

Perth and Kinross Council
Planning & Development Management Committee – 15 November 2017
Report of Handling by Interim Head of Planning

Mixed use development/expansion at Stanley Village

Ref. No: 17/00088/IPM
Ward No: N5 Strathay

Summary

This report recommends approval of the 'In Principle' application and masterplan for a mixed use (residential and employment) development and expansion of Stanley Village.

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 PROPOSAL

- 1 The proposed masterplan consists of five development sites inter-connected by public roads totalling an area of 39.2hectares (ha) located around the periphery of the existing settlement of Stanley. The village is located at a sharp loop of the River Tay and is bi-sected by the Highland Railway Line which runs through the village in a deep cut. The western edge of the village is enclosed by a belt of woodland and mature tree planting within the gardens of larger properties. The eastern edge of the village is contained by rising and undulating ground with relatively little woodland. All the sites are allocated in the Perth and Kinross (PKC) Local Development Plan. The proposed sites are as follows:

SITE H30

- 2 This is the southern-most site in the proposed masterplan, and is accessed via Perth Road which runs along the eastern edge of the site. The site extends to approximately 12.7 ha is contained to the west and northwest by a railway line and core path as well as existing housing along the northern boundary. There is existing woodland planting in the centre and along the west/north-west boundary.
- 3 The masterplan and indicative layout plan shows an indicative number of 125 additional dwellings with a woodland boundary along the north western boundary adjacent to the railway line and this woodland continues along the southern boundary of the site. Existing woodland is proposed to be retained and a large area of open space is proposed from the north of the site to the south. A Sustainable Urban Drainage System (SUDs) pond is also proposed at the south western corner of the site. A core path is also proposed to encircle the dwellings and through the site that will link up with existing core path to the north. Access to the site will be via Perth Road and pedestrian and cycling access is also proposed from the north western corner of the site.

SITE H31

- 4 This site is located to the south-east corner of Stanley and northwest of Stanley Mill. The site covers an area of approximately 4.7 ha and is contained to the south, east and west by existing woodland. There is existing housing to the north which overlooks the site.
- 5 This site has extant planning permission (09/01788/FUL) for 34 dwellings (the site area above includes this application site). Worked commenced on site in June 2017 but has not continued. The masterplan and indicative layout plan shows an indicative number of 40 additional dwellings with open space and woodland planting to the south. A core path is also proposed to encircle the proposed dwellings and connect up with the existing core path network. Access is proposed from the north-western corner of the site.

SITE H32

- 6 Located directly to the west of the village centre, it is bound to the south-east by the railway line and to the north east by existing housing. The site covers an area of approximately 8.3 ha. There is low-level woodland planting to the north and west. Immediately west is Active Kids recreation park and visitor attraction.
- 7 The masterplan and indicative layout plan shows an indicative number of 125 additional dwellings with open space and planting along the southern boundary adjacent to the railway line. A woodland boundary is proposed along the northern boundary and western boundary. A SUDs pond is also proposed along the western edge of the site. A core path is also proposed to encircle the dwellings and will link up with existing core path to the east. Access to the site will be via the entrance road that leads to Active Kids. A secondary vehicle access is also proposed from the existing housing (Manse Crescent) immediately north east of the site.

SITE H33

- 8 This site is located along the north eastern edge of the village. The site extends to approximately 1.8 ha. It is bound to the north-west by the railway line, to the south west by existing housing and to the south-east by Linn Road. There is an open aspect to the north-east towards Sidlaw Hills and open countryside.
- 9 Part of this site has extant planning permission (14/01365/FLL) for 35 dwellings in advance of the wider site being allocated in the LDP. This site is currently under construction and scheduled for completion in early 2018. The masterplan and indicative layout plan shows an indicative number of 44 additional dwellings with open space and planting along the southern boundary. A narrow woodland boundary and SUDs pond is proposed to be located along the northern boundary adjacent to the railway line. Footpath connections are also proposed to link up with existing core path network along the northern and eastern boundaries. Access is proposed to be via the existing access serving the current housing development.

SITE H34

- 10 This site is located at the north-western edge of Stanley. The site covers an area of approximately 8.8 ha and is constrained to the west by Perth Road, to

the south west by existing housing and to the south-east by the railway line. There is an open aspect to the north and north-east towards the Sidlaw Hills and open countryside

- 11 The masterplan and indicative layout plan shows an indicative number of 131 dwellings in behind the existing row of dwellings fronting onto Perth Road. Access will be created through the demolition of an existing dwelling on Perth Road. A 1 hectare area of employment is proposed at the northern edge of the site and will be accessed directly via Perth Road and through the proposed housing. Open space and planting along the southern boundary with the railway line. A narrow woodland boundary is proposed along the north and north eastern boundary and a play area and SUDs pond are proposed at the south eastern boundary. Footpath connections are proposed centrally and along the southern, eastern and to link up with existing path network in the area.
- 12 Across the 5 sites (H30-34) the applicant has indicated 465 proposed dwellings. Because the application is 'In Principle' there is no detail on house types, design and materials at this stage. An indicative Phasing Plan has been submitted with the proposal and it indicates a 14 year build out rate. Landscape and buffer planting is proposed to be established from the commencement of development of sites H31 and H33. For the other phases (H30, H32 and H34) advance buffer planting will commence one year prior to the start of the development.

ENVIRONMENTAL IMPACT ASSESSMENT

- 13 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 changed in June 2017. The proposal was screened (16/01867/SCRN) 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

- 14 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 or above 50 dwellings. 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 15/00010/PAN) outlined that a public exhibition was held locally and the previous Ward Councillors for the area were consulted as well as Stanley Community Council and Stanley Development Trust.

NATIONAL POLICY AND GUIDANCE

- 15 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

- 16 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

- 17 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

- 18 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

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

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.

DEVELOPMENT PLAN

- 22 The Development Plan for the area comprises the TAYplan Strategic Development Plan 2016-2036 and the Perth and Kinross Local Development Plan 2014.

