

Perth and Kinross Council
Planning & Development Management Committee – 25 August 2020
Report of Handling by Head of Planning & Development (Report No. 20/136)

PROPOSAL: Section 42 application to modify Condition 3 (occupancy) of permission 11/00850/FLM

LOCATION: Land North of Perth Airport, Scone

Ref. No: [20/00607/FLM](#)
Ward No: P2 - Strathmore

Summary

This report recommends refusal of the application to modify Condition 3 (Occupancy) of permission 11/00850/FLM, to remove the restriction on holiday use only of the 52 approved chalets and to allow their permanent occupation for people aged 55 and over, on land to the north of Perth Airport.

The development is considered to be contrary to the relevant provisions of the Development Plan and there are no material considerations that justify setting aside the Development Plan.

BACKGROUND AND DESCRIPTION OF PROPOSAL

- 1 This application seeks a further detailed planning permission on the same site that has planning permission (ref: 11/00850/FLM) for the erection of 52 holiday chalets, associated access roads, sustainable urban drainage system and toddlers play area/picnic. The applicant is requesting to formally amend Condition 3 (Occupation) of that permission, which currently reads as follows:

“The chalets hereby approved shall be used for holiday accommodation only and shall not be occupied as the sole or main residence of any occupant to the satisfaction of the Council as Planning Authority.

Reason: To ensure that the units are not occupied as permanent residential accommodation.”

- 2 This modification is proposed as the applicant now wishes to use the approved holiday chalets as permanent residential accommodation for persons aged 55 and over. The alternative wording proposed by the applicant for Condition 3 is as follows:

“The chalets hereby approved shall be used as residential accommodation only for those aged 55 years and over”.

- 3 Turning to the site context, including the associated access road the area extends to approximately 7.5 hectares (Ha). It consists of extensive level grassland to the north west of the A94 (Perth to Forfar) road and lies

immediately north of the runway at Perth Airport. It is neither located within any settlement boundary nor identified with a specific land use allocation within Local Development Plan 2 2019 (LDP2). It is therefore classed as open countryside but not within the Greenbelt.

- 4 Mature woodland fringes all sides, providing natural containment and screening. Open farmland sits to the north and west, with the A94 forming the south-eastern boundary. Whilst there are small pockets of residential properties to the north-west, south-west and across the A94.
- 5 Planning permission (11/00850/FLM) was approved (contrary to recommendation) by Development Management Committee in October 2011 for the development of 52 holiday chalets and associated access road, SUDS facility and a toddlers play/picnic area.
- 6 Following the discharge of all pre-commencement conditions, and the submission of a Notification of Commencement of Development, the Council confirmed in October 2014 that a material operation related to the formation of the access junction had commenced. Accordingly, the planning permission remains extant. However, no further works appear to have taken place since.
- 7 The approved 52 holiday chalets are all two bedroom and are to be clustered within individual groups within the main body of the site, served by a spine road with turning facilities. Whilst there is an existing farm access road along north eastern boundary it is intended to form a new direct access onto the A94.

ENVIRONMENTAL IMPACT ASSESSMENT (EIA)

- 8 An EIA Screening of the proposal has been undertaken and found that an EIA was not required.

PRE-APPLICATION CONSULTATION (PAC)

- 9 PAC is not required for Section 42 applications.

NATIONAL POLICY AND GUIDANCE

- 10 The Scottish Government expresses its planning policies through The National Planning Frameworks, the Scottish Planning Policy (SPP), Planning Advice Notes (PAN), Creating Places, Designing Streets, National Roads Development Guide and a series of Circulars.

