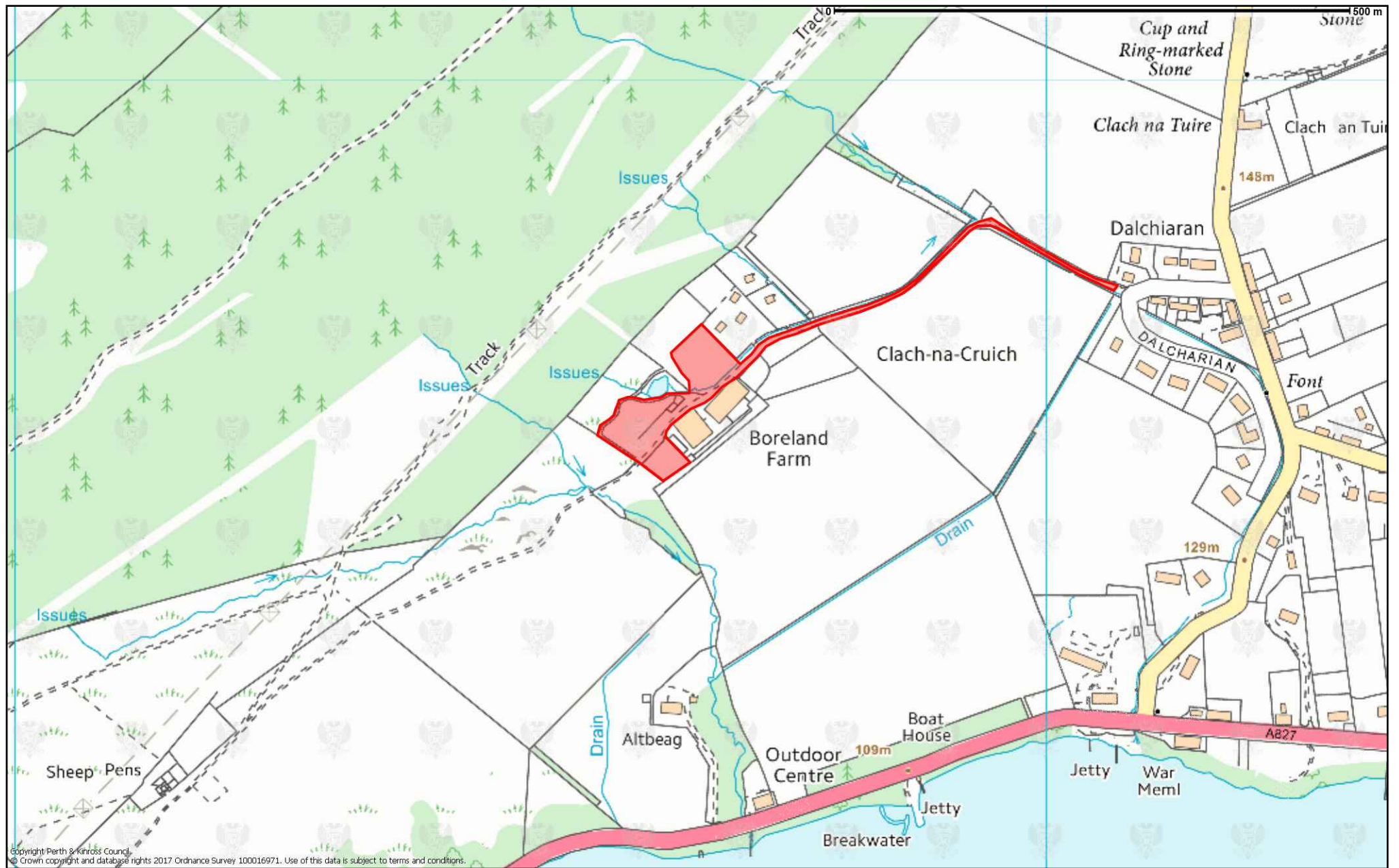
17/00788/FLL

Change of use and alterations to nursery school to form holiday/staff accommodation, erection of 2no holiday/staff accommodation units and siting of 4no static caravans/chalets for holiday/staff accommodation (in part retrospect)









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17/00788/FLL

Change of use and alterations to nursery school to form holiday/staff accommodation, erection of 2no holiday/staff accommodation units and siting of 4no static caravans/chalets for holiday/staff accommodation (in part retrospect)





Perth and Kinross Council  
Planning & Development Management Committee – 18 October 2017  
Report of Handling by Interim Development Quality Manager

Erection of 2 dwellinghouses (revised design plot 2) on  
land SW of Stonegarth, Murrayshall

Ref. No: 17/01170/FLL  
Ward No: P2 - Strathmore

### **Summary**

This report recommends approval of the application for a revised design to the dwellinghouse at plot 2 on land SW of Stonegarth at Murrayshall. The development proposal is not considered to comply with the relevant provisions of the Development Plan however there are material considerations which outweigh the Development Plan.

### **BACKGROUND AND PROPOSAL**

- 1 There is a considerable amount of planning history associated with this site and it is prudent to highlight this as it has a significant bearing on the assessment of this application.
- 2 Historically there was an indoor driving range located on this site. This consisted of a steel portal frame building. Under a previous version of the Housing in the Countryside policy the demolition of this building and replacement with a large single dwellinghouse was approved, application 10/00133/FLL refers. That consent was implemented with the carrying out of ground works, utilities and the formation of a site access. That consent pre-dated the current adopted Local Development Plan (LDP) and the Green Belt designation.
- 3 In 2016 an application for two houses was submitted. In that application the agent noted that the scheme for two units on the site did not introduce any additional visual impact to the amenity of the surrounding area. Both the combined footprint, and the overall form, scale and mass of the two houses would be less than the single house which already had consent.
- 4 The assessment of the 2016 scheme confirmed that the proposal did not comply with the approved TAYplan 2012 and the LDP due to the Green Belt designation. However, given the existing 2010 planning consent had been implemented and both the combined footprint, and the overall form, scale and mass of the two houses proposed in the 2016 application would be less than the single house these were material considerations that justified overriding the adopted Development Plan which resulted in the approval of application 16/00342/FLL.
- 5 This application seeks to make amendments to the scheme approved for plot 2. This includes changes to the internal layout of the building, changes to the

building fenestration, the positioning of windows and altering the positioning of the footprint within the site. This plot is located to the south west corner of the building group. Stonegarth House is located to the east, plot 1 associated with application 16/00342/FLL is located to the west and Two Mile House is located across Balcraig Road to the north.

- 6 It should be noted that works to plot 1 have commenced. Concerns regarding how these works have been carried out were raised with the Planning Authority. Following investigations by the Enforcement Team, it became apparent that this plot had not been undertaken in accordance with the approved plans and so an application to deal with the proposed changes was requested as per section 33 of the Planning Act as the changes were considered to be material in nature and could not be dealt with as a non-material variation to the application under Section 64 of the planning Act. A revised application has therefore now been submitted for plot 1 and this is currently pending consideration, application 17/01405/FLL refers.

## **NATIONAL POLICY AND GUIDANCE**

- 7 The Scottish Government expresses its planning policies through the National Planning Framework (NPF) 3, the National Roads Development Guide 2014, Scottish Planning Policy (SPP) 2014 and Planning Advice Notes (PAN).

### **National Planning Framework**

- 8 The 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.

### **The Scottish Planning Policy 2014**

- 9 The SPP is a statement of Scottish Government policy on land use planning. The following sections of the SPP will be of particular importance in the assessment of this proposal:
  - Sustainability : paragraphs 24 – 35
  - Placemaking : paragraphs 36 – 57
  - Promoting Rural Development : paragraphs 74 – 83

## **DEVELOPMENT PLAN**

- 10 The Development Plan for the area comprises the TAYplan Strategic Development Plan 2012-2032 and the Perth and Kinross Local Development Plan 2014.

## **TAYPlan Strategic Development Plan 2012-2032**

- 11 TAYplan sets out a vision for how the region will be in 2032 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 2032 the TAYplan region 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.”*

- 12 The following section of the TAYplan 2012 is of particular importance in the assessment of this application:

### **Policy 3: Managing TAYplan’s Assets**

- 13 Seeks to respect the regional distinctiveness and scenic value of the TAYplan area and presumes against development which would adversely affect environmental assets.

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

- 14 The Local Development Plan (LDP) was adopted by Perth and Kinross Council on 3 February 2014. It is the most recent statement of Council policy and is augmented by Supplementary Guidance.
- 15 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.”*
- 16 The relevant policies are;

### **Policy PM1A - Placemaking**

- 17 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**

- 18 All proposals should meet all eight of the Placemaking criteria.

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

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

#### **Policy PM4 - Settlement Boundaries**

- 20 For settlements which are defined by a settlement boundary in the Plan, development will not be permitted, except within the defined settlement boundary.

#### **Policy NE5 - Green Belt**

- 21 Development in the Green Belt will only be allowed where it conforms with the 5 criteria set out. The Housing in the Countryside Policy RD3 does not apply in the Green Belt.

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

- 22 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.

#### **OTHER GUIDANCE**

##### **Development Contributions**

- 23 Sets out the Council's Policy for securing contributions from developers of new homes towards the cost of meeting appropriate infrastructure improvements necessary as a consequence of development.

##### **Draft Placemaking Guide**

- 24 The purpose of the guidance is to give advice as to how development can comply under the terms of the Local Development Plan Policy PM1: Placemaking. The Draft Placemaking Supplementary Guidance was consulted upon between 13 July 2017 and 31 August 2017. The Council will now consider the responses received before presenting the next Draft to Committee for approval.

#### **PLANNING SITE HISTORY**

- 25 07/00284/OUT Replacement of existing indoor driving school with 1no dwellinghouse (plot E) (in outline) 11 September 2007. Application Approved by Committee.
- 26 10/00133/FLL Erection of dwellinghouse 28 April 2010. Application Approved under delegated powers.
- 27 16/00342/FLL Erection of 2 dwellinghouses 21 November 2016. Application Approved under delegated powers.
- 28 17/01450/FLL Erection of a dwellinghouse (revised design in part retrospect) (Plot 1) pending consideration.



## **CONSULTATIONS**

### **EXTERNAL**

#### **Scottish Water**

- 29 No objections with regards to infrastructure capacity.

#### **Perth Airport**

- 30 No response within consultation period.

### **INTERNAL**

#### **Transport Planning**

- 31 No objection to the proposal subject to condition relating to access, turning and parking provision.

#### **Strategy and Policy**

- 32 The proposed site is within the Green Belt. LDP policy NE5: Green Belt and TAYplan Policy 3: Managing TAYplan's Assets are relevant. Nonetheless, there is an existing consent on the site for the erection of 2 dwelling houses. Previous to this, there was consent given for 1 single dwelling house which predated the current adopted LDP and the Green Belt designation.
- 33 The application site falls within the designated Green Belt; the Housing in the Countryside policy does not apply within the Green Belt. LDP policy NE5 is a restrictive policy which only permits development within the Green Belt in specific limited circumstances. The proposal does not accord with policy NE5: Green Belt. However, the fact that there is an existing consent cannot be ignored.
- 34 The applicant now proposes a change of orientation and elevation on the site. From a Placemaking perspective, it is important the footprint, overall form, scale and massing of the two houses does not make any greater visual impact within the Green Belt than the previous proposal which was given consent. The proposal does not accord with Green Belt policy but as consent has already been given, there is no objection from a policy viewpoint.