TAYPlan Strategic Development Plan 2016-2036

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

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

- 24 The following sections of the TAYplan 2016 are of particular importance in the assessment of this application.

Policy 1: Locational Priorities

- 25 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

- 26 Seeks to deliver distinctive places by ensuring that the arrangement, layout, design, density and mix of development are shaped through incorporating and enhancing natural and historic assets, natural processes, the multiple roles of infrastructure and networks, and local design context.

Policy 4: Homes

- 27 Seeks to ensure there is a minimum of 5 years effective housing land supply at all times. Land should be allocated within each Housing market Area to provide a generous supply of land to assist in the delivery of 25,020 units up to year 2028 and a further 16,680 by 2036.

Policy 6: Developer Contributions

- 28 Seeks to ensure suitable infrastructure is in place to facilitate new development, developer contributions shall be sought to mitigate any adverse impact on infrastructure, services and amenities brought about by development. This may include contributions towards schools, the delivery of affordable housing, transport infrastructure and facilities (including road, rail, walking, cycling and public transport), green infrastructure and other community facilities in accordance with the Scottish Government Circular 3/2012: Planning Obligations and Good Neighbour Agreements.

Policy 8: Green Networks

- 29 Seeks to protect and enhance green and blue networks by ensuring that:
- i. development does not lead to the fragmentation of existing green networks;
 - ii. development incorporates new multifunctional green networks (that link with existing green networks) of appropriate quantity and quality to meet the needs arising from the nature of the development itself; and,
 - iii. the provision of networks of green infrastructure is a core component of any relevant design framework, development brief or masterplan.

Policy 9: Managing TAYplans Assets

- 30 Seeks to respect the regional distinctiveness and scenic value of the TAYplan area through safeguarding the integrity of natural and historic assets; including habitats, wild land, sensitive green spaces, forestry, water environment, wetlands, floodplains (in-line with the Water Framework Directive), carbon sinks, species and wildlife corridors, and also geo-diversity, landscapes, parks, townscapes, archaeology, historic battlefields, historic buildings and monuments; and by allowing development where it does not adversely impact upon or preferably enhances these assets.

Perth and Kinross Local Development Plan 2014

- 31 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.
- 32 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.”
- 33 The application site is located within the settlement boundary of Stanley and are all allocated for residential development. The following policies are of particular importance in the assessment of this application.

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.

Policy PM1B – Placemaking

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

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 RD1 – Residential areas

- 37 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

- 38 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

- 39 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

- 40 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

- 41 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 and provided.

Policy NE2B - Forestry, Woodland and Trees

- 42 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

- 43 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

- 44 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

- 45 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

- 46 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

- 47 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

- 48 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

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

Policy EP3D - Water, Environment and Drainage

- 50 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

- 51 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

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

TA1B - Transport Standards

- 53 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

- 54 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
 - Perth and Kinross Retail Study 2014
 - Perth City Plan 2015 – 2035
 - Open Space Standards (2001)

Perth & Kinross Corporate Plan 2013-2018

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

PLANNING SITE HISTORY

- 56 The following history is of relevance;
- **09/01788/FLL** Erection of 34 dwellinghouses and associated infrastructure and landscaping at land 90 Metres West Of King Street Junction (LDP Site H31). Approved under delegated powers March 2010.
 - **14/01365/FLL** Erection of 35 dwellinghouses, access and associated works at land 160 Metres West Of Shielhill Farm (LDP Site H33). Approved by Development Management Committee July 2015.
 - **15/00010/PAN**: Proposal of Application Notice (PAN) for expansion of Stanley Village. Content of PAN agreed June 2015.
 - **16/01867/SCRN** EIA Screening Opinion for expansion of Stanley Village. EIA not required January 2017.

CONSULTATIONS

EXTERNAL

Scottish Environmental Protection Agency (SEPA)

- 57 No objection to the proposal provided specified conditions are applied.

Scottish Natural Heritage (SNH)

- 58 No formal comment on this proposal as it falls below their threshold for consultation.

Scottish Water

- 59 No response received.

Transport Scotland

- 60 No objection to the proposal. Condition recommended restricting housing numbers to below 500 units.

Historic Environment Scotland (HES)

- 61 No objection to the proposal.

Royal Society of Protection of Birds (RSPB)

- 62 No objection to the proposal. Stanley is an important area for breeding swifts and they recommend swift boxes are installed in new builds.
- 63 There are several large mature trees that will have significant ecological value which may be affected by the development. They welcome the proposal within the submitted Tree Survey to replant with native species and the suggestion to join up gaps in the hedgerows. If large trees are to be removed, the developer may wish to consider providing nest boxes particularly for kestrels and owls and for tree sparrows in the hedges.
- 64 A full breeding bird survey is requested to be carried out prior to any work being carried out on the ground or any tree removal if being undertaken during the breeding season.

Forestry Commission Scotland (FCS)

- 66 No response received.

Network Rail

- 67 No objections in principle to the proposal but due to its close proximity to the operational railway, they request that certain matters are taken into account, and if necessary included as conditions or Informatives.

Perth and Kinross Heritage Trust (PKHT)

- 68 No objection to the proposal. An archaeological desk based assessment of the proposed development sites has been carried out which found nothing of archaeological interest within the study areas.

Stanley Community Council and Stanley Development Trust

- 69 Object to the proposal unless there is contribution made towards a new sports hub located centrally in the village that will benefit the entire community.

INTERNAL

Environmental Health

70 Air Quality

Following submission of an Air Quality Assessment no objection is offered.

71 Noise

The noise impact assessment (NIA) for this application considers sites H30, H32 and H34 in relation to noise from the Perth to Inverness railway line and the B9099/A9 roads. From each site the rail noise was considered acceptable and no mitigation is required.

