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Council Building
The Atrium
137 Glover Street
Perth
PH2 0LQ

Wednesday, 06 July 2016

A Meeting of the **Development Management Committee** will be held in the **Gannochy Suite, Dewars Centre, Glover Street, Perth, PH2 0TH** on **Wednesday, 13 July 2016** at **10:00**.

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

BERNADETTE MALONE
Chief Executive

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

Members:

Councillor Tom Gray (Convener)
Councillor Bob Band (Vice-Convener)
Councillor Henry Anderson
Councillor Michael Barnacle
Councillor Ian Campbell
Councillor Dave Cuthbert
Councillor Ann Gaunt
Councillor Joe Giacobazzi
Councillor Callum Gillies
Councillor John Kellas
Councillor Alan Livingstone
Councillor Murray Lyle
Councillor Gordon Walker

Development Management Committee

Wednesday, 13 July 2016

AGENDA

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

- 1 WELCOME AND APOLOGIES/SUBSTITUTES**
- 2 DECLARATIONS OF INTEREST**
- 3 MINUTE OF MEETING OF THE DEVELOPMENT MANAGEMENT COMMITTEE OF 8 JUNE 2016 7 - 38**
- 4 DEPUTATIONS**
- 5 APPLICATIONS FOR DETERMINATION**
 - (1) MAJOR APPLICATIONS**
 - (i) 15/01826/FLM - PERTH - ERECTION OF 8 COMMERCIAL UNITS FOR CLASS 4 (BUSINESS), CLASS 5 (GENERAL INDUSTRIAL) AND CLASS 6 (STORAGE AND DISTRIBUTION) USES AND ASSOCIATED WORKS ON LAND 120 METRES EAST OF MCLAUGHLAN TRANSPORT, ARRAN ROAD, PERTH 39 - 64**

Report of Handling by Development Quality Manager
(Recommendation - Approve) (copy herewith 16/324)
 - (ii) 16/00401/FLM - PERTH - ERECTION OF 203 DWELLINGHOUSES WITH ASSOCIATED CAR PARKING, VEHICULAR ACCESS, OPEN SPACE, DRAINAGE AND ASSOCIATED WORKS ON LAND 150 METRES NORTH EAST OF MCDONALD'S, AINSLIE PLACE, PERTH 65 - 92**

Report of Handling by Development Quality Manager
(Recommendation - Approve) (copy herewith 16/325)
 - (iii) 16/00478/IPM - ABERFELDY - RESIDENTIAL DEVELOPMENT (IN PRINCIPLE) ON LAND 25 METRES SOUTH WEST OF 8 THE BEECHES, ABERFELDY 93 - 122**

Report of Handling by Development Quality Manager

(Recommendation - Approve) (copy herewith 16/326)

(2) LOCAL APPLICATIONS

- (i) **13/02364/IPL - CRIEFF - ERECTION OF SPORTS CENTRE TO PROVIDE INDOOR SPORTS FACILITIES (COMPRISING SPORTS CENTRE WITH GAMES HALL, GYMNASIUM, DANCE STUDIO, SWIMMING POOL, CHANGING FACILITIES AND ASSOCIATED ANCILLARY ACCOMODATION) (IN PRINCIPLE) AT DALLERIE SPORTS PITCHES, DALLERIE, CRIEFF** **123 - 140**
Report of Handling by Development Quality Manager
(Recommendation - Approve) (copy herewith 16/327)
- (ii) **16/00461/FLL - PERTH - CHANGE OF USE OF GROUND FLOOR FROM STORAGE TO MIXED USE INCLUDING RETAIL, POOL HALL, CRECHE AND TEAROOM AT AINSLIES ANTIQUES, 113-119 GLOVER STREET, PERTH, PH2 0JF** **141 - 158**
Report of Handling by Development Quality Manager
(Recommendation - Approve) (copy herewith 16/328)
- (iii) **16/00613/FLL - BLAIRGOWRIE - CHANGE OF USE OF PAVEMENT TO FORM OUTDOOR SEATING AREA AT 5 HIGH STREET, BLAIRGOWRIE** **159 - 172**
Report of Handling by Development Quality Manager
(Recommendation - Approve) (copy herewith 16/329)
- (iv) **16/00622/FLL - INCHTURE - ERECTION OF A SHOP AND FLAT (INCREASE SIZE OF BUILDING AND RE-POSITION CONDENSING UNIT FANS) (IN PART RETROSPECT) AT THE FORMER BREWLANDS QUARRY, INCHTURE** **173 - 188**
Report of Handling by Development Quality Manager
(Recommendation - Approve) (copy herewith 16/330)