National Planning Framework

- 11 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

- 12 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.
- 13 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

Planning Advice Notes

- 14 The following Scottish Government Planning Advice Notes (PANs) and Guidance Documents are of relevance to the proposal:
- PAN 40 Development Management
 - PAN 51 Planning, Environmental Protection and Regulation
 - PAN 61 Planning and Sustainable Urban Drainage Systems
 - PAN 68 Design Statements
 - PAN 75 Planning for Transport
 - PAN 77 Designing Safer Places

Designing Streets 2010

- 15 Designing Streets is the first policy statement in Scotland for street design and marks a change in the emphasis of guidance on street design towards place-making and away from a system focused upon the dominance of motor vehicles. It has been created to support the Scottish Government's place-making agenda, alongside Creating Places, which sets out Government aspirations for design and the role of the planning system in delivering these.
- Creating Places 2013**

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

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 2016-2036 and the Perth and Kinross Local Development Plan 2019.

TAYPlan Strategic Development Plan 2016-2036

- 19 TAYPlan sets out a vision for the region in 2036 and what must occur to bring about change to achieve this vision. The vision as set out states that:

“By 2036 the TAYplan area will be sustainable, more attractive, competitive and vibrant without creating an unacceptable burden on our planet. The quality of life will make it a place of first choice where more people choose to live, work, study and visit, and where businesses choose to invest and create jobs.”

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

- Policy 1 Location Priorities
- Policy 4 Homes

Perth and Kinross Local Development Plan 2019

- 21 The Local Development Plan 2 (2019) (LDP2) was adopted by Perth and Kinross Council on 29 November 2019. The LDP2 sets out a vision statement for the area and states that, *“Our vision is of a Perth and Kinross which is dynamic, attractive and effective which protects its assets whilst welcoming population and economic growth.”* It is the most recent statement of Council policy and is augmented by Supplementary Guidance.

- 22 The principal relevant policies are, in summary:

- Policy 1: Placemaking
- Policy 2: Design Statements
- Policy 5: Infrastructure Contributions
- Policy 6: Settlement Boundaries
- Policy 9: Caravan Sites, Chalets and Timeshare Developments
- Policy 14: Open Space Retention and Provision
- Policy 15: Public Access
- Policy 19: Housing in the Countryside
- Policy 20: Affordable Housing
- Policy 22: Particular Needs Housing Accommodation
- Policy 23: Delivery of Development Sites
- Policy 24: Maintaining an Effective Housing Land Supply
- Policy 25: Housing Mix
- Policy 32: Embedding Low & Zero Carbon Generating Technologies in New Development
- Policy 40: Forestry, Woodland and Trees
- Policy 41: Biodiversity
- Policy 42: Green Infrastructure

- Policy 52: New Development and Flooding
- Policy 53: Water Environment and Drainage
- Policy 55: Nuisance from Artificial Light and Light Pollution
- Policy 56: Noise Pollution
- Policy 57: Air Quality
- Policy 60: Transport Standards and Accessibility Requirements
- Policy 61: Airfield Safeguarding

Supplementary Guidance

- PKC Placemaking Supplementary Guidance March 2020
- PKC Developer Contributions and Affordable Housing Supplementary Guidance March 2020

SITE HISTORY

- 23 07/00540/FUL Change of use of woodland to form a caravan site. Application withdrawn in March 2007.
- 24 [07/00848/FUL](#) Change of use of land to form caravan site. Application refused in July 2009.
- 25 [10/00001/PAN](#) Proposed chalet development (up to 60 units) sustainable urban drainage, access road and landscaping. Format of consultation set out in the PAN was accepted in March 2010.
- 26 [11/00850/FLM](#) Erection of 52 holiday chalets, associated access roads, sustainable urban drainage system and toddlers play area/picnic area. Application approved by Development Management Committee October 2011.

CONSULTATIONS

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

External

- 28 **Scottish Environment Protection Agency** – No objection but advise a Controlled Activities Regulation (CAR) Licence may be difficult to obtain as development will be for over 50-person population; and that a full intrusive hydrogeological survey will be required.
- 29 **Scottish Water** – No objection, advise that there is available capacity for a water supply. But that waste water will need to be treated privately.
- 30 **Perth & Kinross Health Care and Social Partnership (HSCP)** – No objection, advising of no strain on local healthcare facilities.
- 31 **Scone and District Community Council** – No response received.
- 32 **Burrelton and District Community Council** – No response received.
- 33 **Perth Scone Airport** – No response received.