#### **Contributions Officer**

- 35 This proposal is for a change of house type and will not increase the overall number of units on site. No additional contributions will be required.

## **REPRESENTATIONS**

- 36 A total of twelve letters of representation were received during the advertisement period for the application.

37 The representations have objected for the following reasons: -

- Contrary to the Development Plan. Green Belt policy and place making policies and PKC draft Placemaking guide.
- Affects visual amenity.
- Overlooking, perception of overlooking impact on privacy of dwellings and garden ground especially with height of the building, height of the site and with principal rooms now located on the first floor.
- Excessive height.
- Concerns with design. Overdominance.
- Out of character with area. Inappropriate housing density.
- Light pollution.
- Flooding Risk. Concerns with surface water spilling onto carriageway.

38 The above matters are addressed in the Appraisal section of this report. However the following elements are best addressed at this stage under the following areas:-

- A number of concerns are raised regarding the acceptability of the changes made to Plot 1 – These points are noted however for the avoidance of doubt they are not applicable to the assessment of this application which relates to Plot 2 only. It should be noted that the changes made to Plot 1 are considered to be material. Accordingly, they have not been dealt with as a non-material variation under section 64 and instead an application has been requested to assess the changes proposed by the agent. It should be noted that application 17/01450/FLL for plot 1 has been submitted and is pending consideration.
- Concerns with the accuracy of the submitted plans. Not to scale, no topographical information or datum point – A number of plans and supporting documentation has been submitted in support of the application. This details the site history and also documents the location of the previous building on the site and earlier approvals. While I note that not all plans have a defined scale they are referenced with dimensions and enable the plans to be scaled. In this case I am content that there is sufficient information to assess the plans and the relationship with neighbouring properties. The Balcraig Road is a defined reference point and I am content that this is a suitable datum to base my assessment.
- Concerns that impact will be worse when a garage is eventually built – I note that permitted development rights in certain circumstances may enable the owner of plot 2 to build a garage on the site. In this case I consider it prudent to remove permitted development rights. This would mean that any future garage on the site would be subject to a further application and the acceptability of that proposal assessed against the Development Plan at that time. This is addressed by condition 9.
- Property values - It should be noted that the potential loss in property value falls outwith the remit of this assessment.

- Change in levels since submission of the application – It is noted that works have commenced on site at Plot 1 with spoil from this development moved around the site. This is a normal part of construction activity associated with clearing vegetated land and excavating foundations. While the levels may have changed since the submission of this application there will be a requirement to ensure that the development coincides with the levels depicted in the submitted plans.

## ADDITIONAL STATEMENTS

|    |                                                |                                     |
|----|------------------------------------------------|-------------------------------------|
| 39 | Environment Statement                          | Not required                        |
|    | Screening Opinion                              | Not required                        |
|    | Environmental Impact Assessment                | Not required                        |
|    | Appropriate Assessment                         | Not required                        |
|    | Design Statement / Design and Access Statement | Not required                        |
|    | Report on Impact or Potential Impact           | Supporting documentation submitted. |

## APPRAISAL

### Policy Appraisal

- 40 Sections 25 and 37(2) of the Town & Country Planning (Scotland) Act 1997 (as amended) requires the determination of the proposal to be made in accordance with the provisions of the Development Plan, unless material considerations indicate otherwise. The determining issues here are whether the proposals comply with Development Plan policy and Supplementary Guidance or if there are other material considerations, which justify a departure from policy.
- 41 The most relevant policies of the TAYplan Strategic Development plan 2012 and Perth and Kinross Local Development Plan 2014 including Supplementary Guidance are listed in the policy section above.
- 42 The proposed site is within the Green Belt. LDP policy NE5: Green Belt and TAYplan Policy 3: Managing TAYplan's Assets are relevant.
- 43 I note that the Report of Handling associated the 2016 application considered the Green Belt Designation and the weight to be attached to the site history which was a material consideration. For completeness and to assist committee it is worthwhile detailing the assessment undertaken during the 2016 application:-
- 44 *There is an existing consent on the site for a large single house which was approved under a previous version of the Housing in the Countryside policy. This consent pre-dated the current adopted Local Development Plan and the Green Belt designation. The application site now falls within the designated Green Belt; the Housing in the Countryside policy does not apply within the*

*Green Belt. LDP policy NE5 is a restrictive policy which only permits development within the Green Belt in specific limited circumstances.*

- 45 *From a policy point of view, the key consideration is the fact that the existing planning consent is implemented with the carrying out of ground works, utilities and the formation of a site access. As a completely new application the proposal does not accord with policy NE5: Green Belt. However, the fact that there is an existing consent cannot be ignored.*
- 46 *The applicant suggests that the two house development now proposed does not introduce any additional visual impact to the amenity of the surrounding area. Both the combined footprint, and the overall form, scale and mass of the two houses will be less than the single house which already has consent. The latest proposal does not accord with Green Belt policy. However, given the specific circumstances set out above it is suggested that allowing the two house development may be a practical solution in this instance. There is therefore no objection to the proposal on policy grounds .*
- 47 While I note that letters of representation have highlighted concern with the proposals relationship to the Development Plan and the Green Belt there is already a planning consent in place for two houses on this site, therefore the principle of developing plot 2 has already been accepted under application 16/00342/FLL. I assess the proposed changes to the house design and layout below.

### **Design and Layout**

- 48 The site is also required to be assessed against the 'Placemaking' policies of the adopted local plan.
- 49 The Placemaking policies confirm that development must contribute positively, to the quality of the surrounding built and natural environment. All development should be planned and designed with reference to climate change, mitigation and adaptation.
- 50 The 2016 application included a design statement which explained the project ethos, the project brief and the design influences. It was considered under that application that the design, massing and materials used in the construction of the house were acceptable.
- 51 I note that letters of representation have highlighted concern with the design, scale, height and mass of the proposed building for plot 2 and how this affects the areas visual amenity. However, it should be noted that the general massing of the building and the design concept already has approval under application 16/00342/FLL. While the agent was of the view that the changes to the scheme under assessment were not material the Planning Authority's stance is these alterations were and required assessment. The changes are discussed in greater detail below.

- 52 The proposed changes to plot 2 consist of an adjustment to the house position on the site, adjustment to the roof profile on the north elevation to incorporate a covered balcony area as well as alterations to the window locations.
- 53 I consider the adjustment in the axis of the building footprint of plot 2 is an improvement and ties up with the axis alignments of the surrounding building group and plot 1. I do not consider that this amendment in layout conflicts with the Placemaking policies of the Local Development Plan.
- 54 Concerns with dominance have been raised by objectors. I consider that the alterations to the north elevation and roof pitch to accommodate an enclosed balcony area will be more dominant as the previous angling of the roof slope softened the design. However, I do not consider the change to be significantly detrimental for the scheme to be at odds with the Placemaking policy and the Draft Placemaking Guide. It is also worth noting that the material used to the upper section of the dwelling is the same as the roof which further diminishes the impact. In terms of design I have no concerns with the window proportions or the enclosed balcony, the implications these have on residential amenity will be discussed under that heading.
- 55 Overall I consider the proposal does not conflict with the Placemaking policies PM1A / PM1B of the Local Development Plan or the Draft Placemaking Guide.

### **Residential Amenity**

- 56 The proposal has the potential to result in overlooking and overshadowing to neighbouring dwellings and garden ground. There is a need to secure privacy for all the parties to the development, those who would live in the new development and those that live in adjoining dwellings. Planning control has a duty to future occupiers not to create situations of potential conflict between neighbours.

#### **Overlooking:**

- 57 The fact that new development would overlook existing residential property and affect privacy is a common planning issue, even if neighbours do not object. The impact of overlooking can vary due to site layout and the types of rooms involved, it is therefore necessary to assess each application on a case by case basis.
- 58 This proposal has changed the internal accommodation and there is now principal living accommodation on the first floor and the window openings on the elevations of the building have been altered along with the formation of a balcony area within the roof space.
- 59 Concerns have been raised regarding the possible loss of privacy to neighbouring properties especially with the difference in height between the proposed plot and surrounding properties. I note that reference has been made to separation distances in letters of representation with a separation distance of 30 metres also being quoted. As a rule of thumb a minimum 18 metres window

to window distance at 90 degrees is usually sought between properties to achieve a reasonable level of residential amenity however this requires to be applied flexibly taking account of site specific circumstances. This distance is reduced as the angle between the windows change and become more acute.

- 60 During my site visit I took account of the characteristics of the existing properties in this nucleated building group and the existing relationships that these buildings have. Due to the building group layout and orientation the relationship between some properties are intertwined with some closer than the distance between plot 2 and neighbouring properties. In this context I disagree that a 30 metre separation distance is required as suggested in the letter of representation. Taking account of site context, including the topography of the site I am of the opinion that an acceptable level of privacy will be maintained in the surrounding residential properties taking account of window to window distances. I assess the relationship of plot 2 with areas of neighbouring properties garden ground below.

Stonegarth:

- 61 Stonegarth is located to the east of plot 2, the property is set against the public road with a garden ground behind the plot to the south as well as a further area of garden ground to the east. The existing boundary treatment surrounding Stonegarth is generally open in nature so there is interaction between the garden ground and the golf course. The reorientation of the house on plot 2 and the provision of a garden ground area to the east has the potential to result in a loss of privacy to Stonegarth, however the provision of a suitable boundary treatment can secure privacy between these two areas of garden ground. The revised house type now includes a large expanse of glazing to the east elevation at the first floor level. This is a significant change to the proposal. However, given the intervening distance is in excess of 9 metres between the window and the boundary of plot 2, along with the characteristics of the building group and the extent of the garden ground at Stonegarth, I do not consider that this would result in an unacceptable impact on residential amenity.

Two mile house:

- 62 Two Mile House is located to the north of plot 2. I note that representation has highlighted there are two areas of garden ground associated with this property and due to the orientation of the plot both areas of garden ground are utilised by residents residing in Two Mile House. The existing property would screen the garden ground to the north from plot 2. My assessment therefore focuses on the relationship of plot 2 and the garden ground area to the south.
- 63 It should be noted that between the proposed plot and the southern garden ground of Two Mile House and plot 2 is a public road, Balcraig Road. There is a low boundary stone wall that defines the curtilage of Two Mile House but it does not act as a privacy barrier between the garden ground and the public road, accordingly this area of garden ground can be viewed by the public. Concerns have been raised in the letters of representation regarding the loss of privacy to the southern garden ground from plot 2. In this case I do not consider

there is an adverse impact on the garden ground given the intervening distances between the proposed dwelling and the curtilage of Two Mile House especially when taking account of the building grouping and the distances between Stonegarth and garden ground associated with Shangrila. While I acknowledge plot 2 is located higher than Stonegarth, nevertheless, it is also further away.

#### Overshadowing:

- 64 Although not a matter specifically referred to in ministerial guidance, the protection of neighbouring developments from unreasonable loss of light is a well-established proper planning consideration. The Building Research Establishment (BRE) document 'Site Layout Planning for Daylight and Sunlight- a guide to good practice 1991' sets out guidelines on how to assess the potential impact, it should be noted that the standards are not mandatory and should be interpreted flexibly.
- 65 From an assessment of the plans (including the agents sun path analysis) and take cognisance of the BRE document, I consider a reasonable level of daylight and sunlight is maintained to neighbouring properties throughout the majority of the day and the extent of overshadowing is not excessive and does not warrant refusal of the application especially when taking account of the steel clad building which was previously on the site.