(3) PROPOSAL OF APPLICATION NOTICE (PAN)

- (i) **16/00004/PAN - PERTH - RESIDENTIAL DEVELOPMENT AT FORMER PERTH AUCTION MART SITE, EAST HUNTINGTOWER, PERTH** **189 - 200**
Pre-Application Report by Development Quality Manager (copy herewith 16/331)
- (ii) **16/00007/PAN - SCONE - MIXED USE DEVELOPMENT (RESIDENTIAL AND EMPLOYMENT) ON LAND AT PERTH AIRPORT, SCONE** **201 - 210**
Pre-Application Report by Development Quality Manager (copy herewith 16/332)

- (iii) **16/00008/PAN - MILNATHORT - RESIDENTIAL DEVELOPMENT WITH ASSOCIATED ROADS ON LAND NORTH OF LINDEN PARK ROAD, MILNATHORT** 211 - 220
Pre-Application Report by Development Quality Manager (copy herewith 16/333)
- (iv) **16/00009/PAN - RATTRAY - RESIDENTIAL DEVELOPMENT, LANDSCAPING, OPEN SPACE AND ASSOCIATED INFRASTRUCTURE ON LAND NORTH EAST OF LINDALE, GLENALMOND ROAD, RATTRAY** 221 - 230
Pre-Application Report by Development Quality Manager (copy herewith 16/334)

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<p>You can also send us a text message on 07824 498145.</p>
<p>All Council Services can offer a telephone translation facility.</p>

DEVELOPMENT MANAGEMENT COMMITTEE

Minute of Meeting of the Development Management Committee held in the Gannochy Suite, Dewars Centre, Perth on Wednesday 8 June 2016 at 10.00am.

Present: Councillors T Gray (Convener), B Band (Vice-Convener), H Anderson, D Cuthbert, J Giacomazzi, C Gillies, A Livingstone, M Lyle (up to and including Item 16/00259/CON -Art. ??/??), E Maclachlan (substituting for Councillor J Kellas), D Melloy (substituting for Councillor I Campbell), W Robertson (substituting for Councillor A Gaunt), and G Walker.

In attendance: N Brian, S Callan, A Condliffe, A Deans, S Panton, M Petrie, A Rennie and J Russell (up to and including Item 15/01109/FLM - Art. (1)(i)) (all The Environment Service); C Elliott, Y Oliver and H Rheinallt (all Corporate and Democratic Services).

Apologies: Councillors M Barnacle, I Campbell, A Gaunt and J Kellas.

Councillor T Gray, Convener, Presiding.

. WELCOME AND APOLOGIES

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

. VALEDICTORY

The Convener referred to the imminent retiral of Yvonne Oliver, Committee Officer and paid tribute to the dedicated service she had given to Perth and Kinross Council during her twenty-five years of service. He referred in particular to the help and advice she had given the Development Management Committee and wished her good luck in her retirement.

. DECLARATIONS OF INTEREST

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

. MINUTE OF PREVIOUS MEETING

The Minute of Meeting of the Development Management Committee of 11 May 2016 (Arts.292-296) was submitted, approved as a correct record and authorised for signature, subject to the following amendments:

(i) Article 296(2)(ii) refers

- (a) The word "re-deduced" on the fourth line of the motion be amended to read "reduced".

- (b) The line "6 Members voted for the Motion as follows:" should be amended to read "7 Members voted for the Motion as follows:".