Internal

- 34 **Biodiversity/Tree Officer** – Requested more information as no woodland or ecological survey submitted with application.
- 35 **Environmental Health** – No objection but request an informative regarding caravan licencing is added to any permission.
- 36 **Transport Planning** – Following submission of further information there is no objection in terms of trip generation as there will be no increase. An additional 13 parking spaces will be required for visitors plus bike storage facilities. A bus shelter should be provided for both the north and southbound directions. More information is requested, as the approved layout would need to be amended to fully consider the serviceability of the site by the Councils Waste Services team.
- 37 **Development Negotiations Officer** – Advise that an Affordable Housing contribution is required, equating to 25% of overall residential units created, as a commuted sum; $13 \times £28,000 = £364,000$; The location within the Perth Core Area sees a transport infrastructure contribution required, equating to $52 \times £10,657 = £554,164$. No Primary Education is required, as the proposal is for over 55-year-olds. Thus, a developer obligations total of £918,164 will be required.
- 38 **Planning and Housing Strategy** – Advise that the proposal is contrary to the Development Plan, as it will provide main stream permanently occupied housing outwith a settlement boundary and does not meet any identified/required housing needs in the area.
- 39 **Community Greenspace** – No objection.
- 40 **Community Waste Advisor** – No objection.

REPRESENTATIONS

- 41 No representations have been received.

ADDITIONAL STATEMENTS

42	Screening Opinion	Undertaken, EIA Not Required
	Environmental Impact Assessment (EIA): Environmental Report	Not Required
	Appropriate Assessment	Not Required
	Design Statement or Design and Access Statement	Submitted
	Report on Impact or Potential Impact eg Flood Risk Assessment	Supporting Statement; Park Homes Study

APPRAISAL

- 43 Sections 25 and 37(2) of the Town & Country Planning (Scotland) Act 1997 (as amended) require the determination of the proposal to be made in accordance

with the provisions of the Development Plan, unless material considerations indicate otherwise. The adopted Development Plan comprises the TAYplan Strategic Development Plan 2016–2036 and the Perth and Kinross Local Development Plan 2019. The relevant policy considerations are outlined in the policy section above and are considered in more detail below. In terms of other material considerations, this involves considerations of the Council's other approved policies and supplementary guidance, namely Housing in the Countryside Supplementary Guidance 2020.

- 44 Section 42 of the Town and Country Planning (Scotland) Act 1997 enables the determination of applications to develop land without compliance with conditions previously attached. The determining issues in this case are whether: the development without compliance with Condition 3 of 11/00850/FLM would be consistent with the relevant provisions of the Development Plan; or if an exception to these provisions is justified by other material considerations. If the changes proposed are acceptable, planning permission would be granted subject to new conditions and if they are unacceptable, permission must be refused.

Principle

- 45 The principle of holiday accommodation at this location was established following approval of the parent planning permission by the Council's Development Management Committee in October 2011. Since that time, as valid and material start was made to the development in 2014, planning permission for a holiday chalet development exists and the applicant could continue to fully implement that permission. They have, however, advised in their supporting statement, that the approved development is not viable at this location and as such they now seek to vary Condition 3 of 11/00850/FLM to allow the approved chalets to be used as permanently occupied dwellinghouses, described as 'Park Homes' in the applicant's supporting statement, for occupation by people aged 55 and over.