72 Road noise was assessed for H30 and H34,. They request that noise be reassessed at the detailed planning stage with further information on mitigation and a calculation of residual levels internally and externally.

73 Water

No existing private water supplies will be affected by the proposed activities.

Land Quality (Contaminated Land)

74 An inspection of the proposed development site did not raise any real concerns, although there is railway land adjacent to the site, which is a potential source of contamination. A watching brief during development will be required.

Biodiversity Officer

75 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

76 Supports the proposal as it is consistent with the LDP. In terms of the information provided, the applicant has provided a comprehensive Design and Access Statement which details the overall concept and vision of the sites. Analysis of movement, landscaping and local context has been clearly addressed as well as the site specific developer requirements that the LDP lists. The visualisation has furthermore identified gateways into the village and focused on enhancing pedestrian connections. From a policy context, this is all positive and meets with the LDP.

Developer Contributions

77 Affordable Housing

The application site is allocated in the LDP for 280+ dwelling houses, which would mean that the Affordable Housing Policy would apply. A condition to reflect the required 25% Affordable Housing contribution should be attached to any planning application granted.

78 Primary Education

With reference to the above planning application 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.

79 This proposal is within the catchment of Stanley Primary School where there is currently no constraint.

80 Transport Infrastructure

The application falls within the identified Transport Infrastructure Supplementary Guidance boundary and a condition to reflect this should be attached to any planning application granted.

Community Greenspace including Access

81 No objection to the proposal. Provided detailed feedback on open space, core paths, play area, sports pitch provision, community facilities and woodland.

Transport Planning

82 No objection to the proposal.

Structures and Flooding

83 No objection to the proposal.

Community Waste Advisor

84 No response received.

REPRESENTATIONS

85 The application has attracted 12 representations with 11 against the proposal. The following issues raised in the objections are addressed in the Appraisal section of this report;

- Excessive scale
- Limited infrastructure
- Increased traffic
- Road safety
- Flood risk
- Adverse noise impact
- Adverse impact on air quality
- Site topography
- Privacy
- Affordable housing

ADDITIONAL STATEMENTS

86	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	Pre Application Consultation Report; Flood Record and Drainage Position; Engineering, Ground Conditions and Hydrogeology Report; Transport Assessment; Ecology Survey; Noise Assessment; Air Quality Assessment; Tree Survey and Arboricultural Report; Archaeological Assessment;

APPRAISAL

Policy

- 87 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.
- 88 The Development Plan consists of TAYplan Strategic Development Plan 2016 and Perth and Kinross Local Development Plan 2014 (LDP) including Supplementary Guidance and the most relevant policies are listed above.

Principle

- 89 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. Stanley and the proposed sites are located within Tier 1 - Perth Core Area and it therefore complies with the objective of this policy.
- 90 The principle of housing and employment development for circa 500 dwellings and 1 hectare of employment land has been established through its allocation (H30-34) in the LDP. The proposed development is a medium density proposal suitable for edge of settlement locations in the context of national policy stating the desirability of using land efficiently. 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

- 91
- Comprehensive masterplan required for village expansion
 - Development phased to ensure that there is adequate infrastructure to accommodate it.
 - The identification and provision of 1ha of employment land.
 - The identification and provision of suitable public open space/playing fields together with changing facilities to support the expanded requirements of the village.
 - Flood Risk Assessment required for site H31 which must consider risk of flooding from adjacent reservoir.
 - Cycle paths, core paths and pedestrian routes incorporated into masterplan.
 - The development of a comprehensive landscape masterplan for the village creating a robust landscape framework maximising the potential to enhance biodiversity and protection of habitats.
 - Contributions to enhanced community facilities.
 - Flood risk assessment required for site H30, as the developable area of the site may be constrained by flood risk from a field drain along the southern and western part of the site.

Comprehensive masterplan required for village expansion

- 92 A detailed masterplan process including indicative layout plan and phasing plan for the LDP allocated site has been undertaken by the applicant and has been submitted as part of this 'In Principle' application. This sets out the principal components, uses and estimated timescales of the proposed development.
- 93 The masterplan includes an Indicative Phasing Plan that identifies which phases of residential development will be brought forward and what timescale is anticipated for each. The Indicative Phasing Plan further defines the structural and buffer landscaping that takes account of existing and proposed

landscape components to ensure there will be not be a significant impact on existing residential and commercial properties within and near each site.

- 94 In terms of masterplan submitted the applicant has provided a comprehensive Design and Access Statement which details the overall concept and vision of the sites and how they integrate within Stanley. Analysis of movement, landscaping and local context has been clearly addressed as well as the site specific developer requirements of the LDP. The visualisations have furthermore identified gateways into the village and focused on enhancing pedestrian connections. The Councils Strategy and Policy team are supportive of the masterplan as it meets with the LDP requirements.

Development phased to ensure that there is adequate infrastructure to accommodate it

- 95 Based upon the submitted Indicative Phasing Plan there is provision provides an estimated of 36 homes being completed per annum and the development of all the phases is anticipated to be built out over a 14 year time period.
- 96 The Proposed Masterplan, Design and Access Statement and Indicative Phasing Plan analyses the sites assets and constraints and looks at delivering a clear relationship and connection with Stanley and the surrounding hinterland. It is considered that the Proposed Masterplan and Phasing Plan sets out an acceptable vision, timescale and platform to create a stronger identity for Stanley with improved community facilities and is deliverable without a significant impact on existing residents and businesses.
- 97 The indicative phasing strategy sets out how the areas of land are to be released and their provisional timescales. Because the application is 'In Principle' at this stage there are other triggers associated with the delivery of on and off-site infrastructure that need to be taken into account in greater detail. While some of these issues will likely be secured by legal agreement it will also be necessary to secure a detailed phasing or delivery plan by way of conditional control. Please see Condition 3(1).
- 98 Landscape and buffer planting is proposed to be established from the commencement of development of H31 and H33. For the other phases (H30, H32 and H34) advance buffer planting will commence one year prior to the start of the development.