DEPUTATIONS

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

Planning Application No.	Art. No.
15/02176/FLM	** (1)(ii)
16/00255/FLM	** (1)(iii)
16/00268/FLL	**5(2)(i)

APPLICATIONS FOR DETERMINATION

(1) Major Applications

- (i) **15/01109/FLM – PERTH – Erection of residential units, commercial units (Classes 1, 2, 3 and 10), formation of allotments/open space, landscaping and associated infrastructure works on land at Bertha Park to the North West of Perth – Report 16/254 – Bertha Park Ltd**

N Brian, Development Quality Manager, The Environment Service, requested that, should the Committee be minded to approve the following application, they also approve amended conditions 12, 17, 22, 25, 36 and 37 and condition 48 being deleted but added as Informative No. 16. Copies of the amended terms of these conditions were distributed to the Committee.

Resolved:

Grant, subject to the following terms, conditions and informatives including amended conditions 12, 17, 22, 25, 36 and 37 and condition 48 becoming informative 16 as undernoted:

1. The proposed development must be carried out in accordance with the approved drawings and documents, unless otherwise provided for by conditions imposed on the planning permission.
2. No development shall commence until a detailed delivery plan confirming the phased delivery of the site and construction works has been submitted and approved in writing by the Planning Authority. Once approved, the development shall proceed in accordance with the approved delivery plan, to the satisfaction of the Planning Authority.
3. Prior to the commencement of development the extent of the economic mineral resource to be won on site, shall be quantified to ensure it is not sterilised. Details of which

- shall be submitted to and approved in writing by the Planning Authority.
4. Prior to the commencement of development a mineral working programme and phasing plan for the economic mineral resource to be won on site shall be submitted to and approved in writing by the Planning Authority. This shall detail the method and working direction of the mineral resource along with temporary restoration to be deployed before receiving built development.
 5. No buildings shall be constructed on the identified economic mineral resource until a detailed survey plan, including levels to Ordnance Datum, to show that the economic mineral resource associated with that working phase has been extracted is submitted to and approved in writing by the Planning Authority.
 6. The foul drainage shall be drained to the mains sewerage system the details of which shall be submitted to and approved in writing by the Planning Authority prior to its instillation and in consultation with Scottish Water, Scottish Environment Protection Agency and Scottish Natural Heritage. The agreed foul drainage shall thereafter be implemented to coincide with the occupation of the development.
 7. Concurrent with the initiation of the development hereby approved and for the duration of construction, a temporary surface water treatment facility shall be implemented on site and maintained for the duration of the construction works. The temporary surface water treatment facility shall remain in place until the permanent surface water drainage scheme is implemented unless otherwise agreed in writing by the Planning Authority.
 8. Development shall not commence until a detailed and permanent sustainable urban drainage system (SUDS) has been submitted for the further written approval of the Planning Authority, in consultation with SEPA where necessary. The scheme shall be developed in accordance with the technical guidance contained in The SUDS Manual (C753) and the Council's Flood Risk and Flood Risk Assessments Developer Guidance, and shall incorporate source control. For the avoidance of any doubt the discharge of any surface water drainage shall be limited to the greenfield runoff rates as detailed in section 12.5.26 of the Environmental Statement. Thereafter, all works shall be carried out in accordance with the agreed details and be operational prior to bringing the development phase into use.
 9. Development shall not commence until the design of all new and existing culverts/bridges and associated features (such as screens) has been submitted to and approved in writing by the Planning Authority, in

consultation with the Council's Flooding Team.
Thereafter, all works shall be carried out in accordance with the agreed details and be operational prior to the bringing the development into use.