Housing in the Countryside and Settlement Boundaries

- 46 It is therefore necessary to undertake an assessment of the principle of the site being developed for permanent residential use, rather than only as holiday accommodation. It is clear that the modification of the condition which restricts occupation being sought would fundamentally alter the previously considered and approved use and function of the site; from holiday related accommodation to one of permanent residential use. Importantly, as being located in the open countryside, the modification proposed must be considered afresh, in planning policy terms, as 52 new dwellinghouses in the countryside.
- 47 In this regard there are a number of fundamental planning policy considerations regarding the proposal to change from a holiday accommodation to a permanently occupied and mainstream residential development. Firstly, the site is located outwith any defined settlement boundary contained within LDP2, rather it is within open countryside; approximately 450 north-east of the Perth Airport and 550m south west of the Balbeggie settlement boundaries, respectively. Therefore, the proposal is contrary to LDP2 Policy 6: Settlement Boundaries, as the proposed change to permanent residential occupancy is

outwith any defined settlement. Further, the proposal is not related to an established or proposed rural business or diversification and is not identified for a locational or operational need to meet a shortfall in the housing requirements for the area.

- 48 With 52 permanent residence chalets and permanent outwith a settlement boundary is being proposed then LP2 Policy 19 – Housing in the Countryside and the associated Housing in the Countryside Supplementary Guidance 2020 apply. This policy and context only supports proposals for the erection or creation of houses in such countryside locations where they fall into one of the following categories:

- (1) *building groups;*
- (2) *infill sites;*
- (3) *new houses in the open countryside on defined categories of sites as set out in Section 3 of the Supplementary Guidance;*
- (4) *renovation or replacement of houses;*
- (5) *conversion or replacement of redundant non-domestic buildings;*
- (6) *development on rural brownfield land.*

- 49 The erection of the 52 chalets, which has not yet taken place, for their use as permanent dwellinghouses, is not considered to meet any of the above criteria within Policy 19, or the associated Supplementary Guidance.

Brownfield Land

- 50 The applicant contends in their supporting statement that the site is rural brownfield and would therefore qualify under category 6. Their contention appears to be based on the extant planning permission for holiday chalets, rather than that the site has been previously developed. In respect of development associated to the parent planning permission it appears that only minor works relating to the access junction have taken place.
- 51 Importantly, the LDP2 Glossary defines brownfield land as: land which has previously been developed. This may cover vacant or derelict land, land occupied by redundant or unused buildings and developed land within the settlement boundary where further intensification of use is considered acceptable. Thus, while development commenced under the extant permission, this was limited and appears to have been related only to secure the validity of the permission in perpetuity but did not result in the site being developed in any significant way. Drawing this together it is therefore considered that the site does not meet any of the criteria contained within the definition of brownfield land. The site is on greenfield land and the proposal is therefore considered to be contrary to LDP2 Policy 19 and the associated Supplementary Guidance.

Perth Airport

- 52 The nearby Perth Airport settlement boundary sees an allocated mixed-use development site identified in LDP2 (MU3). This has an approved Planning Permission in Principle (PPP) (ref: 16/01935/IPM), which includes employment

uses and 50 residential units. However, this PPP sees the residential element embargoed from being given detailed planning permission/being developed until such time as the Cross Tay Link Road (CTLR) is a committed project and that the approved employment development element is brought forward first. It is however important to note that the MU3 site is situated within a defined settlement boundary and the Council's Planning and Housing Strategy team has confirmed that the approved development will comfortably ensure that the housing requirements for this area are met and that no further residential development is justified in addition. The embargo, as stated in the Perth Area Strategy in LDP2 (p257), also applies to any other new permanent homes and therefore this currently proposal would be contrary to this strategy.