The identification and provision of 1ha of employment land

- 99 The submitted masterplan shows the provision of 1ha of employment land located within LDP site H34 at the north western edge of the settlement. It will be accessible directly off the main road and also through H34. The proposed location for employment use is considered to be acceptable and will provide potential opportunities for people to live and work within Stanley. Please see Condition 4 on delivery timescale of the employment land.

The identification and provision of suitable public open space/playing fields together with changing facilities to support the expanded requirements of the village.

- 100 Community Greenspace have provided detailed analysis of the proposal regarding public open space (POS) including equipped play areas, sports provision, and appropriate woodland and excellent path connections for both recreation and active travel.
- 101 With an indicative 500 residential units the level of POS provision required for a development of this scale is significant as it will result in a 50% growth in the village housing stock. The masterplan shows good use of open space including paths to provide pleasing living spaces with the emphasis on people rather than cars. As the landscape plans develop general principles should apply to public open space which the Council will expect to adopt. The final design of public open spaces will need to be multifunctional and maintenance efficient and small areas of POS should be avoided. Planting should relate to function so sufficient space must be given for trees to avoid creating shade and other issues for residents in the longer term, and shrubs should not require onerous pruning.
- 102 In terms of play area provision they should be located where they are naturally overlooked and accessible to the maximum number of residents possible. Within Stanley there is an existing NEAP (to cater for 4-14 years) located in the POS near the primary school, and a LEAP to cater for 4-8 years at Shielhill Place. These are likely to be required to be upgraded to meet the needs of the expanding population. The masterplan shows additional play areas within sites H30 and H34 and these should be LEAPs but must be located to be safely accessible and set within sufficient POS to allow for possible future expansion. The location of the play area within H34 is not ideal being next to the railway and to the edge of the development and should be repositioned to a more central location.
- 103 With regard to sports pitch provision Community Greenspaces requirement is 1.20 ha per 1,000 people. Based on 500 dwellings, 2 full sized football pitches or the equivalent are required. The current football pitch adjacent to the primary school is unplayable and requires improvement. A financial contribution towards its improvement or on-site works to bring the pitch up to standard will be required. In addition the community through Stanley Development Trust intend to develop a community sports hub with a multi-use games area (MUGA) and community hall (changing facilities) and is currently planned for the POS adjacent to the primary school and bowling green. This new hub would meet the sports provision requirements and associated infrastructure required on the back of this development. A proportionate contribution towards the delivery of this facility at an early stage will mitigate the impact of the development. Contributions should be paid to the Council in advance and phased in line with the development. This can be controlled and delivered through the required Section 75 legal agreement. It is also essential that a good path access to this community hub is provided. This can be controlled at the detailed design stage.

Flood Risk Assessment required for site H31 which must consider risk of flooding from adjacent reservoir

- 104 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. Both a Flood Record and Drainage Statement have been submitted in support of the application. They have been assessed by SEPA and the Councils Flood Risk and Structures team.
- 105 Review of the SEPA flood maps shows that areas of H30 are at risk of surface water flooding. The updated SEPA /Planning Authority Protocol on Planning and Flooding specifies that water quantity aspects of surface water drainage are a matter for the flood prevention authority and Scottish Water to consider. SUDs and surface water drainage arrangements need to be appropriate and in accordance with guidance set by the Council's Flood Risk and Structures team and Scottish Water. Neither consultee have expressed concern regarding surface water flood risk at site H30.
- 106 A small watercourse flows along the south western boundary of H30 and may be culverted along the western boundary. SEPA are unsure of the source or catchment area of this watercourse. Due to the small catchment area, the estimated risk of flooding has not been incorporated within the SEPA flood map.
- 107 In site H31 there is a small watercourse and reservoir. SEPA are unsure of the source or catchment area of this watercourse and reservoir. Due to the small catchment area, the estimated risk of flooding has not been incorporated within the SEPA flood map.
- 108 Due to the fact that the majority of the sites are not likely to be affected by flood risk and this application is for development in principle, neither SEPA nor Flood Risk and Structures object at this stage. Additional information will be required to inform the detailed design stage for sites H30 and H31. This requirement is requested by Condition 13.
- 109 With regards H30 and H31 this could simply be a basic flood risk assessment to show that the development is not at risk of flooding from the small watercourse based upon a site visit, particularly as the masterplan shows that dwellings will be located some distance away from the watercourse.

Cycle paths, core paths and pedestrian routes incorporated into masterplan.

- 110 Community Greenspace have reviewed the proposal and advise that safe off-road paths are essential to connect to key community facilities especially existing and planned play areas and sports facilities and to visitor attractions such as Stanley Mills and the riverside. This should include safe crossings over the railway line and is covered by Informative 15.

- 111 The masterplan development areas show good use of open space including paths to provide pleasing living spaces with the emphasis on people rather than cars.
- 112 The masterplan and proposed path network plan show most of the existing core paths but does not show the crucial core path link between Stanley and Luncarty (STAN/117). Within the Design and Access Statement at paragraph 1.2, it recognises that the development of the off road cycle path to Luncarty is a key community consideration and at paragraph 2.8 it recognises the importance of the core path network and states the intention to connect and enhance these as walking routes. At paragraph 4.9 it states
- ‘A network of permeable pedestrian / cycle routes into the sites from the core paths will provide developments with strong connections to its surrounding environment and back to the village centre.’*
- 113 These connections are clearly shown within the proposed path network layout. It is essential that the masterplan clearly demonstrates a commitment to providing and contributing to the improvement of the Stanley to Luncarty cycle path/core path (STAN/117). Off-site developer contributions and enabling works with neighbouring landowners will be required to develop this path. This will be controlled by a Section 75 Legal Agreement.
- 114 A proportionate off site contribution in addition to the incorporation of the cycle path within the development is required and should be an early priority. Contributions should be paid to the Council in advance and phased in line with the development. The Stanley Development Trust is taking a lead role in the design and routing of this cycle path and the Council will be working in partnership with them to deliver it.
- 115 The connecting planned paths should be to multi use standard to be available for all. Path specifications are not provided at this stage but all paths should be a minimum of 3m wide and surfaced within naturalised green corridors. Opportunities should be taken to provide wildlife corridors incorporating paths along the woodland and within the SUDS schemes to provide for public amenity and biodiversity. Where paths are close to houses care should be taken to ensure privacy for the houses without high hedges or fencing creating a channelling effect for path users. This can be enforced by Condition 6.