#### Light Pollution:

- 66 Concerns have been raised regarding light pollution from the development. In certain cases illumination can have serious amenity implications on neighbouring uses and the countryside. It is worth noting that there would be an element of light pollution associated with previous consents on the site. Notwithstanding this I do not consider that light emanating from living and bedrooms of this proposal will be unduly intrusive on the countryside as there would be light emanating from existing dwellings within this building group.

#### **Flood Risk**

- 67 The site is not in an area subject to river flooding. I acknowledge that there are issues with surface water and construction run-off from the site. This matter has been raised with the agent and this will be subject to further monitoring from the Planning Enforcement Team. Under the 2016 consent there was a requirement for a permanent solution to manage and prevent water from the site escaping onto the public road, this is still applicable to this application therefore conditional control should be re-applied, see condition 5.

#### **Landscape**

- 68 Development and land use change should be compatible with the distinctive characteristics and features of Perth & Kinross's landscape. Development proposals will be supported where they do not conflict with the aim of maintaining and enhancing the landscape qualities of Perth and Kinross. In this

case the formation of a residential development on this site is not considered to significantly erode the quality of the landscape and was accepted under previous applications. I do however consider it to prudent to reapply conditional control to this application to ensure a suitable form of boundary treatment at the site is secured and implemented and this is included as condition 3.

### **Road and Access**

- 69 Transport Planning have no objections. Conditional control can be applied to ensure the proposal does not conflict with Policy TA1 and would be achieved under conditions 6, 7 and 8 in relation to access, turning and parking provision.

### **Developer Contributions**

- 70 There is no change to the number of units on the site. The required developer contributions have already been secured under application 16/00342/FLL.

### **Economic Impact**

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

### **LEGAL AGREEMENTS**

- 72 None required.

### **DIRECTION BY SCOTTISH MINISTERS**

- 73 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**

- 74 In conclusion, the application must be determined in accordance with the adopted Development Plan unless material considerations indicate otherwise. In this respect, the proposal is not considered to comply with the approved TAYplan 2012 and the adopted Local Development Plan 2014. However, I have taken account of material considerations, specifically in relation to the planning history for the site and find they would justify overriding the adopted Development Plan. On that basis the application is recommended for approval subject to conditions.

### **RECOMMENDATION**

#### **A Approve the application subject to the following conditions:**

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



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

- 2 A sample of external materials shall be submitted for the approval of the Planning Authority prior to the commencement of the development. The external materials as approved shall be implemented prior to the occupation and or use of the development.

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

- 3 Details of the proposed boundary treatments for the site shall be submitted for the approval of the Planning Authority prior to the commencement of the development. The approved scheme shall be completed prior to the occupation of the unit.

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

- 4 The wood burning stove shall only burn fuel as recommended by the manufacturer and shall be operated and maintained in line with manufacturer's advice.

Reason - In order to safeguard the residential amenity of the area.

- 5 The gradient of the access shall not exceed 3% for the first 5.00 metres measured back from the edge of the carriageway and the access shall be constructed so that no surface water is discharged to the public road.

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

- 6 Prior to the occupation or use of the approved development the vehicular access shall be formed in accordance with specification Type B, Fig 5.6 access detail to the satisfaction of the Planning Authority.

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

- 7 Prior to the occupation or use of the residential unit, turning facilities shall be provided within that plot to enable all vehicles to enter and leave in a forward gear and thereafter retained to the satisfaction of the Planning Authority.

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

- 8 Prior to the occupation or use of the approved development a minimum of 2 No. car parking spaces shall be provided within the plot and thereafter retained.

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

- 9 No development or extensions, whether or not permitted by virtue of Schedule 1, Part 1, Class 1A, 1B and 3A of the Town and Country Planning (General Permitted Development)(Scotland) Order, 1992 or any Order revoking and re-enacting that Order, shall be erected within the curtilage of the dwellinghouse hereby approved.

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

## **B JUSTIFICATION**

The proposal is not in accordance with the Development Plan however there are material reasons which justify departing from the Development Plan

## **C PROCEDURAL NOTES**

None.

## **D INFORMATIVES**

- 1 This planning permission will last only for three years from the date of this decision notice, unless the development has been started within that period. (See section 58(1) of the Town and Country Planning (Scotland) Act 1997 (as amended).
- 2 Under section 27A of the Town and Country Planning (Scotland) Act 1997 (as amended) the person undertaking the development is required to give the planning authority prior written notification of the date on which it is intended to commence the development. A failure to comply with this statutory requirement would constitute a breach of planning control under section 123(1) of that Act, which may result in enforcement action being taken.
- 3 As soon as practicable after the development is complete, the person who completes the development is obliged by section 27B of the Town and Country Planning (Scotland) Act 1997 (as amended) to give the planning authority written notice of that position.
- 4 The applicant is advised that in terms of Sections 56 of the Roads (Scotland) Act 1984 he must obtain from the Council as Roads Authority consent to open an existing road or footway prior to the commencement of works. Advice on the disposal of surface water must be sought at the initial stages of design from Scottish Water and the Scottish Environmental Protection Agency.
- 5 Please consult the Street Naming and Numbering Officer, The Environment Service, Perth and Kinross Council, Pullar House, 35 Kinnoull Street, Perth PH1 5GD for a new postal address. The form is downloadable from [www.pkc.gov.uk](http://www.pkc.gov.uk) and should be returned to [snn@pkc.gov.uk](mailto:snn@pkc.gov.uk)

- 6 No work shall be commenced until an application for building warrant has been submitted and approved.

Background Papers: 12 letters of representation  
Contact Officer: John Russell – Ext 75346  
Date: 2 October 2017

**Anne Condliffe**  
**Interim Development Quality Manager**

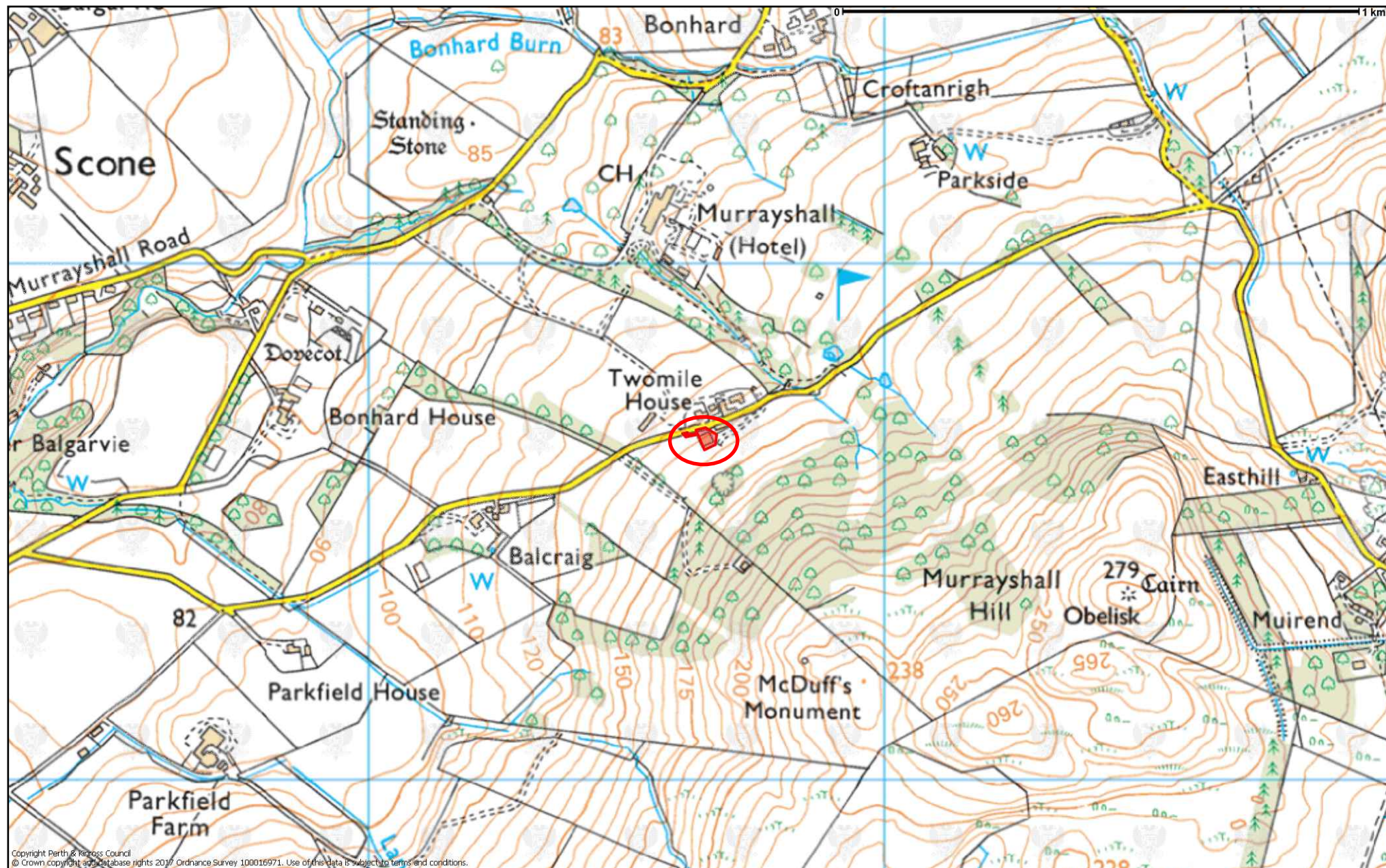
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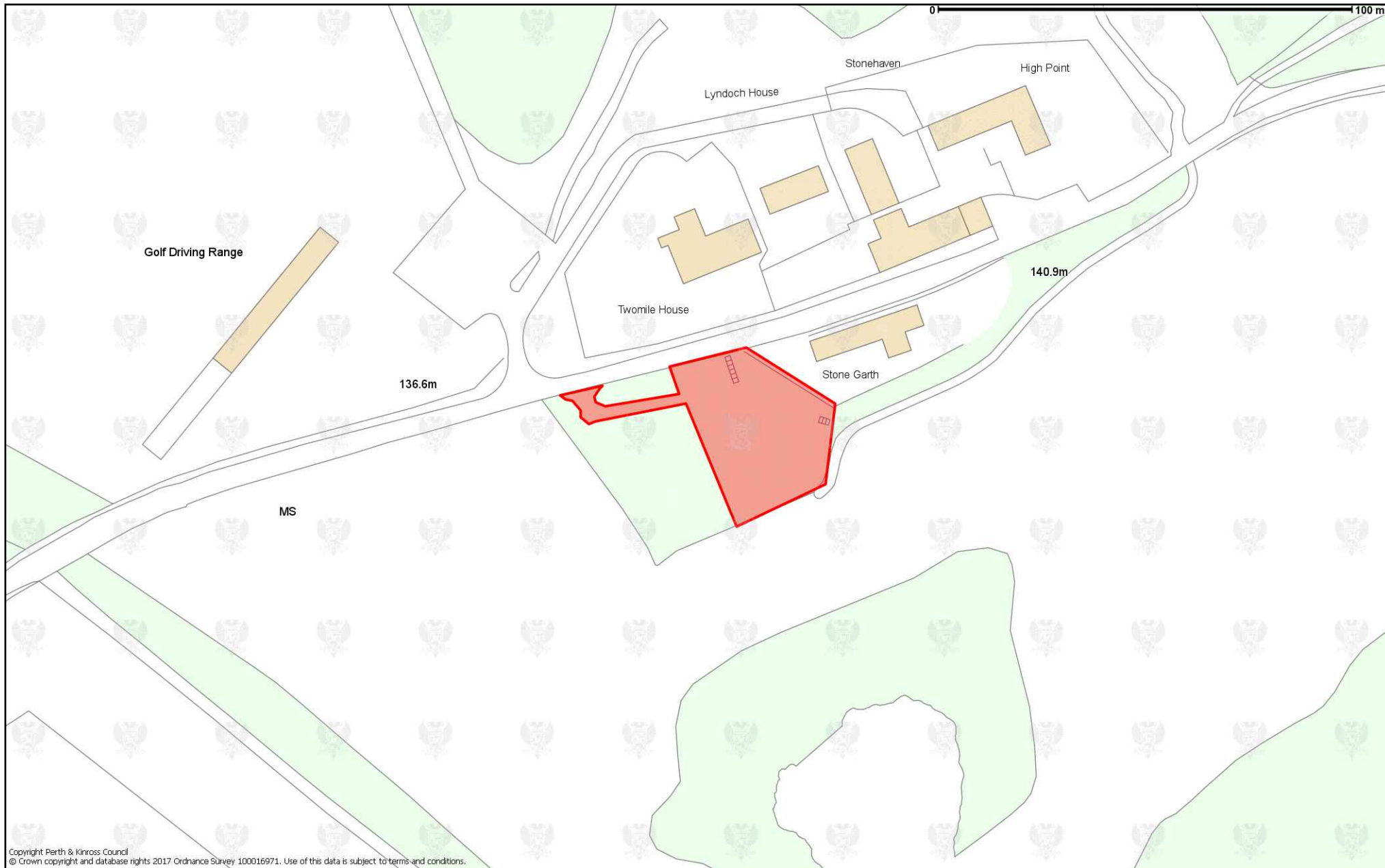
17/01170/FLL