Caravan and Chalet Development

- 53 In terms of LDP2 Policy 9: Caravan Site, Chalets and Timeshare Developments, the policy states that in all cases “... *in the event of land ceasing to be used as a caravan and camping, chalet or timeshare or fractional ownership development there shall be no presumption in favour of permanent residential development...*”. In this context, it is again important to appreciate that the parent planning permission has not been implemented in any significant sense, with no element other than part of the access being formed. Thus, it is important to acknowledge that the site has not yet been meaningfully developed or any use as holiday accommodation commenced, being near to commencement, or perhaps even likely to take place associated to this policy. It is nevertheless a site which has seen approval of tourism accommodation, specifically in chalets; however, such arrangements might not be appropriate for permanent homes. In this context, the modification to a condition being sought under S42 provides limited scope within the legal framework to facilitate such a fundamental change to the approved planning use of the site, through the mechanism of a modification of the related occupancy condition. Instead, the appropriate means in this case of considering such a proposal would be a new application for full planning permission. Furthermore, LDP2 Policy 9C specifically states that “... *proposals for new chalets... which are intended as permanent residences will be required to be built to the same standards, particularly in terms of drainage and utility services and make the same developer contribution as permanent housing development*”.
- 54 SEPA and Scottish Water have not raised any issue in terms of water supply, but there are question marks over waste water treatment. Scottish Water confirmed that a private treatment facility will be required for waste water and SEPA advise that obtaining a CAR (Controlled Activities Regulation) Licence for the development may be challenging, as it will require an intrusive hydrogeological survey.

Housing Need

- 55 Because the proposed modification seeks to provide permanent residential dwellings for those over 55 years of age, LDP2 Policy 22 – Particular Needs Housing Accommodation also applies.
- 56 In relation to such proposals LDP2 Policy 22 “... *supports residential proposals for particular needs housing (including retirement developments), provided they*

are: suitably located for both residents and visitors, providing both high-quality accommodation, care and minimal impact on the environment. They should also be located in residential areas where residents have access to local services and facilities and are integrated within the local community”.

- 57 The 52 dwellings proposed are in a remote location, outwith any settlement or an existing residential area. As such, the residents would not have easy access to local services or facilities without the use of a private vehicle, given the infrequent bus service on the A94. The proposed site is not considered a suitable or sustainable location for retirement living. The proposal is therefore contrary to LDP2 Policy 22.
- 58 In conclusion, the proposed modification is considered contrary to several LDP2 policies; namely 6, 9, 19 and 22. Fundamentally the principle of any permanent residential dwellings cannot be supported at this location as it is outwith any identified settlement in the countryside without any required need.

Design and Layout

- 59 The S42 application is not seeking to alter the 2011 approved site layout and design. The approved plans show that the chalets are to be contained within a clearing surrounded by a woodland tree belt. The existing trees which fringe the boundaries of the site are shown as being retained and would provide effective screening. The chalets are arranged in clusters served by a spine road with driveway accesses to each lodge which serve as parking areas.
- 60 The chalets are 12m in length and 6 metres in width, they have a low-pitched roof and large areas of decking which wrap around half the chalet. Each provides two double bedrooms, two bathrooms and large open plan kitchen, dining and living area. The materials are interlocking roof tiles, log-lap cladding and uPVC windows.
- 61 The applicant has provided significant commentary on why they consider the approved chalet development should be considered acceptable for permanent residential use by retired or semi-retired people. They also advise that there is no national or local planning policy in place for what the applicant calls ‘Park Homes’ in Scotland and that the Scottish Government should provide policy and guidance for such developments.
- 62 It is accepted that there is no specific planning policy related to ‘park home’ developments, as they are not a specific use class. Instead, such structures fall within the legal definition of caravans, which is the case here for the approved development. There is, however, contrary to what the applicant suggests, ample planning policy available for the Planning Authority to assess chalet style developments for either holiday, permanent or retirement use in the countryside. As discussed, in the Principle section above, the proposed modification to introduce 52 permanent residential dwellings in the countryside is contrary to several LDP2 policies.
- 63 In addition, LDP2 Policy 25 – Housing Mix, requires sites with a total capacity of 20 or more homes, to provide an appropriate mix of house types and sizes. In this regard the 52 chalets are all, by their very nature, modular in design and all

provide the same level of accommodation (2 bedrooms) set over one level. As such there is no mix of house types, styles, scale or accommodation numbers associated with the approved holiday chalet development and therefore the proposed dwellinghouses.