The development of a comprehensive landscape masterplan for the village creating a robust landscape framework maximising the potential to enhance biodiversity and protection of habitats

- 116 The submitted Masterplan, Design and Access Statement and Green Network Plan detail at this stage the proposed landscaping for each site in terms of open space, paths, planting, buffer planting, woodland retention and creation. The application is also supported by a Tree Survey and Ecological Assessment. These help recognise the biodiversity value of each site and help provide the appropriate level of required protection of habitats.

- 117 The Ecological Assessment of the sites provide baseline information on each of the development sites. There are 22 records of bat species within 1km of the sites and existing trees and woodland on or around each site will need to be surveyed for bat roost potential and submitted as part of further detailed applications for each site. Please see Condition 21.
- 118 The Ecological Assessment also identifies opportunities to enhance the sites including planting, SUDS, lighting and incorporation of features in the buildings. It is recommended that these are included in conditions of any approval. Please see Condition 22.
- 119 The Tree Survey is an accurate reflection of the existing tree cover and shows that it is generally in good condition with only 1 tree recommended for removal. The survey recommends that residential buildings should be set well back from the existing tree cover with a separation of at least 15m between edge trees and residential buildings and 10m between trees/woodlands and garden boundaries. This should also apply to existing gardens and dwellings neighbouring the site. Please see Condition 11.
- 120 The existing woodland belts should be retained as it makes a positive contribution to the local habitat network and biodiversity. They will also help screen the development to a certain extent. The proposed areas of new woodland are considered appropriate. Please see Condition 11.
- 121 Additional woodland cover should also be planted adjacent to the railway line in sites H32 and H34. This will provide valuable screening and make a further contribution to landscape quality and biodiversity. Please see Condition 11.
- 122 Any gaps in existing hedges should be planted and additional hedgerow trees should be included in detailed landscape plans for each detailed phase to ensure appropriate species are planted to maximise the contribution made to landscape quality and biodiversity and minimise any conflict between trees, new development and existing dwellings and infrastructure. A woodland management plan should also be submitted. Please see condition 11.
- 123 RSPB commented that Stanley is an important area for breeding swifts, an amber listed species of conservation concern whose breeding numbers have dropped by 47% between 1995-2014 across the UK. They are also a Tay LBAP priority species.
- 124 A lack of nest sites has been identified as one of the threats facing nesting swifts, Stanley has a population of over 30 pairs most of which nest in older buildings in the village. The location of the new development areas is considered will provide an opportunity to expand the nesting colony and can be installed in some of the new builds. Please see Condition 24.
- 125 RSPB also note, from the applicants tree survey, that there are several large mature trees that will have significant ecological value which may be affected by the development. There is also a large rookery in the south-west of the village that may be affected by removal of trees. RSPB welcome the proposal within the tree survey to replant with native species and the suggestion to join

up gaps in the hedgerows. However, if large trees are to be removed, the developer may wish to consider providing nest boxes particularly for kestrels and owls and for tree sparrows in the hedges.

- 126 RSPB request a full breeding bird survey should be carried out prior to any work being carried out on the ground or any tree removal if being undertaken during the breeding season. As this an 'In Principle' application this can be covered by way of a planning Condition 20.

Contributions to enhanced community facilities

- 127 As already metioned at paragraph 103 the current football pitch adjacent to the primary school is unplayable and requires improvement. A financial contribution towards its improvement will be required. Through Stanley Development Trust, they intend to develop a community sports hub with a multi-use games area (MUGA) and community hall (changing facilities) and this is planned for the public open space adjacent to the primary school and bowls green. This new hub would meet the sports provision requirements and associated infrastructure required on the back of this development. A proportionate contribution towards the delivery of this facility at an early stage will mitigate the impact of the development. Contributions for this can be controlled and delivered through the required Section 75 legal agreement. A draft Heads of Terms has been agreed and includes a proportionate contribution towards the new sports hub.

Flood Risk Assessment required for site H30, as the developable area of the site may be constrained by flood risk from a field drain along the southern and western part of the site.

- 128 Please see section above relating to Flood Risk Assessment of H31.

Traffic and Transport

- 129 A Transport Assessment (TA) has been submitted in support of the proposal and has been fully assessed by Transport Planning and Transport Scotland.
- 130 Transport Scotland has 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. As the application is 'in principle' the submitted TA assesses the overall site in general terms and further detail will need to be included as part of future detailed applications.
- 131 In terms of the overall site, the impact of the development on the local road network has been tested using industry standard trip rates and assumptions and found to pose no particular issues. The impact of the development on the wider network (including the Trunk Road Network) has been tested previously as part of the LDP process using the Council's S-Paramics traffic model.
- 132 Transport Scotland has no adverse comment on any implications for the trunk road network.

- 133 The TA work also includes indicative access solutions for all the sites within the masterplan and the assessment of these all demonstrates that they can operate satisfactorily and comply with current standards. The TA also suggests some off-site works to mitigate and improve aspects such as public transport infrastructure and traffic calming schemes and while these are welcome, the detail and final form of such works will further assessed as part of future detailed applications and associated Road Construction Consent (RCC) processes.
- 134 The Councils Public Transport Unit (PTU) are content that the existing Stanley bus services have the capacity to accommodate the anticipated additional passengers generated by the proposed development and are content with the indicative public transport improvements.