Erection of 2no. dwellinghouses (revised design plot 2)











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Perth and Kinross Council  
Planning & Development Management Committee – 18 October 2017  
Report of Handling by Interim Development Quality Manager

Erection of an agricultural building for free range egg production and associated works at Wilson Cordon Farm, Abernethy, Perth, PH2 9LN

Ref. No: 17/01234/FLL  
Ward No: P9 – Almond and Earn

**Summary**

This report recommends approval of a detailed planning application for the erection of an building for free range egg production and associated works at Wilson Cordon Farm, Abernethy

The proposal is considered to comply with the relevant provisions of the Development Plan and there are no material considerations apparent which would outweigh it.

**BACKGROUND AND DESCRIPTION**

- 1 Full planning consent is sought for the erection of an agricultural bulding which will house a free range egg laying unit which is proposed to accommodate 32,000 free range laying hens. The site is located within a field within an existing farm called Cordon Farm which is located to the north of Abernethy. The existing farm extends to 750 acres of arable farm land which produces cereals and potatoes.
- 2 The proposed building extends to 163m x 16m in footprint and is proposed to be 5.6m to ridge height. A central area is proposed between the two egg laying areas which is proposed to be used for packing and storage of eggs. The building includes four feed bins, an access track to the existing farm access road and associated hardstanding to allow for parking and turning of vehicles. An attenuation pond for sustainable drainage is also proposed.
- 3 The submission indicated that the proposed building would operate on a 60 week production cycle with birds purchased at point of lay (17 weeks) and housed within the building for 60 weeks.
- 4 The bird housing area is proposed to include tiered perches which are located over manure belts. The manure belts will allow manure to be removed from the building on a twice weekly basis which helps to limit odour.
- 5 The nest boxes for birds will be located adjacent to the perch areas and angled towards an egg conveyor which leads to the packing area mentioned above.
- 6 There will be lighting within the building on a timeswitch providing lighting 14 hours per day. There is also a ventilation system proposed within the building with roof inlet vents and fans.

- 7 An external pasture area is also proposed with holes in the west elevation to allow access between 0800 to 2100 daily. The pasture area extends to 1 hectare for every 2000 birds and therefore extends to 16 hectares of grassland.

## **ENVIRONMENTAL IMPACT ASSESSMENT**

- 8 Due to the scale and type of the proposal it was required to be screened as to whether the proposal is an Environmental Impact Assessment (EIA) development under the EIA 2017 regulations. A screening opinion of the application determined that the proposal was not EIA development.

## **NATIONAL POLICY AND GUIDANCE**

- 9 The Scottish Government expresses its planning policies through The National Planning Framework, the Scottish Planning Policy (SPP), Planning Advice Notes (PAN), Creating Places, Designing Streets, National Roads Development Guide and a series of Circulars.

### **National Planning Framework**

- 10 The 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.

### **The Scottish Planning Policy 2014**

- 11 The SPP is a statement of Scottish Government policy on land use planning. The following sections of the SPP will be of particular importance in the assessment of this proposal:-
- Paragraphs 24 – 35: Sustainability :
  - Paragraphs 36 – 57: Placemaking
  - Paragraphs 193 – 218: Valuing the Natural Environment
  - Paragraphs 219 – 233: Maximising the Benefits of Green Infrastructure
  - Paragraphs 254 – 268: Managing Flood Risk and Drainage
  - Paragraphs 269 – 291: Promoting Sustainable Transport and Active Travel
- 12 The following Scottish Government Planning Advice Notes (PAN) are likely to be of relevance to the proposal,
- PAN 3/2010 Community Engagement
  - PAN 1/2011 Planning and Noise
  - PAN 40 Development Management
  - PAN 51 Planning, Environmental Protection and Regulation
  - PAN 61 Planning and Sustainable Urban Drainage Systems
  - PAN 75 Planning for Transport

## **DEVELOPMENT PLAN**

- 13 The Development Plan for the area comprises the TAYplan Strategic Development Plan 2012-2032 and the Perth and Kinross Local Development Plan 2014.

### **TAYPlan Strategic Development Plan 2012-2032**

- 14 TAYPlan sets out a vision for how the region will be in 2032 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:
- 15 *“By 2032 the TAYplan region 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.”*
- 16 The following section of the TAYplan 2012 is of particular importance in the assessment of this application.

### **Policy 3: Managing TAYplan’s Assets**

- 17 Seeks to identify and safeguard at least 5 years supply of employment land within principle settlements to support the growth of the economy and a diverse range of industrial requirements.

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

- 18 The Local Development Plan (LDP) was adopted by Perth and Kinross Council on 3 February 2014. It is the most recent statement of Council policy and is augmented by Supplementary Guidance.
- 19 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.”*
- 20 Under the LDP, the following policies are of particular importance in the assessment of this application.

### **PM1A: Placemaking**

- 21 Development must contribute positively to the quality of the surrounding built and natural environment, respecting the character and amenity of the place.

### **Policy PM1B – Placemaking**

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

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

- 23 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**

- 24 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 ED3 – Rural Business and Diversification**

- 25 Favourable consideration will be given to the expansion of existing businesses and the creation of new businesses within or adjacent to existing settlements in rural areas. Outwith settlements, proposals may be acceptable where they offer opportunities to diversify and existing business or are related to a site specific resource or opportunity.

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

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

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

- 27 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 NE2A - Forestry, Woodland and Trees**

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

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

- 29 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**

- 30 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 EP2 - New Development and Flooding**

- 31 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 EP3A - Water, Environment and Drainage**

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

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

- 33 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**

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

### **Policy EP3D - Water, Environment and Drainage**

- 35 Development over an existing culvert or the culverting of watercourses as part of a new development will not be supported unless there is no practical alternative. Existing culverts should be opened and redundant water engineering features removed whenever possible.

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

- 36 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 HE1A - Scheduled Monuments**

- 37 There is a presumption against development which would have an adverse effect on the integrity of a Scheduled Monument.

### **Policy HE1B - Non Designation Archaeology**

- 38 The Council seek to protect areas or sites known to have archaeological interest and their settings.

### **OTHER POLICIES**

- 39 The following supplementary guidance and documents are of particular importance in the assessment of this application;
- Developer Contributions Supplementary Guidance April 2016
  - Flood Risk and Flood Risk Assessments – Developer Guidance June 2014

### **SITE HISTORY**

- 40 07/00487/FUL - Erection of a steel framed agricultural grain store and general storage building – Approved March 2007 under delegated powers.

### **CONSULTATIONS**

#### **EXTERNAL**

- 41 **Scottish Water** – sufficient capacity for development.
- 42 **Abernethy Community Council** – no objection but concerned regarding unpleasant odours and wish to see condition control over odour management.

#### **INTERNAL**

- 43 **Perth and Kinross Heritage Trust**  
Given the location of the proposed development site adjacent to Carey temporary camp, it is recommended that an archaeological evaluation takes place to assess presence/absence, character and significance of archaeological deposits on the site.
- 44 **Environmental Health** – no objection subject to conditions to control odour and noise from development which is considered in more detail within the appraisal section below.
- 45 **Transport Planning** – no objection subject to condition securing additional passing place and Construction Traffic Management Plan.
- 46 **Developer Contributions** – exempt from contribution requirement.

- 47 **Flood Prevention Officer** – no objection.
- 48 **Bio Diversity Officer** – no objection subject to conditions.

## REPRESENTATIONS

- 49 A total of ten letters of representation were received during the advertisement period for the application. This includes a letter from Abernethy Community Council. Of the ten letters, 6 object to the application and 4 raise comments neither supporting or objecting to the application (including the Community Council). A petition was also received which contains a list of 2317 names objecting to the application.
- 50 The representations and petition have raised the following relevant issues: -
- Odour
  - Noise
  - Traffic generation and access/congestion
  - Pollution
  - Landscape and visual impact
  - Animal welfare
  - Out of character with area/visual impact
  - Waste generation and storage
  - Bio diversity
- 51 All the relevant planning issues which have been raised are covered in the Appraisal section of this report.

## ADDITIONAL STATEMENTS

52

|                                                |                                                                                                                               |
|------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------|
| Environment Statement                          | Not required                                                                                                                  |
| Screening Opinion                              | Yes                                                                                                                           |
| Environmental Impact Assessment                | Not required                                                                                                                  |
| Appropriate Assessment                         | Not required                                                                                                                  |
| Design Statement / Design and Access Statement | Submitted                                                                                                                     |
| Reports on Impact or Potential Impact          | Flood Risk Checklist, Noise Assessment, Odour Assessment, Transport Statement, Ecology Report, Flood Risk and Drainage Report |

## **APPRAISAL**

### **Policy Appraisal**

- 53 Sections 25 and 37(2) of the Town & Country Planning (Scotland) Act 1997 (as amended) requires the determination of the proposal to be made in accordance with the provisions of the Development Plan, unless material considerations indicate otherwise. The determining issues here are whether the proposals comply with Development Plan policy or if there are other material considerations, which justify a departure from policy. The most relevant policy to be considered are outlined in the policy section above and referred to below.

### **Principle**

- 54 Due to the nature of the process involved in the production of eggs, the proposed development requires to be in an isolated location. LDP Policy ED3 – Rural Business and Diversification provides support for the creation of new businesses in rural areas and sites outwith settlement boundaries may be acceptable if they are related to a specific resource or opportunity.
- 55 As the development requires to be in an isolated location but with close proximity to the transport network, it is considered that the principle of the introduction of a new agricultural operation accords with the objectives of the Development Plan provided that detailed planning issues are satisfied. The key determining issues are whether the proposal is consistent with the relevant provisions of the Development Plan with regard to: the impact on the landscape and visual impact of the proposal; traffic implications and effects on neighbouring amenity such as odour and noise.