- 64 Because the proposed modification significantly alters the use and function of the approved development, a greater mix of house types and design would be required to meet LDP2 Policy 25. As it stands it is not considered that the proposals provide an acceptable housing mix, even if the principle of the proposed modification was supportable. The proposal is therefore also considered contrary to LDP2 Policy 25.

Residential Amenity

- 65 There would be limited impact on any of the existing residential properties within the local area as the site is well screened by existing woodland.
- 66 However, it is considered that the residential amenity of any new residents within the development would not be acceptable, as the site is divorced from any settlement and associated services or facilities. Thus, each resident will be reliant on a vehicle to access any services including an infrequent bus service, and thereby the location is not considered sustainable.
- 67 It is important to note that the approved development for holiday chalets does not provide privacy levels which would normally be expected for permanent residential properties, with no defined private garden ground, beyond the chalet and associated decking. This lack of private amenity space does not lend itself to providing acceptable residential amenity and conflicts with LDP2 Policy 1 - Placemaking and its associated Placemaking Supplementary Guidance 2020. There are no boundary treatments that will provide privacy and define what is public or private ground. It is considered that the layout and design will not provide a sense of identity normally required permanent residential dwellings.
- 68 Because the site is at the northern end of the runway at Perth Airport, Environmental Health advise that the sound insulation properties of the existing residential dwellinghouses in the area are likely to be more efficient than that of the proposed chalets.
- 69 Therefore, noise and vibration from aircraft will be audible at the site at levels that could affect the residential amenity of future residents of the proposed chalets and/or give rise to nuisance conditions. However, Environmental Health advise that they have no statutory powers to deal with aircraft noise in relation to existing and new properties. Any noise issues would have to be addressed the Civil Aviation Authority (CAA).
- 70 Should planning permission be granted Environmental Health advise the site would be subject to licensing in terms of the Caravan Sites and Control of Development Act 1960 (as amended). It would therefore be necessary for a permanent residential mobile home site license to be obtained for the site before the residential chalets are first brought into use and the site would need to comply with modern standards for residential use in terms of noise and sound insulation.

Landscape and Visual Amenity

- 71 The application does not propose any change beyond what has been approved under the 2011 permission. As such there will be no change to the visual amenity from the surrounding area as the site is well screened by existing mature woodland.

Roads and Access

- 72 The proposed modification will result in a change in the function of the site from a transport perspective. Transport Planning have reviewed the proposal and requested that more information was provided in terms of traffic numbers and proposed impact, which was subsequently submitted by the applicant, in terms of trip generation. Between the approved use and the proposed use, there is a significant reduction in estimated trips on a typical weekday - 520 versus 115. Transport Planning therefore have no concerns to raise in terms of trip numbers.
- 73 An additional 13 parking spaces will be required to provide the required number of visitor spaces and bike storage facilities will also be required. Bus shelters will also be required on the A94 for north and south bound bus services. More information is required as to how the parking spaces and bike storage could be accommodated within the site, as the layout plans would need to be amended to provide these facilities. Transport Planning would also need to consider the serviceability of the site by the Council's Waste Services team. This is not a matter that could necessarily be addressed via a planning condition.
- 74 However, because the principle of the proposed change cannot be supported, it was not considered proportionate to seek submission of further transport detail to fully demonstrate acceptability in terms of LDP2 Policy 60A and 60B.

Drainage and Flooding

- 75 Whilst there is no objection from SEPA and Scottish Water in terms of water supply, there are question marks over waste water treatment. Scottish Water confirmed that a private treatment facility will be required for waste water.
- 76 SEPA advise that obtaining a CAR (Controlled Activities Regulation) Licence for the development may be challenging as will require an intrusive hydrogeological survey because the population within the development would be over 50 people. However, as the principle of the proposed change cannot be supported, and the CAR Licence process is outwith the planning process, the submission of further details on waste water treatment was not sought. A fuller assessment to demonstrate acceptability in terms of LDP2 Policy 53A and 53B has therefore not been addressed.