Network Rail Infrastructure

- 135 Whilst Network Rail has no objection to the proposal, nevertheless due to its close proximity to the operational railway line, they request certain matters are taken into account, and if necessary included as conditions or informatives.
- 136 The proposed development includes a possible footpath link incorporating the Overbridge 133/135 between Site H33 to Site H34. This bridge was built as a private accommodation crossing and is owned and maintained by Network Rail. According to Network Rails records there are no public rights of access over this bridge and additional servitude rights of access/bridge agreements will have to be secured from Network Rail for the creation of any proposed links. The applicant will be made aware of this through Informative 15.

Archaeology

- 137 An archaeological desk based assessment of the proposed development sites found nothing of archaeological interest within the study areas. The area has a long history of aerial photography survey and analysis of the drift geology reveals glacial till, which is conducive to revealing archaeological remains in tilled soils. However the proposed development does not raise any archaeology issues and no mitigation is required.

Developer Contributions

- 138 A draft Heads of Terms has been agreed with the applicants and a Section 75 Legal Agreement is in the process of been prepared and will cover the following matters;
- Affordable Housing provision
 - Primary Education contribution
 - Transport Infrastructure contribution
 - Core Path contribution including Stanley to Luncarty Path
 - Contribution to Sports Pitch Provision/Improvement
 - Contribution to Stanley Sports Hub development
 - Open Space Provision and Maintenance

- Play Area Provision

Air Quality

- 139 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. Whilst this application is not within the boundary of the Perth Air Quality Management Area (AQMA) and Air Quality Assessment (AQA) was requested as this application is for up to 500 houses spread over 5 sites and there is also a large scale housing application 2 miles away in Luncarty.
- 140 Environmental Protection Scotland along with the Royal Town Planning Institute (RTPI) have produced a document called Delivering Cleaner Air for Scotland which advises on air quality within planning applications. This document states that an AQA is required where there is a change of daily average traffic flows of 500 out with and Air Quality Management Area. Some of the roads local to this development are predicted to see this increase, therefore an AQA was required in this instance.
- 141 The AQA considers nitrogen dioxide (NO₂) and particulates (PM₁₀ and PM_{2.5}) at several receptors locally. This is done using an air quality model which was verified using monitoring data obtained within Perth. Dust and PM₁₀ impacts are also assessed for the construction phase of this development.
- 142 The maximum increase in NO₂ is a 7% increase at Duchess Street and Environmental Health have no issues with this. Similarly the most significant increase for PM_{2.5} is a 2% increase on Perth Road. Both these increases are given a slight significance of impact in terms of the above guidance and are well below the objective for each pollutant. All impacts for PM₁₀ were given negligible significance.
- 143 As part of this AQA, a dust and PM₁₀ assessment was also undertaken for the construction phase, this concluded that a Dust Management Plan should be developed and implemented; this may include monitoring for dust and or PM₁₀. This can be controlled by way of Condition 25.

Noise

- 144 The submitted Noise Impact Assessment (NIA) considers sites H30, H32 and H34 relating to noise from the railway line and the B9099/A9 roads. The noise was assessed in line with PAN 1/2011 and BS8233 looking for a target of 50dBA externally, however Environmental Health would normally accept 55dBA for the daytime period. From each site the rail noise was considered acceptable at 42dBA for day and 41dBA for night time, therefore no mitigation need to be considered.
- 145 Road noise however was measured and subsequently predicted to be much higher for sites H30 and H34, for the worst affected properties. For these sites this was predicted to be 69.3dB and 60.6dB for day and night respectively.

These levels are very high and considerably above the 55dBA recommended for garden ground. Internally, through an open window it would give levels of 54.3dBA and 45.6dBA for day and night respectively, which again is too high.

- 146 By way of mitigation, a barrier is suggested and Environmental Health agree this can be effective particularly for garden areas and ground floor rooms but less so for first floor properties which are usually bedrooms and can lead to sleep disturbance.
- 147 A double glazing specification has been suggested to bring internal noise levels down to an acceptable level with alternative ventilation but Environmental Health's preference is for internal levels to be achieved with windows open. Methods such as positioning of houses and rooms should be explored before closed windows are considered. Much of the details of this will not be known until the Approval of Matters stage therefore Environmental Health request that noise be reassessed at this stage with further information on mitigation and a calculation of residual levels internally and externally. Please see Condition 26.

Socio-Economic Impact

- 148 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.
- 149 The development of circa 500 dwellings and 1 hectare of employment land will provide a substantial increase in available expenditure for the economy of Stanley 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 500 dwellings the estimated annual expenditure on convenience and compassion goods will be in the region of £1.82 million. This expenditure should have a positive impact on Stanley 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.
- 150 The proposed development will also have a positive effect in assisting Perth and Kinross Council to achieve affordable housing land requirements.

LEGAL AGREEMENTS

- 151 A legal agreement is required to secure infrastructure for Stanley Village expansion. A Draft Heads of Terms have been agreed (please see paragraph 138) with the applicant and the S75 is currently being prepared to reduce any time post committee before a decision notice can be issued.

DIRECTION BY SCOTTISH MINISTERS

- 152 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

- 153 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.
- 154 The expansion of Stanley is a longstanding proposal and is allocated in the LDP. The site is well placed to deliver a sustainable community, serving as a well-connected satellite settlement to Perth. The proposal will provide a significant contribution toward meeting the projected population growth of Perth and Kinross. It will also help assist funding of significant community infrastructure improvements that will benefit Stanley and the wider area.
- 155 The proposed development sites are considered to accord with the Development Plan, will lead to the creation of new homes to meet the predicted population growth, jobs both during the construction period and afterwards with enhanced community facilities, which will significantly assist in meeting local and national targets in a sustainable and measured fashion.
- 156 Accordingly the proposal is recommended for approval subject to the following conditions and associated legal agreement.