### **Landscape Character and Visual Impact**

- 56 The supporting Planning Statement concludes that the landscape impacts of the development would be of minor significance. Applying LDP Policies PM1 and ER6 the proposed development is not located in a special landscape area or near to historic and cultural environments.
- 57 The proposed design and building height (5.6m to ridge) adjacent to a woodland plantation respects the site's level topography and skyline, as well as the wider landscape character of the area. Furthermore additional woodland planting is proposed to the west and south of the building as part of the range area for the birds which will provide further screening and effectively surround the building with woodland. The existing woodland plantation, together with the proposed planting will help to safeguard views, viewpoints and landmarks and thus protect the site's visual integrity and identity. Full details of the proposed tree planting will be requested by condition (Condition15).
- 58 The form, location and nature of existing woodland and proposed planting is considered appropriate and would assist in effectively assimilating this large range of buildings within the surrounding landscape. A condition on any



planning approval would be necessary to secure the implementation and maintenance of any compensatory planting.

- 59 To ensure effective integration with landscape a condition is recommended to confirm that the finishing materials and colour of the new buildings will be dark green to complement the surrounding woodland.

### **Effects on Neighbours/Amenity**

- 60 The application contains provision for poultry sheds with capacity for 32,000 free range hens in 2 x 16,000 bird sections with an egg packing area in the centre of the two sections. An application of this scale therefore has the potential to lead to loss of amenity at nearby receptors due to noise and odour. The closest existing residential property outwith the applicants ownership is approximately 375m away. The closest existing property within the applicants ownership is Cordon Farm House at approximately 140 metres away.

### Noise

- 61 Environmental Health have assessed the potential impact of the proposed development on residential properties in the area. A Noise Impact Assessment (NIA) has been submitted with the application. The NIA relates to the potential for plant and has been prepared in accordance with BS4142:2014 'Method for Rating and Assessing Industrial and Commercial Sound'. The NIA concluded that the noise from the development would not adversely affect residential amenity at the closest residential properties during either the daytime or night time periods. Environmental Health have accepted the outcomes indicated within the NIA but have recommended conditions to control noise from plant and equipment (Conditions 9 & 10).
- 62 As a consequence the proposal is therefore considered to comply with LDP Policy EP 8 – Noise Pollution. However, as a precaution the recommended noise conditions (conditions 9 & 10) are proposed to protect amenity should any complaints be received.

### Odour

- 63 Concerns have been expressed in letters of representation regarding the potential odour from the operation. The submission includes an Odour Assessment (OA) which modelled the potential odour. Environmental Health have also been consulted on this aspect of the proposal and offered comments on the OA.
- 64 The OA stated that the bird housing areas will follow Best Available Technology, with tiered perches over manure belts thus ensuring manure is removed twice weekly by an elevator system into agricultural trailers and transported away from the building and stored until spread as a sustainable fertiliser at the existing farm. Thus odour and ammonia production is reduced within the bird housing areas.

- 65 The submitted OA was undertaken by consultants AS Modelling & Data Ltd. The OA assessed the odour emission rates from the proposed poultry house by using an Atmospheric Dispersion Modelling System (ADMS).
- 66 The modelling predicted that at all the residential receptors considered within the OA, the odour exposure levels would be below SEPAs benchmark for moderately offensive odours, a 98<sup>th</sup> percentile hourly mean of 0.3ou<sub>g</sub>/m<sup>3</sup> over a one year period. Environmental Health have advised that they agree with the criteria and findings of the OA but have advised that there is still potential for odour to affect residential amenity and have therefore recommended that an Odour Management Plan (OMP) be submitted to ensure the Council maintains control over odour associated with the development. Furthermore the OMP would have several elements including control, monitoring and review/contingencies.
- 67 The OMP is a living document that formalises and sets control and management measures to ensure that the proposed development operates best practicable means to control/minimise odour emissions from the site to existing residential receptors.
- 68 The OMP is a control measure and as such the underlying mitigation and control measures contained within the OMP must be robust and effective. It is important that the OMP is comprehensive, to allow the Planning Authority, on the receipt of any complaint, to assess that Best Practicable Means are being achieved and complied with. All of the above can be secured by suitably worded planning conditions (Conditions 11 & 12).

### **Traffic and Transportation**

- 69 Both the Design and Access Statement and Transport Statement submitted with the application identified both construction and operational traffic movements to and from the site. The development is proposed to be accessed from Hatton Road which is a single lane road which provides access to the A913. There is an existing passing bay on this road.
- 70 The Transport Statement indicates the extent of traffic associated with the existing farm over a 12 month period which equates to the following:
- |                           |                              |
|---------------------------|------------------------------|
| Grain Out –               | 96 lorries                   |
| Potatoes Out –            | 38 lorries                   |
| Seed in –                 | 1 lorry                      |
| Fertiliser In –           | 12 lorries                   |
| Empty potato boxes –      | 24 lorries                   |
| Hen pen in (hen litter) – | 45 tractor and trailer loads |
- 71 All existing HGV traffic associated with the farm uses Hatton Road due to the height restrictions along Cordon Farm Road.

- 72 The operational movements associated with the proposal will be associated with egg collection and feed delivery and are outlined in detail within the Transport Statement and may be summarised as follows:

Bird feed – one delivery every 7 days by 16.5m articulated lorry.

Egg collection – two collections every 7 days by 16.5 m articulated lorry

Dead bird removal – every 7 days by box van

Delivery of hens – during week 1 by articulated lorries (four deliveries)

Staff movements – two cars per day (4 movements)

Manure removals – no movements as manure proposed to stay on site as fertiliser for the farm.

- 73 Overall the proposal will generate three HGV visits (6 movements) and 14 cars/vans (28 movements) per week. Furthermore given the nature of the proposal there will be cycles where there is minimal activity on the site. It is noted that there will be bird delivery undertaken at the beginning of the cycle period. The farm currently imports hen manure for fertiliser equating to 45 tractor and trailer loads per annum and these movements will no longer be required.

- 74 The site benefits from an existing access onto Hatton Road and then into the A913 Perth Road at the western side of Abernethy. As such the vehicle movements associated with the proposal will turn right out of Hatton Road onto the A913 towards the M90 motorway. Vehicles will turn left onto Hatton Road from the A913 when entering the site. As such the vehicles associated with the proposal will not require to travel through the main central part of Abernethy. A condition (Condition 7) is recommended to ensure vehicles adhere to this routing. Overall the traffic generation associated with the development is considered to be acceptable. Transport Planning have confirmed that they are content with the proposals but have recommended a condition that a further passing place be installed on Hatton Road, also included as Condition 6.

- 75 There will also be construction traffic associated with this proposal but this will be limited and be for a temporary period, nevertheless, for the avoidance of any doubt Transport Planning have recommended a Condition (7) requesting a Construction Traffic Management Plan (CTMP) to minimise impact on the local community during construction.

### **Archaeology**

- 76 Carey temporary camp (Scheduled Monumnet 9449) which is thought to date from the late 1<sup>st</sup> century AD is located within close proximity to the application site. On that basis Perth and Kinross Heritage Trust have recommended a condition that an archaeological investigation be undertaken to assess the

presence/absence, character and significance of archaeological deposits on the site in accordance with Policy HE1A and B of the LDP, included as Condition 8.

### **Economic Impact**

- 77 The submission indicates that the existing farm is attempting to diversify its operation and will result in the creation of new permanent employment in the form of two full time equivalent jobs. There is also likely to be associated economic opportunities in terms of the construction period and secondly jobs in haulage, veterinary science, agriculture and animal feed production. The impact of the proposal on the rural economy at this location is considered to be significantly positive.

### **Waste Collection and Storage**

- 78 The submission indicates that waste from the proposed building will be utilised as fertiliser on the existing farm. There will be a requirement to ensure this waste is dealt with appropriately to minimise odours and this can be addressed through the Odour Management Plan (Condition 11) recommended by Environmental Health.

### **Developer Contributions**

- 79 The Council's Transport Infrastructure Developer Contributions Supplementary Guidance requires a financial contribution towards the cost of delivering the transport infrastructure improvements which are required for the release of all development sites in and around Perth.
- 80 However, the proposal is for an agricultural building which is exempt from the Transport Infrastructure Contributions.

### **Biodiversity**

- 81 An ecology report has been submitted with the application and no major concerns relating to bio diversity were identified within the report. The Council's Bio Diversity Officer has commented on the document and indicated that the recommendations included within the study including enhancements should be ensured through conditions. Furthermore it is recommended that the building accommodates swift and bat bricks into the building and this can be secured through conditions. As such, subject to the recommended Conditions (2, 3 & 4) the proposal is considered to comply with policy NE3 of the LDP.

### **Trees**

- 82 No trees are proposed to be felled to accommodate the development, however there is a large area of woodland directly adjacent to the site which helps to provide the building with an appropriate setting and screening. As such it is recommended that a condition is attached to any consent which requires these trees are protected during construction operations to ensure they remain healthy and the screening and setting for the building is retained. The plans

propose additional planting to the west and south of the planting to effectively screen the building. This detail and phasing of this planting will be secured by Conditions (15, 16, 17 & 18)

### **Flooding and Drainage**

- 83 The site is located outwith areas identified as flood risk and on that basis the Council's Flood Prevention Officer has offered no objection to the application. The proposal is therefore considered to comply with Policy EP2 of the LDP. A condition (19) is recommended to ensure surface water drainage is catered for through an appropriate Sustainable Urban Drainage System (SUDS) to accord with policy EP3C of the LDP (Condition 19).

### **Animal Welfare**

- 84 It is noted that letters of representation together with a petition have been received which express concern regarding the welfare of birds associated with the proposal. The application indicates that the operations will meet industry standards in relation to the housing and welfare conditions of livestock and the proposal is for free range egg production. Whilst these concerns are noted, nevertheless, this is not a material planning consideration and the responsibility for adherence to welfare standards will rest with Scottish Government through its Animal Health Division Offices.

### **Pollution Prevention and Control Regulations**

- 85 Members should be aware that the threshold for regulation of poultry units under SEPA's Pollution Prevention and Control Regulations is 40000 bird places, therefore this development falls below that threshold and at this site it would be the Environmental Health Officers who would be the relevant consultee with regards to odour and noise. As such EH have recommended conditions to control odour and noise as outlined above.

### **LEGAL AGREEMENTS**

- 86 None required.

### **DIRECTION BY SCOTTISH MINISTERS**

- 87 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**

- 88 Section 25 of the Act requires that determination of the proposal should be made in accordance with the provisions of the Development Plan unless material considerations indicate otherwise. It is clear that the primary intention of both the Development Plan and national policies is to support agriculture as

a major land use in the Plan area. The proposals for a free range poultry enterprise at Wilson Cordon Farm would accord with this broad objective provided that environmental and landscape issues are satisfactorily addressed by any new proposals.

- 89 Through the use of planning conditions the proposals could secure a satisfactory landscape fit, could have an acceptable relationship to nearby residential properties and would not adversely affect the local and national transport network.

## **RECOMMENDATION**

### **A Approve the application subject to the following conditions:**

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

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

- 2 The conclusions and recommended action points within the supporting biodiversity survey submitted and hereby approved shall be fully adhered to, respected and undertaken as part of the construction phase of development.