Waste Collection

- 77 The application does not propose any change to the waste collection facilities beyond what has been approved under the 2011 permission. The proposed change to permanent residential could, however, change waste collection in terms of scale, technical requirements, and changes to the road layout to accommodate refuse vehicles, to ensure compliance with current waste

regulations. A fuller assessment to demonstrate acceptability in terms of LDP2 Policy 1B(i) has therefore not been addressed.

Natural Heritage and Biodiversity

- 78 The Council supports, through LDP2 Policy 40 and 41, proposals which protect existing trees, especially those with high natural, historic and cultural heritage value. No woodland or ecological surveys were submitted in support of the S42 application. The surveys submitted with the 2011 application are now regarded as being out of date and cannot be relied upon for an assessment. However, the applicant does not consider that they are required for this type of application and as such has not provided them.
- 79 However, because the proposed change fundamentally alters the use and function of the site, it is important to understand what the current position is in terms of biodiversity and what impact a permanent residential development would have on the area. Because the principle of the proposed change is contrary to other policies, the applicant was not directed to undertake this additional. Nevertheless, it is a matter that requires a fuller assessment to demonstrate acceptability in terms of LDP2 Policies 40 and 41 has therefore not been addressed.

Developer Contributions

- 80 LDP Policy 5 - Infrastructure Contributions requires consideration of the individual or cumulative impact of new development on infrastructure and facilities and to secure contributions to address this impact where the development exacerbates impacts or generates additional need.
- 81 Because the proposed change will fundamentally alter the use and function of the site for residential purposes, the Council's Developer Negotiations Officer was consulted. They advise that an affordable housing contribution is required, however, the site is not a desired location for 25% on-site affordable housing delivery. Should planning approval be granted, an affordable housing commuted payment would be required, and this equates to £364,000 (13 x £28,000).
- 82 Because the site is within Perth Core Area, transport infrastructure contribution will be also be required should planning approval be granted. This contribution equates to £554,164 (52 x £10,657).
- 83 No Primary Education requirements would be required as the proposal is for residents aged 55 years and above.
- 84 A Section 75 Legal Agreement would be required to deal with the required affordable housing, developer contributions and open space/play area provision and maintenance.

Health Care

- 85 The Health Care and Social Partnership (HCSP) have advised the have no objection to the proposal as the local health care provision in the area can accommodate the proposed dwelling numbers.

Economic Impact

- 86 The positive impacts are mainly limited to installation/construction period but would include impacts afterwards, with residents adding to spend in the local economy.

LEGAL AGREEMENTS

- 87 Should planning permission be granted, the decision notice shall not be issued until such time as the required Affordable Housing and Developer Contributions have been secured or paid in full.
- 88 In the event the applicant does not either make the required payment within 28 days from the date the agent/applicant is advised of the need for the contribution, or complete a legal agreement for delayed payment within a 4 month period from the date the agent/applicant is advised of the need for the contributions the application may be refused under delegated powers without any further discussion with the applicant.

DIRECTION BY SCOTTISH MINISTERS

- 89 Under the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013, regulations 30 – 33 there have been no directions by the Scottish Government in respect of an Environmental Impact Assessment screening opinion, call in or notification relating to this application.