RECOMMENDATION

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

Direction

Perth and Kinross Council direct that sub-sections (2)(a)(i) and (3) of Section 59 of the Town and Country Planning (Scotland) Act 1997 apply as respects the in Principle Permission (17/00088/IPM) with the substitution of the period of 3 years referred to in each of those subsections, with the period of 14 years.

Conditions

- 1 Application for the approval required by a condition imposed on this Planning Permission in Principle shall conform with the requirements of Regulation 12 of the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2008 and of Section 59 (2) and (3) of the Town and Country Planning (Scotland) Act 1997 as amended by Section 21 of the Planning etc. (Scotland) Act 2006 and, in particular, must be made before whichever is the latest of the following:

- (i) the expiration of 6 months from the date on which an earlier application for the requisite approval was refused, or
- (ii) the expiration of 6 months from the date on which an appeal against such refusal was dismissed.

Reason: In accordance with the terms of Section 59 of the Town and Country Planning (Scotland) Act 1997 as amended by Section 21 of the Planning etc (Scotland) Act 2006.

- 2 The site layout plan and housing numbers as submitted are purely indicative and are not approved.

Reason: The application is for planning permission in principle only at this stage.

- 3 No works in connection with the development of each site hereby approved shall take place until full details of the siting, design, external appearance and landscaping of the development and the means of access serving the development (hereinafter referred to as the 'matters specified by condition') have been submitted to and approved in writing by the Planning Authority. The specified matters include:

- (i) a revised detailed phasing plan for each site;
- (ii) a detailed levels survey (existing and proposed) and cross sections showing proposed finished ground and floor levels of all buildings forming part of the development phase, relative to existing ground levels and a fixed datum point.
- (iii) the siting, design, height and external materials of all buildings or structures;
- (iv) the details of all roads, footpaths, cycleways, core path connections throughout the development;
- (v) details of any screen walls/fencing to be provided;
- (vi) measures to maximise environmental sustainability through design, orientation and planting or any other means;
- (vi) details of all landscaping, structure planting and screening associated with the development of each site;
- (vii) the lighting of all streets and footpaths;
- (viii) the layout of play areas and the equipment to be installed;
- (ix) full details of the proposed means of disposal of foul and surface water from the development.
- (x) details of car charging points to be provided within the development.

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.

- 4 Prior to the start of any work on site, an agreed construction programme shall be submitted to and approved in writing by the Planning Authority. The construction programme shall accord with the phase outlined below.

- (i) the employment land development must be fully serviced before the occupation of the first residential dwelling of H34;

Reason: To ensure the implementation and completion of the employment land component of the proposal as this is the element of the proposed development which the Planning Authority considers will bring economic and social benefits to the area.

- 5 No work shall start on the relevant parts of the site unless the trees to be retained as identified in the submitted surveys have been protected by suitable fencing in accordance with BS5837 2012 (Trees in Relation to Construction). 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.

- 6 All existing rights of way, core paths within or adjacent to the completed development shall at all times be protected and remain operational during the construction phases.

Reason: In the interest of sustainable transportation.

- 7 The development hereby approved shall not exceed 431 residential units and 3,000 sqm Ground Floor Area (GFA) of Class 4 (Office) use, in addition to the 69 residential units already consented on the application sites.

Reason: To ensure that the scale of development does not exceed that assessed by the supporting Transport Assessment, and to ensure that the scale and operation of the proposed development does not adversely affect the safe and efficient operation of the trunk road network.

- 8 Prior to the occupation and use of the approved development all matters regarding access, car parking, public transport facilities, walking and cycling facilities, the 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 (as detailed in the National Roads Development Guide) and to the satisfaction of the Planning Authority. Technical Approval will be required for any structures & all walls/embankments that act singly or together to support a carriageway or footpath & retain over 1.5m fill will require Technical Approval.

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

- 9 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 road safety.

- 10 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 particular regard to provision for walking, cycling and public transport access to and within the site and will identify the measures to be provided (including the provision of new and/or enhanced public transport services), the system of management, monitoring, review, reporting and the duration of the plan.

Reason: In the interests of sustainable travel.

- 11 Schemes of hard and soft landscaping works shall be submitted to the Local Planning Authority as part of the Matters Specified by Condition application for that phase of development.

Details of the schemes shall include:

- (i) existing and proposed finished ground levels relative to a fixed datum point;
- (ii) existing landscape features and vegetation to be retained;
- (iii) existing and proposed services including cables, pipelines and substations;
- (iv) the location of new trees, shrubs, hedges, grassed areas and water features;
- (v) a schedule of plants to comprise species, plant sizes and proposed numbers and density;
- (vi) the location, design and materials of all hard landscaping works including walls, fences, gates, any other means of enclosure, street furniture and play equipment;
- (vii) an indication of existing trees, shrubs and hedges to be removed;
- (viii) a programme for the completion and subsequent maintenance of the proposed landscaping;
- (ix) a woodland management plan;
- (x) separation distances between residential buildings and edge trees;
- (xi) separation distances between residential buildings and existing woodland.

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 on that part of the site, or such other date as may be agreed in writing with the Planning Authority.

Any planting which, within a period of 5 years from the completion of the 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: To ensure the implementation of satisfactory schemes of landscaping which will help to integrate the proposed development into the local landscape in the interests of the visual amenity of the area.

- 12 Full drainage calculations and the final layout and depth of the proposed SUDS ponds 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.

Reason: In the interests of best practice surface water management; to avoid undue risks to public safety and flood risk.

- 13 As part of any Application for Matters Subject to Conditions application for sites H30 and H31 a detail Flood Risk Assessment must be submitted for the approval of the Planning Authority in consultation with SEPA.

Reason: To prevent flood risk.

- 14 As part of any Application for Matters Subject to Conditions application for site H31 a feasibility study with regards de-culverting the watercourse to restore it to its natural state must be submitted for the approval of the Planning Authority in consultation with SEPA.