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).

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

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).

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

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

- 5 All operational traffic movements to and from the site shall be undertaken in accordance with the routing outlined in the Transport Statement hereby approved (doc ref:17/01234/13) to the satisfaction of the Council as Planning Authority.

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

- 6 Prior to the development hereby approved being completed or brought into use, a passing place shall be constructed in full to the south of the railway bridge to formalise the existing informal passing place. The passing place shall be constructed in accordance with the National Roads Development Guide to provide a minimum road width of 5.5 metres, 15 metres in length (excluding 1:2 metre splays. Prior to the commencement of any development on site a scaled drawing at 1:200 scale shall be submitted to and approved in writing by the Planning Authority which demonstrates the proposed location and works to form the passing place. The passing place shall be formed in accordance with these approved details.

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

- 7 Prior to the commencement of works on the development, the applicant shall submit for the written approval of the Planning Authority a Construction Traffic Management Scheme (TMS) which shall include the following:
- a) restriction of construction traffic to approved routes and the measures to be put in place to avoid other routes being used;
  - b) timing of construction traffic to minimise impact on local communities particularly at school start and finishing times, on days when refuse collection is undertaken, on Sundays and during local events;
  - c) arrangements for liaison with the Roads Authority regarding winter maintenance;
  - d) emergency arrangements detailing communication and contingency arrangements in the event of vehicle breakdown;
  - e) arrangements for the cleaning of wheels and chassis of vehicles to prevent material from construction sites associated with the development being deposited on the road;
  - f) arrangements for cleaning of roads affected by material deposited from construction sites associated with the development;
  - g) arrangements for signage at site accesses and crossovers and on roads to be used by construction traffic in order to provide safe access for pedestrians, cyclists and equestrians;
  - h) details of information signs to inform other road users of construction traffic;
  - i) arrangements to ensure that access for emergency service vehicles are not impeded;

- j) monitoring, reporting and implementation arrangements; and
- k) arrangements for dealing with non-compliance.

The TMS as approved shall be strictly adhered to during the entire site construction programme all to the satisfaction of the Council as Planning Authority.

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

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

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

- 9 All plant or 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; to ensure a satisfactory standard of local environmental quality.

- 10 Should any aspect of the operation of this facility lead to a breach of condition 9, within 14 days of a written request by the Council as Planning Authority the applicant shall arrange for an investigation by a suitably qualified noise consultant with the scope and timescale submitted to and agreed in writing with the Council as Planning Authority in consultation with Environmental Health. Thereafter the agreed measures shall be implemented to ameliorate the nuisance.

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

- 11 Prior to the commencement of the development, an Odour Management Plan (OMA) shall be submitted to and approved in writing by the Planning Authority in consultation with Environmental Health. The management arrangements agreed within the approved OMA shall be strictly adhered to at all times.



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

- 12 Should any aspect of the development result in verified odour complaint determined by the Council as Planning Authority in consultation with Environmental Health, within 14 days of written request by the Council as Planning Authority, the applicant shall arrange for an Odour Impact Assessment (OIA) to be carried out by a qualified consultant. The OIA findings shall be submitted for the written approval of the Council as Planning Authority, in consultation with Environmental Health and must draw conclusions and make recommendations as necessary. Thereafter any necessary measures to ameliorate the odour nuisance should be put in place, and a new or revised Odour Management Plan must be submitted to the council within a specified agreed timescale.

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

- 13 Prior to the installation of any external lighting, the details of all external lighting shall be submitted for the further written agreement of the Council as Planning Authority. The scheme shall include details of light spill, brightness of the lighting and the proposed hours of operation. The agreed lighting scheme shall be implemented and maintained in full accordance with the agreed scheme.

Reason - In the interests of visual and residential amenity; to ensure a satisfactory standard of local environmental quality; to reserve the rights of the Planning Authority.

- 14 All external lighting shall be sufficiently screened and aligned so as to ensure that there is no direct illumination of neighbouring land and that light spillage beyond the boundaries of the site is minimised to a degree that it does not adversely affect the amenity of the neighbouring land.

Reason - In the interests of visual and residential amenity; to ensure a satisfactory standard of local environmental quality; to reserve the rights of the Planning Authority.

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

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

- 16 Prior to the commencement of development, details of the tree planting proposed to the west and south of the building shall be submitted to and approved in writing by the Planning Authority. The agreed detail shall thereafter

be implemented prior to the completion of the development and completed in accordance with the timescales outlined in condition 16.

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

- 17 The planting scheme as approved under condition 15 shall be implemented fully within one calendar year of the commencement of development and thereafter maintained.

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

- 18 Any planting failing to become established within five years shall be replaced in the following planting season with others of similar sizes and species.

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

- 19 Storm water drainage from all paved surfaces, including the access, shall be disposed of by means of suitable a Sustainable Urban Drainage System to meet the requirements of best management practices.

Reason - To ensure the provision of effective drainage for the site.

## **B JUSTIFICATION**

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

## **C PROCEDURAL NOTES**

None.

## **D INFORMATIVES**

- 1 This planning permission will last only for three years from the date of this decision notice, unless the development has been started within that period. (See section 58(1) of the Town and Country Planning (Scotland) Act 1997 (as amended).
- 2 Under Section 27A of the Town and Country Planning (Scotland) Act 1997 (as amended) the person undertaking the development is required to give the Planning Authority prior written notification of the date on which it is intended to commence the development. A failure to comply with this statutory requirement would constitute a breach of planning control under section 123(1) of that Act, which may result in enforcement action being taken.
- 3 As soon as practicable after the development is complete, the person who completes the development is obliged by Section 27B of the Town and Country

Planning (Scotland) Act 1997 (as amended) to give the Planning Authority written notice of that position.

- 4 The applicant is advised that the granting of planning consent does not guarantee a connection to Scottish Water's assets. The applicant must make a separate application to Scottish Water Planning & Development Services team for permission to connect to the public wastewater system and/or water network and all their requirements must be fully adhered to.
- 5 No work shall be commenced until an application for building warrant has been submitted and approved.
- 6 The applicant is reminded that, should any protected species be present a licence may be required from Scottish Natural Heritage to disturb a protected species. Failure to obtain a licence may constitute a criminal act under the Habitats Regulations and penalties are severe for non compliance.
- 7 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.
- 8 The applicant should be aware of the SEPA's General Binding Rules of The Water Environment (Controlled Activities) (Scotland) Regulations 2011 (as amended) and the Intake and Outfall Good Practice Guide [https://www.sepa.org.uk/media/150984/wat\\_sg\\_28.pdf](https://www.sepa.org.uk/media/150984/wat_sg_28.pdf) with regards the proposed treatment and discharge of treated surface water to the burn. Further information is available to the applicant in the CAR Practical Guide
- 9 The developer is advised to contact Mr David Strachan, Archaeologist to discuss terms of reference for work required Tel 01738 477080.
- 10 This development will require the 'Display of notice while development is carried out', under Section 27C(1) of the Town and Country Planning Act 1997, as amended, and Regulation 41 of the Development Management Procedure (Scotland) Regulations 2013. The form of the notice is set out in Schedule 7 of the Regulations and a draft notice is included for your guidance. In accordance with Regulation 41 the notice must be:  
Displayed in a prominent place at or in the vicinity of the site of the development  
Readily visible to the public  
Printed on durable material.

Background Papers: 10 letters of representation and 1 petition

Contact Officer: John Williamson – Ext 75360

Date: 5 October 2017

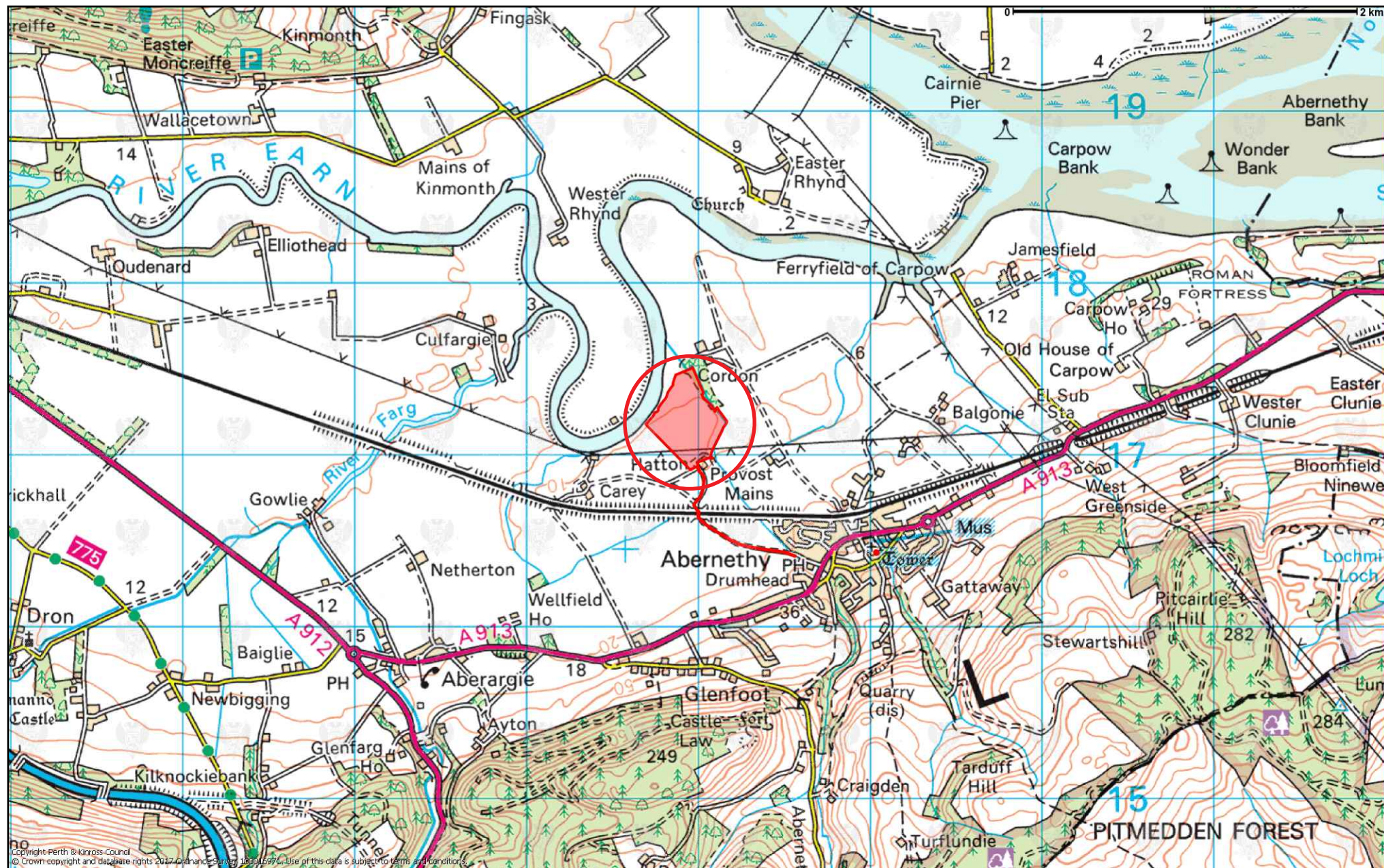
**Anne Condliffe**  
**Interim Development Quality Manager**