10. Prior to commencement of any works, full details of the finalised design of the replacement pond and SUDS pond within phase 1 of the development will be submitted for the written approval of the Planning Authority, in consultation with SEPA. Thereafter, all work shall be carried out in accordance with the approved scheme. The finalised design will include details of how the SUDS and replacement pond will maintain hydrology, and how biodiversity from the old pond to the new pond will be translocated.
11. For the avoidance of any doubt the domestic and non-domestic buildings to be erected shall comply with Silver Active from 2016 and Gold Active from 2020 as per the 'Building Standards Technical Handbook Section 7 – Sustainability'. The sustainability label shall be provided for the written approval of the Planning Authority prior to the occupation of the domestic or non-domestic building.
12. Prior to the commencement of the development details of the play park and sports pitches (equipment, specification) shall be submitted to the Planning Authority for written approval. Thereafter play parks and sports pitches shall be installed to accord with the approved details to coincide with the phasing of character areas which shall be agreed in writing with the Planning Authority.
13. Prior to the commencement of development a woodland management plan for a minimum of twenty years, including long term objectives, management responsibilities and maintenance schedules for all woodland areas within the site shall be submitted to and approved in writing by the Planning Authority. Thereafter the woodland management plan shall be carried out as approved on commencement of the development hereby permitted unless otherwise approved in writing by the Planning Authority.
14. Prior to the commencement of the development details of the proposed landscaping, planting, screening, open space and allotments scheme shall be submitted to the local Planning Authority for approval. Details of the schemes shall include:
 - a) Existing and proposed finished ground levels relative to a fixed datum point.
 - b) Existing landscape features and vegetation to be retained.
 - c) Existing and proposed services including cables, pipelines and substations.

- d) The location of new trees, shrubs, hedges, grassed areas and water features.
 - e) A schedule of plants to comprise species, plant sizes and proposed numbers and density.
 - f) The location, design and materials of all hard landscaping works including walls, fences, gates and any other means of enclosure.
 - g) An indication of existing trees, shrubs and hedges to be removed.
 - h) Details of areas of public open space.
 - i) Details of areas for allotments.
 - j) A programme for the completion and subsequent maintenance of the proposed landscaping, planting, screening, open space and allotments.
15. 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.
16. 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.
17. Prior to the commencement of development a detailed plan of public access across the site including phasing and implementation (existing, during construction & upon completion) shall be provided for the written approval of the Council as Planning Authority and show:
- a) All existing paths, tracks & rights of way.
 - b) Any areas proposed for exclusion from statutory access rights, for reasons of privacy, disturbance or curtilage, in relation to proposed buildings or structures.
 - c) All paths & tracks proposed for construction, for use by walkers, riders, cyclists, all-abilities users, etc.
 - d) Any diversions of paths - temporary or permanent-proposed for the purposes of the development.
 - e) The detailed specification of the proposed paths and tracks, along with how they will be constructed to avoid impacts on trees.
18. No part of the approved development is permitted to be occupied until the A9/A85 Junction Improvement, generally as proposed by Perth and Kinross Council as part of its 'Perth Transport Futures Project' transport strategy to support the Local Development Plan, has been designed, approved and implemented to the

satisfaction of the Planning Authority in consultation with Transport Scotland.

19. No more than 750 residential units are permitted to be occupied until the Cross Tay Link Road Improvement including the Tay Crossing, generally as proposed by Perth and Kinross Council as part of its 'Perth Transport Futures Project' transport strategy to support the Local Development Plan, have been designed, approved and contract let to the satisfaction of the Planning Authority in consultation with Transport Scotland.
20. No development shall commence until appropriate mitigation measures have been agreed to address the impact of the development at the Broxden Roundabout on the A9 trunk road. The nature of the mitigation shall either be physical improvements to these junctions in the form of traffic signals and widening of approaches or a financial contribution in lieu of the said physical works. The details of the physical works or the level of financial contribution required shall be agreed in writing with the Planning Authority in consultation with Transport Scotland.
21. No development shall commence until a Construction Traffic Management Plan has been approved in writing by the Planning Authority in consultation with Transport Scotland. In particular the CTMP shall identify measures to control the use of any direct access onto the trunk road, including the existing priority access located on the northbound carriageway of the A9 north of Inveralmond Roundabout. Thereafter, all construction traffic associated with the development shall conform to the requirements of the agreed plan.
22. No development shall commence until a detailed specification for the emergency/secondary access arrangements to be put in place between the Inveralmond Bridge and Bertha Lodge along with implementation timescales has been submitted to and approved in writing by the Planning Authority. Thereafter the approved emergency/secondary access arrangements to accord with the agreed timescales shall be installed and thereafter maintained to the satisfaction of the Planning Authority.
23. Prior to the completion of the development, all watercourses on the site (as referred to in the FRA dated 18 June 2015) shall be inspected and cleared of any impediments likely to create any obstruction to the free flow of water within the development and for 300m (or length otherwise agreed with the Planning Authority) upstream and downstream of the development phase; an inspection report along with details of works undertaken