CONCLUSION AND REASONS FOR RECOMMENDATION

- 90 To conclude, the application must be determined in accordance with the adopted Development Plan unless material considerations indicate otherwise. In this respect, I have taken account of the Development Plan, Supplementary Guidance and information submitted by the applicant. In this case, it is considered that the proposed S42 application for 52 holiday chalets to become permanent residential development in the countryside significantly conflicts with the Development Plan and, in particular, LDP2 Policy 6: Settlement Boundaries and LDP2 Policy 19: Housing in the Countryside. There is no identified need for permanent housing at this location (LDP2 Policy 22) and there is no mix in house types (LDP2 Policy 25). Other matters have also not been addressed by the applicant, in respect of waste water drainage arrangements, waste collection and biodiversity to demonstrate that the proposal conforms with LDP2 policy in respect of these matters.
- 91 Accordingly, the proposal is recommended for refusal on the grounds identified below.

RECOMMENDATION

Refuse the application for the following reasons:

- 1 The Proposal is contrary to the Perth and Kinross Local Development Plan 2 (2019) Policy 6 - Settlements, as the proposed modification would result in 52 permanent residential dwellings being located outwith any

defined settlement boundary as contained in LDP2. There is no operational need or required housing market need for such dwellings at this location. No material considerations submitted by the applicant justify departing from the policy objectives of Local Development Plan 2 (2019) Policy 6 – Settlements.

- 2 The proposal is contrary to the Perth and Kinross Local Development Plan 2 (2019) Policy 19 – Housing in the Countryside, supported by the Housing in Countryside Supplementary Guidance 2020, as the proposed modification would result in 52 permanent residential dwellings being located within the open countryside and does not meet any of the six housing in the countryside criteria. No material considerations submitted by the applicant justify departing from the policy objectives of Local Development Plan 2 (2019) Policy 19 – Housing in the Countryside and the 2020 Supplementary Guidance on Housing in the Countryside.
- 3 The proposal is contrary to the Perth and Kinross Local Development Plan 2 (2019) Policy 22 – Particular Needs Housing Accommodation as the proposed modification would result in 52 permanent residential retirement dwellings being located within the open countryside and does not meet any of qualifying criteria as such developments should be located in residential areas where residents have access to local services and facilities and are integrated within the local community. No material consideration submitted by the applicant justify departing from the policy objectives of Local Development Plan 2 (2019) Policy 22 – Particular Needs Housing Accommodation.
- 4 The proposal is contrary to the Perth and Kinross Local Development Plan 2 (2019) Policy 25 – Housing Mix as the proposed modification to create 52 permanent residential dwellings would not provide an appropriate mix of house types and sizes. No material considerations have been submitted by the applicant justify departing from these policy objectives of Local Development Plan 2 (2019) Policy 25 – Housing Mix.
- 5 No information has been provided to confirm the arrangements for waste water drainage within the proposed development through a private treatment facility. The applicant has therefore failed to demonstrate that the waste water arrangements for the development are appropriate and that these would accord with Perth and Kinross Local Development Plan 2 (2019) Policy 53: Water Environment and Drainage.
- 6 No information has been provided to confirm the arrangements of waste service provision, including provision of waste facilities and a lack of swept path analysis of the approved road layout and its capability to appropriately accommodate refuse vehicles. The applicant has therefore failed to demonstrate that the waste service arrangements for the development are appropriate and that these would accord with Perth and Kinross Local Development Plan 2 (2019) Policy 1B(i): Placemaking and Policy 60B: Transport Standards and Accessibility Requirements – New Development Proposals.

- 7 No information has been provided to confirm the biodiversity status of the site in terms of woodland and habitats to establish the possible presence of protected species or biodiversity sensitive areas. The applicant has therefore failed to demonstrate that the proposed development has appropriately considered biodiversity matters and that the proposals would accord with Perth and Kinross Local Development Plan 2 (2019) Policy 40: Forestry, Woodland and Trees and Policy 41: Biodiversity.

B JUSTIFICATION

The proposal fails to accord with the Development Plan and there are no material considerations to justify a departure from the Development Plan.

Background Papers: 11/00850/FLM Report of Handling

Contact Officer: Steve Callan

Date: 13 August 2020

DAVID LITTLEJOHN HEAD OF PLANNING & DEVELOPMENT

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