|                                                                                                                                                                                                                                                                    |
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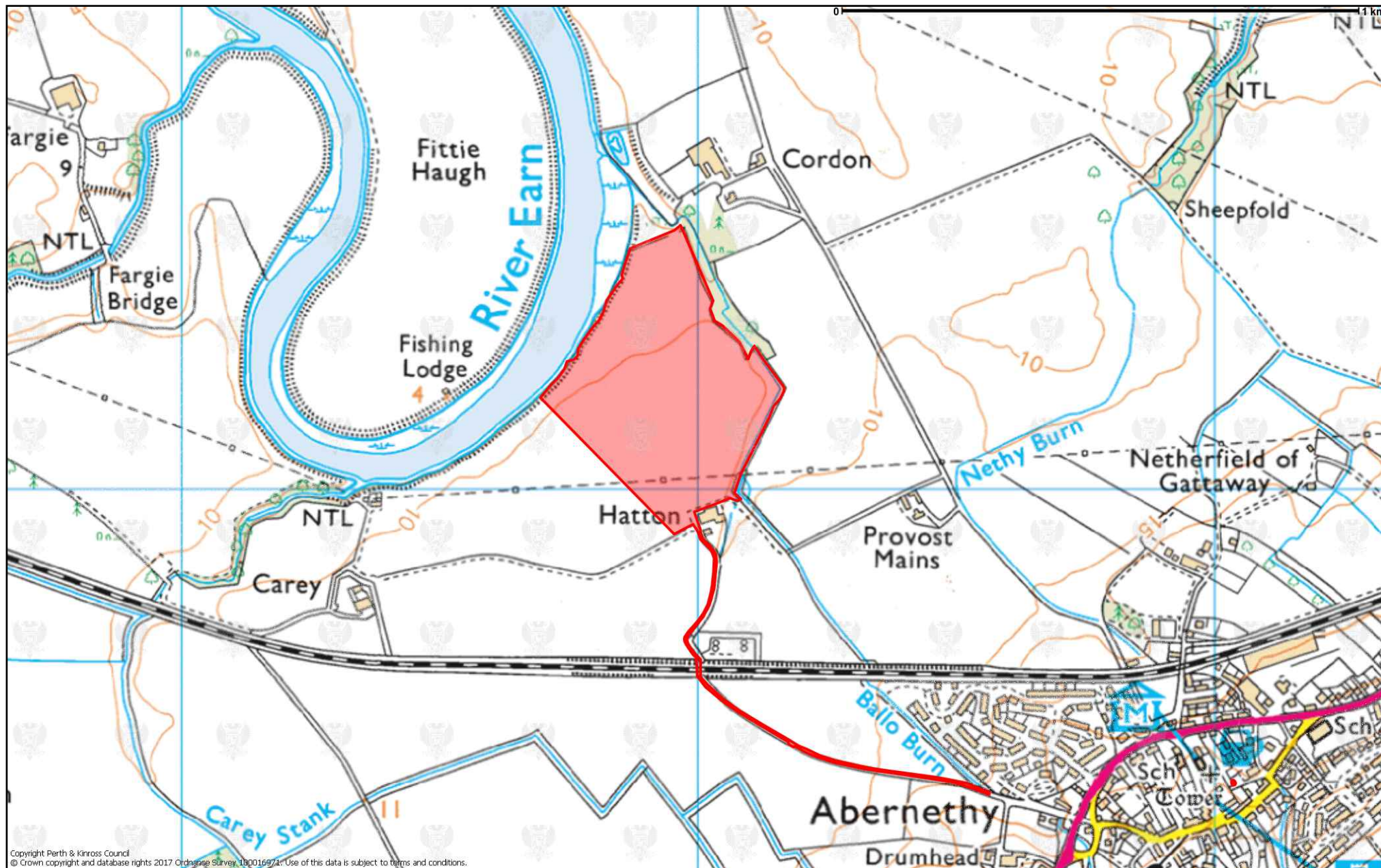
17/01234/FLL

Erection of an agricultural building for free range egg production and associated works









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17/01234/FLL

Erection of an agricultural building for free range egg production and associated works







Perth and Kinross Council  
Planning & Development Management Committee – 18 October 2017  
Report of Handling by Interim Development Quality Manager

Erection of a dwellinghouse (in principle) on land north of Grieves House  
 Longforgan

Ref. No: 17/01402/IPL

Ward No: P1 - Carse of Gowrie

### **Summary**

This report recommends approval of the application for erection of a dwelling in principle as the development proposal is considered to comply with the relevant provisions of the Development Plan and there are no material considerations apparent which would outweigh the Development Plan.

## **BACKGROUND AND PROPOSAL**

- 1 The application site forms part of the land associated with Grieve's house, formerly part of Snabs farm, which is now a redundant farm unit with the original steading redeveloped into residential uses.
- 2 Snabs farm is located north of the A90, approximately half a mile NW of the village of Longforgan in the Carse of Gowrie. The Snabs Farm grouping comprises eight existing dwellings varying from a listed farmhouse, detached cottages, a converted steading building and a new build semi-detached courtyard development. Snabs farmhouse is a category B listed building.
- 3 The proposed plot extends to approx. 890 sqm, (not including vehicular access) which is not an uncommon single plot size in a rural context. The main plot areas wrap around Grieves cottage to the north and east. The garage/workshop which previously occupied the site has been demolished.
- 4 The site was previously refused planning permission for erection of a dwelling in principle ref 12/01784/IPL. A review was then submitted to the Local Review Body with the application being upheld and permission granted subject to conditions. This permission has since lapsed hence the current application.

## **NATIONAL POLICY AND GUIDANCE**

- 5 The Scottish Government expresses its planning policies through the National Planning Framework (NPF) 3, the National Roads Development Guide 2014, Scottish Planning Policy (SPP) 2014 and Planning Advice Notes (PAN).

### **National Planning Framework**

- 6 The 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.

### **The 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 Of relevance to this application are Paragraphs 109 – 134, which relate to enabling the delivery of New Homes.

### **DEVELOPMENT PLAN**

- 9 The Development Plan for the area comprises the TAYplan Strategic Development Plan 2012-2032 and the Perth and Kinross Local Development Plan 2014.

### **TAYPlan Strategic Development Plan 2012-2032**

- 10 Whilst there are no specific policies or strategies directly relevant to this proposal the overall vision of the Tay Plan should be noted. The vision states *"By 2032 the TAYplan region 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 and visit and where businesses choose to invest and create jobs."*

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

- 11 The Local Development Plan (LDP) was adopted by Perth and Kinross Council on 3 February 2014. It is the most recent statement of Council policy and is augmented by Supplementary Guidance.
- 12 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."*
- 13 The relevant policies are;

### **PM1A - Placemaking**

- 14 Development must contribute positively to the quality of the surrounding built and natural environment, respecting the character and amenity of the place.

### **Policy PM1B - Placemaking**

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

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

- 16 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 RD3 - Housing in the Countryside**

- 17 The development of single houses or groups of houses which fall within the six identified categories will be supported. One of those categories is development which extends an existing building group into a definable site.

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

- 18 There is a presumption in favour of the retention and sympathetic restoration, correct maintenance and sensitive management of listed buildings to enable them to remain in active use. The layout, design, materials, scale, siting and use of any development which will affect a listed building or its setting should be appropriate to the building's character, appearance and setting.

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

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

### **Policy TA1B- Transport Standards**

- 20 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.

### **OTHER GUIDANCE**

- 21 The following supplementary guidance and documents are of particular importance in the assessment of this application:

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

- 22 This document sets out the Council's policy for securing contributions from developers of new homes towards the cost of meeting appropriate infrastructure improvements necessary as a consequence of development. This document also sets out the Council's policy on affordable housing provision.

## **Housing in the Countryside Guide 2012**

- 23 This supplementary guidance is the most recent expression of Council policy towards new housing in the open countryside, and offers support for new housing in the open countryside providing certain criteria can be met. Such criteria include the opportunity for the expansion of existing building groups into definable sites providing that certain criteria can be met.

### **PLANNING SITE HISTORY**

- 24 12/01784/IPL Removal of hardstanding, demolition of garage/workshop and erection of new dwellinghouse (in outline) at Grieve's House, Snabs Farm, Longforgan – Refused under delegated powers in December 2012 with review to LRB granted July 2013.

### **CONSULTATIONS**

#### **EXTERNAL**

##### **Scottish Water**

- 25 No objections with regards to infrastructure capacity.

##### **Dundee Airport**

- 26 No objection as the development would not infringe the safeguarding surfaces for Dundee Airport.

#### **INTERNAL**

##### **Transport Planning**

- 27 No objection to the proposal.

##### **Environmental Health**

- 28 No objection to the proposal but conditions recommended regarding private water supplies. It has been confirmed by Scottish Water that the site is not served by private water supplies and therefore no condition is required.

### **REPRESENTATIONS**

- 29 Seven letters of representation have been lodged raising the following issues:
- Pressure on private water supplies
  - Contrary to Policy
  - Overdevelopment
  - Adverse impact on visual amenity
  - Road safety concerns/traffic volumes
  - Impact on setting of Listed Building
  - Loss of privacy

- 30 The Appraisal section of this report responds to the material planning concerns raised.

### **ADDITIONAL STATEMENTS**

|    |                                                |              |
|----|------------------------------------------------|--------------|
| 31 | Environment Statement                          | Not required |
|    | Screening Opinion                              | Not required |
|    | Environmental Impact Assessment                | Not required |
|    | Appropriate Assessment                         | Not required |
|    | Design Statement / Design and Access Statement | Submitted    |
|    | Report on Impact or Potential Impact           | None         |

### **APPRAISAL**

- 32 Sections 25 and 37(2) of the Town & Country Planning (Scotland) Act 1997 (as amended) requires the determination of the proposal to be made in accordance with the provisions of the Development Plan, unless material considerations indicate otherwise. The determining issues here are whether the proposals comply with Development Plan policy and Supplementary Guidance or if there are other material considerations, which justify a departure from policy.

#### **Policy**

- 33 The site lies within the landward area where Policies PM1 Placemaking, RD3 Housing in the Countryside and the associated Housing in the Countryside Supplementary Guidance 2012 are directly applicable.
- 34 The site is not located within a settlement boundary and therefore the principle of developing the site falls to be considered under Policy RD3 Housing in the Countryside and the associated 2012 Guide. Policy RD3 states that development of single houses or groups of houses which fall within at least one of the six identified categories will be supported.
- 35 The proposal was previously assessed under the Perth Area Local Plan 1995 and the 2009 Housing in the Countryside Guide. The Local Review Body (LRB) considered that the site formed part of a building group and additionally accorded with the Category 2 Infill Sites of the 2012 Housing in the Countryside Guide which was adopted prior to the review of the application.
- 36 The building groups category has remained fairly consistent in the last few versions of the Housing the Countryside Policy. The policy states that consent will be granted within building groups where they respect the character, layout and building pattern of the group.
- 37 Category 2 of the Housing in the Countryside Guide allows development of sites in gaps between established houses. The plots created should be comparable in size to the neighbouring residential properties and have a similar road frontage.

- 38 As stated it has previously been considered by the LRB that the principle of development is acceptable in terms of development and as there has been no change in the policy position I consider that the LRB decision is a material consideration thus the principle of development is established.

### **Design and Layout**

- 39 No indicative plans have been submitted. It is considered that a very modest sized and designed dwelling could be accommodated within the site but this would be dealt with at the detailed stage if permission is granted in principle.
- 40 Furthermore conditions were added previously by the LRB to limit the development to single storey and that the dwelling should be situated within the western portions of the plot and should not extend eastwards of the established building line of the property located south and the consented (now built) property to the north of the site. It is proposed to repeat this condition (Condition 2).