- shall be submitted to the Planning Authority for written approval in consultation with the Roads Authority.
24. The Finished Floor Level of all properties shall be a minimum of 600mm above the 200 year flood level including 20% for Climate Change.
 25. The overland flood routes of the dam breach analysis shall be maintained as open space to prevent any future development of the land. A minimum of a 5m Maintenance strip either side of the watercourse must be provided along all watercourses (as referred to in the FRA dated 18 June 2015) within the extents of the proposed development.
 26. Prior to the commencement of development a Construction Environment Management Plan (CEMP), incorporating a Construction Method Statement (CMS), a Site Waste Management Plan (SWMP), a Drainage Management Plan (DMP) and Environmental Management Plan (EMP) detailing pollution prevention and control measures for all felling, construction and operation programmes will be submitted to and be approved in writing by the Planning Authority, in consultation with Scottish Environment Protection Agency and Scottish Natural Heritage. Such details shall be submitted not less than two months prior to the agreed scheduled commencement date and shall incorporate detailed pollution avoidance and mitigation measures for all construction elements. Thereafter the development shall be fully undertaken in accordance with the agreed CEMP.
 27. Two months prior to the commencement of the development, an independent and suitably qualified ecologist shall be appointed as the 'Ecological Clerk of Works' (ECOW) for the site, by the developer and at the developer's expense. This appointment shall be subject to the prior written approval of the Planning Authority and detail the extent of inspections to be undertaken by the ECOW and how this relates to the delivery of the development. The ECOW shall oversee, on behalf of the Planning Authority, in consultation with Scottish Natural Heritage, the implementation of all ecology related planning conditions and how this relates to the development being constructed. The ECOW shall undertake a watching brief throughout the construction of the development and shall have the authority to stop operations or to alter construction methods should there be any works occurring which are having an adverse impact on the natural heritage.
 28. The ECOW shall have responsibility for the following:

- a) Monitoring compliance with the mitigation works related to the development as set out in the Construction Environment Management Plan.
 - b) Advising the developer on adequate protection of nature conservation interest on the site, including altering construction practices if existing practices are having an adverse impact on the natural heritage of the site.
 - c) If any protected species are found on site, the Ecological Clerk of Works will ensure that work is suspended at that location and that a protected species protection plan is implemented.
29. The ECOW is required to notify the Planning Authority:
- a) If there has been a requirement to stop or alter works in relation to this condition.
 - b) They are required to submit a report on their inspection for the review of the Planning Authority in consultation with Scottish Environment Protection Agency and Scottish Natural Heritage during construction operations.
 - c) They will have the power to amend the Construction Method Statement, where required, with any amendments and measures to mitigate submitted to the Planning Authority.
30. No development shall take place until details of checking surveys for protected species or the nests of any breeding birds on the site has been submitted to and approved in writing by the Planning Authority, in consultation with SNH. The surveys shall be undertaken by a qualified ecologist, in accordance with the approved specification, in the last 6 months preceding site preparation and construction work commencing. A programme of any mitigation measures required as a consequence of the survey results, and a timetable for any such mitigation measures shall have been submitted to and approved in writing by the Planning Authority prior to any works associated with the development taking place. The programme of mitigation work shall be implemented as approved under the supervision of a qualified ecologist all to the satisfaction of the Planning Authority.
31. No development shall take place, including demolition, ground works and vegetation clearance, until a biodiversity monitoring strategy has been submitted to, and approved in writing by, the local Planning Authority. The purpose of the strategy shall be to monitor the abundance and distribution of protected species over the period of the development. The content of the Strategy shall include the following.