Reason: To prevent flood risk.

- 15 Prior to the submission for approval of further detailed applications a Feasibility Study shall be submitted in writing for the approval of the Planning Authority to assess the technical feasibility and financial viability of heat network/district heating for this site, identifying any available sources of heat (either within the site or offsite) and other factors such as where land will be safeguarded for future district heating infrastructure.

The accompanying Design and Access Statement or other document as agreed by the Council should show/demonstrate how the findings of the feasibility study has been incorporated into the finalised design and layout of the proposal.

Reason: To identify future district heating opportunities for the development.

- 16 All surface or foul water arising from the development must be collected and diverted away from Network Rail Property. Any Sustainable Urban Drainage Scheme should not be sited within 10 metres of railway infrastructure and should be designed with long term maintenance plans which meet the needs of the development.

Reason: To prevent flood risk of Network Rail infrastructure.

- 17 If not already in place, and prior to the commencement of development the applicant must provide a suitable trespass proof fence (rivetless palisade or expanded mesh) of at least 1.8 metres in height adjacent to Network Rail's boundary and provision for the fence's future maintenance and renewal should be made. Network Rail's existing boundary measure must not be removed without prior permission.

Reason: To prevent access to Network Rail infrastructure.

- 18 Where trees/shrubs are to be planted adjacent to the railway boundary they should be positioned at a distance agreed by Network Rail. For the avoidance of doubt from the distance should be greater than their predicted mature tree height. Clarification from Network Rail should also be sought on the proposed tree species as certain broad leaf deciduous species are not permitted adjacent to the railway boundary.

Reason: To prevent impact on Network Rail infrastructure.

- 19 Prior to the commencement of development details of all changes in ground levels, laying of foundations, and operation of mechanical plant in proximity to the rail line must be submitted to and approved by Network Rail's Asset

Protection Engineer. For the avoidance of doubt, where any works cannot be carried out in a “fail-safe” manner, it will be necessary to restrict those works to periods when the railway is closed to rail traffic i.e. by a “possession” which must be booked via Network Rail’s Asset Protection Engineer and are subject to a minimum prior notice period for booking of 20 weeks.

Reason: To prevent impact on Network Rail infrastructure.

- 20 As part of any detailed application for each site a detailed protected species surveys including breeding birds covering the site shall be submitted as part of the specified matters requiring to be the subject of a further formal planning application for the approval of the Council as Planning Authority. The report shall include appropriate mitigations to protect any identified species.

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).

- 21 Should the development hereby approved does not commence (or, having commenced, is suspended for more than 12 months) within 12 months from the date of the planning consent, the ecological surveys shall be reviewed and, where necessary, amended and updated. Further ecological surveys shall establish if there have been any changes in the presence of any protected species and identify any likely new ecological impacts that might arise from any changes. Where the survey results indicate that changes have occurred that will result in ecological impacts not previously addressed in the approved scheme, the original approved ecological measures will be revised and new or amended measures, and a timetable for their implementation, will be submitted to and approved in writing by the local planning authority prior to the commencement of development. Works will then be carried out in accordance with the approved revised ecological measures and timetable.

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).

- 22 The conclusions and recommended action points within the supporting Ecological Assessment 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).

- 23 No works which include the creation of trenches or culverts or the presence of pipes shall commence until measures to protect animals from being trapped in open excavations and/or pipe and culverts are submitted to and approved in writing by the Council as Planning Authority and implemented thereafter. The measures should 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.

- 24 Prior to occupation of any buildings on site a minimum of 30% 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.

- 25 Prior to commencement of development a Dust Management Plan shall be prepared and submitted to the Planning Authority for approval in consultation with Environmental Health. This shall include details of any required monitoring for dust and particulates (PM₁₀) and shall be maintained throughout the construction process.

Reason: In the interests of residential amenity and protection of air quality.

- 26 Noise shall be reassessed at the detailed planning application stage for each site to ensure that a suitable level of residential amenity can be achieved at all residential receptors.

Reason: In the interests of residential amenity and to prevent disturbance from noise.

- 27 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 RD4: Affordable Housing of the Perth & Kinross Local Development Plan 2014.

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.

- 28 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.

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.

- 29 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.

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.

- 30 For each phase of the development, 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.

Reason: in the interests of the sustainable disposal of waste.

B Justification

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

C Procedural Notes

Consent shall not to be issued until the Section 75 Agreement relating to transport infrastructure contributions has been completed and signed to reflect the current planning reference 17/00088/IPM

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 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 Applicants are advised that should their application for 'matters specified by condition' 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

'matters specified by condition' 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 to enable some of the negative suspensive conditions to be fulfilled works which are operational development may have to be undertaken outwith the application site. These works themselves may require the submission of a planning application.
- 4 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.
- 5 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.
- 6 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.
- 7 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.
- 8 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
- 9 The Council's Community Waste Adviser in the Environment Service should be contacted to clarify the bin storage and recycling requirements for the development.
- 10 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.
- 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 Council shall be immediately notified in writing if any ground contamination is found during construction of the development, and thereafter a scheme to deal with the contamination shall be submitted to, and agreed in writing by, the Council as Planning Authority.
- 13 Construction works must be undertaken in a safe manner which does not disturb the operation of the neighbouring railway. Applicants must be aware of any embankments and supporting structures which are in close proximity to their development.
- 14 The applicant should be aware that any proposal for noise or vibration sensitive use adjacent to the railway may result in neighbour issues arising. Every endeavour should be made by the applicant in relation to adequate protection of the uses contained within the site.
- 15 Public rights of access and servitude must be acquired from Network Rail for the proposed footpath link incorporating the Overbridge 133/135 between Site H33 to Site H34.

Background Papers: 12 letters of representation
Contact Officer: Steve Callan – Ext 75337
Date: 2 November 2017

Nick Brian
Interim Head of Planning

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You can also send us a text message on 07824 498145.
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