### **Residential Amenity**

- 41 As this is a planning in principle application, the siting/design/layout of the development is not under consideration at this stage. However due to the sites dimensions a layout would need to be carefully considered which would offer a suitable residential environment for any future resident, would not result in an unacceptable overlooking or loss of privacy to neighbours and would offer sufficient off street parking provision.
- 42 Visually the site is free from any significant ground contamination although the full history of the use of the garage/workshop is unknown. A watching brief during redevelopment should be undertaken and an informative is proposed accordingly.

### **Listed Building**

- 43 The site is to the north east of the category B listed Snabs Farmhouse and associated steading.
- 44 There has been some development in the vicinity of the listed building. An additional dwellinghouse in the proposed location may be acceptable without a significant further impact on the setting of the listed building.
- 45 It is noted that this application is in principle only and if approved the scale, design and external finishes will require careful consideration through a detailed application to ensure that the development complements the character of the existing buildings.

### **Water Supplies**

- 46 The letters of representation have raised issues related to the water pressure in properties surrounding the site. The application is in principle and Scottish Water has no objection confirming there is sufficient capacity.

- 47 Scottish Water note in their consultation response that a formal connection application would be required once detailed permission is granted. The applicant has also confirmed that the water supply pipework to this site has been provided as part of the development of the new house to the north of the application site.

### **Road and Access**

- 48 The site is accessed via a private track from the public road which serves the eight existing properties in the grouping. It is considered that the addition of one dwelling to the group would not lead to a significant increase in traffic. Parking and turning could be provided within the site. This is detailed in Condition 3.

### **Developer Contributions**

#### Primary Education

- 49 The Council Developer Contributions Supplementary Guidance requires a financial contribution towards increased primary school capacity in areas where a primary school capacity constraint has been identified. A capacity constraint is defined as where a primary school is operating, or likely to be operating following completion of the proposed development and extant planning permissions, at or above 80% of total capacity.
- 50 This proposal is within the catchment of Longforgan Primary School which is operating at capacity. A condition will be added to ensure the compliance with the policy at the detailed stage if permission is granted, covered under Condition 5.

#### Transport Infrastructure

- 51 The Council Transport Infrastructure Developer Contributions Supplementary Guidance requires a financial contribution towards the cost of delivering the transport infrastructure improvements which are required for the release of all development sites in and around Perth.
- 52 The application falls within the identified Transport Infrastructure Supplementary Guidance boundary and a condition to reflect this should be attached to any planning application if granted, covered under Condition 6.

#### Economic Impact

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

### **LEGAL AGREEMENTS**

- 54 None required.

## **DIRECTION BY SCOTTISH MINISTERS**

- 55 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**

- 56 In conclusion, the application must be determined in accordance with the adopted Development Plan unless material considerations indicate otherwise. In this respect, it is considered the proposal does comply with the relevant provisions of the adopted plan and there are no material considerations that would justify departing from the Development Plan
- 57 The site previously benefitted from an in principle planning permission and circumstances have not significantly changed. On that basis the application is recommend for approval subject to conditions.

## **RECOMMENDATION**

### **A Approve, subject to the following conditions:**

- 1 The development shall not commence until the following matters have been approved by the Planning Authority through the submission of an application or applications for approval of matters specified in conditions:
- (i) The siting design, height and external materials of all buildings or structures;
  - (ii) Details of vehicular access to the site and the provision of two car parking spaces and turning facilities.
  - (iii) Details of all landscaping, planting, screening and boundary treatment.

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

- 2 In pursuance of Condition 1(i), the physical development shall be:

- (i) Limited to a single storey with any accommodation above ground floor level being contained in the roof space.
- (ii) Situated within the western portions of the plot and shall not extend eastwards of the established building line of the property located to the south and the property to the north of the site.

Reason – In the interests of visual amenity; to ensure a satisfactory standard of local environmental quality. To ensure that the proposed house is of a scale and position to reflect and complement the massing, form and disposition of the existing group of existing and approved buildings at this locality.



3 In pursuance of Condition 1(ii), the scheme shall include:

- (i) Turning facilities to enable all vehicles to enter and leave the application site in a forward gear which shall be formed prior to the occupation of the dwellinghouse.
- (ii) A layout to accommodate a minimum of two car parking spaces which shall be formed prior to the occupation of the dwellinghouse.
- (iii) Suitable storage for waste disposal/collection which shall be formed prior to the occupation of the dwellinghouse.

Reason – In the interests of pedestrian and traffic safety and in the interests of free traffic flow within this building group.

4 In pursuance of condition 1(iii), the scheme shall include;

- (i) The location of new trees, shrubs, hedges, and grassed areas.
- (ii) A schedule of plants to comprise species, plant sizes and proposed numbers and density.
- (iii) The location, design and materials of all hard landscaping works including walls, fences, gates, and any other means of enclosure.

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

Any planting which, within a period of 5 years from the completion of development, in the opinion of the Planning Authority is dying, has been severely damaged or is becoming seriously diseased, shall be replaced by plants of similar size and species to those originally required to be planted.

Reason – In the interests of visual amenity; to ensure a satisfactory standard of local environmental quality. To assist the integration of the proposed development with the adjoining building group and landscape.

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

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

6 The development shall be in accordance with the requirements of Perth & Kinross Council's Developer Contributions and Affordable Housing Supplementary Guidance 2016 in line with Policy PM3: Infrastructure

Contributions of the Perth & Kinross Local Development Plan 2014 with particular regard to primary education infrastructure, unless otherwise agreed in writing with the Council as Planning Authority.

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

## **B JUSTIFICATION**

- 58 The proposal is considered to comply with the Development Plan and there are no other material considerations that would justify a departure therefrom.

## **C PROCEDURAL NOTES**

- 59 None.

## **D INFORMATIVES**

- 1 Application for the approval of matters specified in conditions shall be made before the expiration of 3 years from the date of the grant of planning permission in principle, unless an earlier application for such approval has been refused or an appeal against such refusal has been dismissed, in which case application for the approval of all outstanding matters specified in conditions must be made within 6 months of the date of such refusal or dismissal.

The approved development shall be commenced not later than the expiration of 3 years from the date of grant of planning permission in principle or 2 years from the final approval of matters specified in conditions, whichever is later.

- 2 Applicants are advised that should their application for Approval of Matters specified be refused and/or their appeal against such refusal dismissed outwith the three year time limit they are entitled to submit a revised application for Approval of Matters specified within six months after the date of refusal of the earlier application or of the dismissal of an appeal against such refusal.
- 3 The applicant is advised that the granting of planning consent does not guarantee a connection to Scottish Water's assets. The applicant must make a separate application to Scottish Water Planning & Development Services team for permission to connect to the public wastewater system and/or water network and all their requirements must be fully adhered to.
- 4 An inspection of the proposed development site did not raise any real concerns, although historical mapping indicates there was previously a nearby use which may have resulted in contamination in the vicinity of the site. The applicant is advised that, given historical uses of the wider area, there may be potential for contamination within the site. Should any contamination be found during the approved works, works should cease and the Land Quality team should be contacted on 01738 475000 or [es@pkc.gov.uk](mailto:es@pkc.gov.uk) for further advice.

Background Papers: 7 letters of representation  
Contact Officer: Joanne Ferguson – Ext 75320  
Date: 5 October 2017

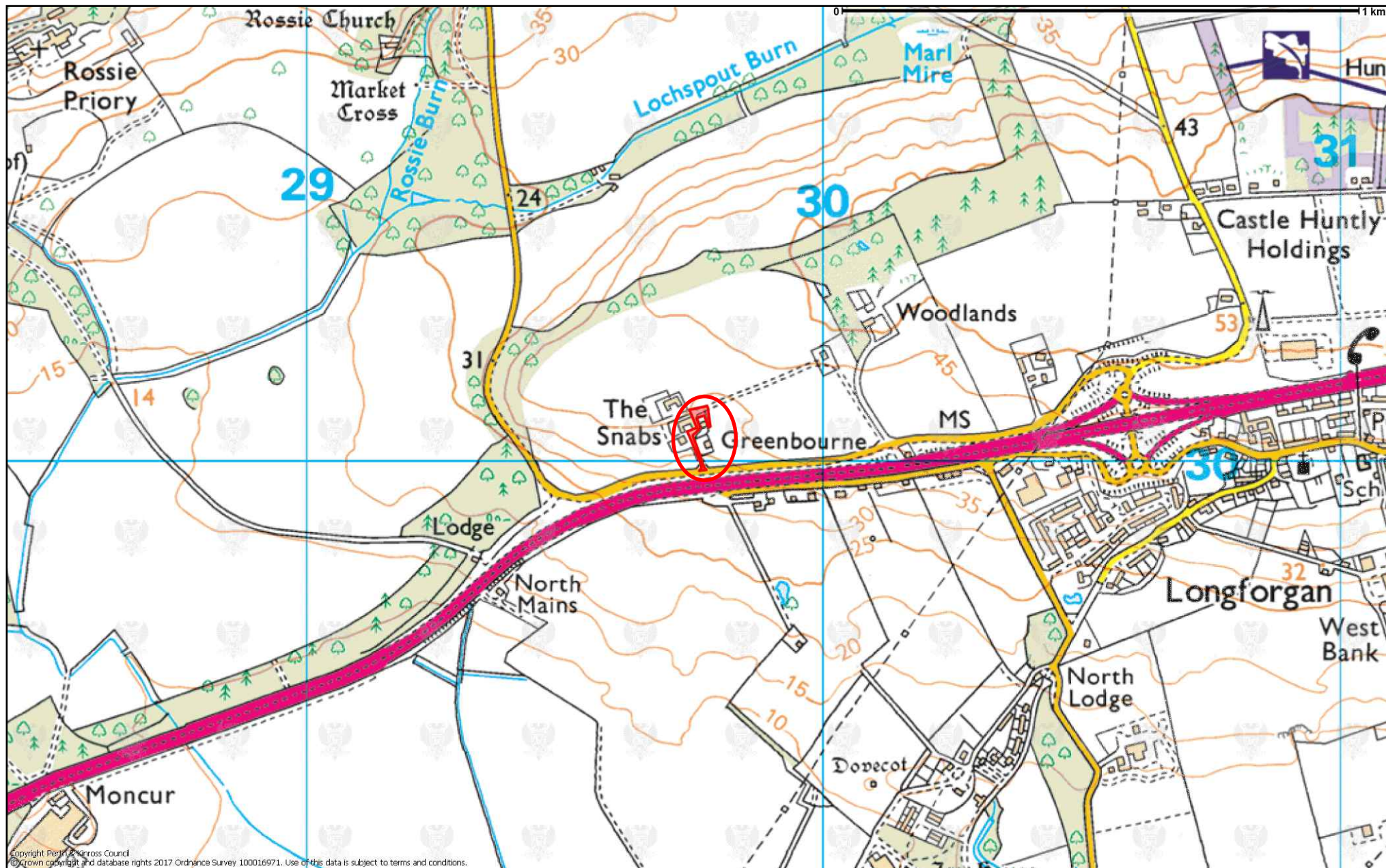
**Anne Condliffe**  
**Interim Development Quality Manager**

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Scale 1:10000



17/01402/IPL

Erection of a dwellinghouse (in principle)











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