- a) Aims and objectives of monitoring to match the stated purpose.
 - b) Identification of adequate baseline conditions prior to the start of development.
 - c) Appropriate success criteria, thresholds, triggers and targets against which the effectiveness of the various conservation measures being monitored can be judged.
 - d) Methods for data gathering and analysis.
 - e) Location of monitoring.
 - f) Timing and duration of monitoring.
 - g) Responsible persons and lines of communication.
 - h) Review, and where appropriate, publication of results and outcomes.
32. A report describing the results of monitoring shall be submitted to the local Planning Authority at intervals identified in the strategy. The report shall also set out (where the results from monitoring show that conservation aims and objectives are not being met) how contingencies and/or remedial action will be identified, agreed with the local Planning Authority, and then implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme.
33. The monitoring strategy will be implemented in accordance with the approved details.
34. No development shall take place until 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.
35. No development shall commence until a detailed specification and planting scheme for the structural landscaping works between Phase 1 and 2 and Phase 1 and 3 along with implementation timescales has been submitted to and approved in writing by the Planning Authority. Thereafter the approved structural landscaping works between Phase 1 and 2 and Phase 1 and 3 shall be installed to accord with the agreed timescales and thereafter maintained to the satisfaction of the Planning Authority.
36. No works in connection with the development hereby approved shall take place until such time as a mechanism

has been agreed and concluded to the satisfaction of the Planning Authority to ensure that the structural landscaping works between Phase 1 and 2 and Phase 1 and 3 have been completed in full.

37. No development shall take place within the development site as outlined in red on the approved plan until the developer has secured the implementation of a programme of archaeological works in accordance with a Written Scheme of Investigation which has been submitted by the applicant, and approved by the Planning Authority in consultation with Perth and Kinross Heritage Trust. Thereafter the developer shall ensure that the programme of archaeological works is fully implemented and that all recording and recovery of archaeological resources within the development site is undertaken to the satisfaction of the Planning Authority in consultation with Perth and Kinross Heritage Trust.

38. Prior to the commencement 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. All domestic properties require an appropriate storage area for a minimum of 3 x 240 litre bins (1 for general waste, 1 for garden & food waste and 1 for dry mixed recyclates/paper) and suitable access/surface to wheel the bins from the storage area to the kerbside where they must be presented for collection.

Bin Dimensions

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

39. Prior to the commencement of development, a strategy to ensure noise levels are reasonable internally utilizing dwelling layouts and appropriate double glazing with trickle vents shall be submitted to the satisfaction of the Planning Authority and thereafter implemented. The strategy shall focus on the relationship of dwellings on either side of the Cross Tay Link Road (CTLR) within the site and to the site's southern boundary beside the Inveralmond Industrial Estate.

40. For any commercial kitchen, an effective ventilation system commensurate with the nature and scale of cooking to be undertaken shall be installed, operated and maintained, within the commercial areas, such that cooking odours are not exhausted into or escape into any neighbouring dwellings.

41. All plant or equipment including any ventilation system associated with operation of the commercial areas shall be so enclosed, attenuated and/or maintained such that

- any noise therefrom shall not exceed Noise Rating 35 between 0700 and 2300 hours daily, or Noise Rating 20 between 2300 and 0700 hours daily, within any neighbouring residential premises, with all windows slightly open, when measured and/ or calculated and plotted on a rating curve chart.
42. Commercial and Industrial deliveries shall be limited to Monday to Sunday 07.00 to 19.00.
43. Noise from any air source heat pump or other external residential plant equipment shall be so enclosed, attenuated and/or maintained such that any noise therefrom shall not exceed Noise Rating 35 between 0700 and 2300 hours daily, or Noise Rating 20 between 2300 and 0700 hours daily, within any neighbouring residential premises, with all windows slightly open, when measured and/ or calculated and plotted on a rating curve chart.
44. For commercial and industrial areas all external lighting to be installed shall be sufficiently screened and aligned so as to ensure that there is no direct illumination of neighbouring land and that light spillage beyond the boundaries of the site is minimised.
45. Prior to the commencement of development, an evaluation for the potential of the site to be affected by contamination by a previous use should be undertaken and as a minimum, a Preliminary Risk Assessment (Phase 1 Desk Study) will be submitted for consideration by the Council as Planning Authority. If after the preliminary risk assessment identifies the need for further assessment, an intrusive investigation should be undertaken to identify;
- a) The nature, extent and type(s) of contamination on the site.
 - b) Measures to treat/remove contamination to ensure the site is fit for the use proposed.
 - c) Measures to deal with contamination during construction works.
 - d) Condition of the site on completion of decontamination measures.
46. Prior to the completion or bringing into use of any part of the development the agreed measures to decontaminate the site shall be fully implemented as approved by the Council as Planning Authority. Validation that the scheme has been fully implemented must also be submitted to the Council as Planning Authority before the development is brought into use or occupied.
47. Prior to the commencement of development 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.

Justification

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

Procedural Notes

Consent shall not to be issued until a Section 75 Agreement relating to planning contributions set out below has been completed and signed to reflect the current planning reference 15/01109/FLM. The legal agreement should be concluded and completed within 4 months of the date of any Committee approval. Failure to conclude a legal agreement within 4 months will result in the planning application being re-assessed through failing to comply with the associated developer contributions policy and will be ultimately recommended for refusal under delegated powers.

- A Delivery Plan.
- Servicing of Secondary School land.
- Delivery of Primary School(s).
- Transport and Transport Infrastructure.
- Delivery of Park and Ride site.
- Delivery of Public Transport.
- Delivery of Serviced Employment Land.
- Delivery of Affordable Housing.
- Delivery of Open Space, paths and associated maintenance.
- Delivery of Community Facilities and Healthcare.
- Contribution towards a Community Fund.
- Minerals.

Informatives

1. This planning permission will last only for three years from the date of this decision notice, unless the development has been started within that period. (See Section 58(1) of the Town and Country Planning (Scotland) Act 1997 (as amended).
2. Under Section 27A of the Town and Country Planning (Scotland) Act 1997 (as amended) the person undertaking the development is required to give the Planning Authority prior written notification of the date on

which it is intended to commence the development. A failure to comply with this statutory requirement would constitute a breach of planning control under Section 123(1) of that Act, which may result in enforcement action being taken.

3. As soon as practicable after the development is complete, the person who completes the development is obliged by Section 27B of the Town and Country Planning (Scotland) Act 1997 (as amended) to give the Planning Authority written notice of that position.
4. This development will require the 'Display of notice while development is carried out', under Section 27C (1) of the Town and Country Planning Act 1997, as amended, and Regulation 41 of the Development Management Procedure (Scotland) Regulations 2013. The form of the notice is set out in Schedule 7 of the Regulations and a draft notice will be included for guidance. According to Regulation 41 the notice must be:
 - Displayed in a prominent place at or in the vicinity of the site of the development.
 - Readily visible to the public.
 - Printed on durable material.
5. The applicant is advised that 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.
6. The developer is advised to contact Mr David Strachan, Archaeologist, Perth and Kinross Heritage Trust to discuss terms of reference for work required Tel 01738 477080.
7. The applicants are advised that they must apply to the Roads Authority, for construction consent to form a new street. Please contact The Construction and Maintenance Manager, The Environment Service, Perth and Kinross Council, Pullar House, 35 Kinnoull Street, Perth, PH1 5GD.
8. The applicant is advised that in terms of Sections 21 of the Roads (Scotland) Act 1984 they must obtain from the Council as Roads Authority consent to construct a new road prior to the commencement of roadworks. Advice on the disposal of surface water must be sought at the initial stages of design from the Roads Authority, Scottish Water and the Scottish Environment Protection Agency.
9. Please consult the Street Naming and Numbering Officer, The Environment Service, Perth and Kinross Council, Pullar House, 35 Kinnoull Street, Perth PH1 5GD.
10. 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.

11. No work shall be commenced until an application for building warrant has been submitted and approved.
12. Ecologists shall be employed to undertake protected species surveys and provide advice and guidance where work is due to be undertaken close to sensitive areas, such as woodland, hedgerows and watercourses and waterbodies as agreed with Planning Authority.
13. Where works are within 50m of trees, woodland, hedgerows or waterbodies the ecologist shall undertake protected species surveys and identify any potential impacts, where appropriate protective fencing shall be erected prior to work commencing in such areas to the satisfaction of the Planning Authority.
14. Where protected species have been identified the ecologist shall provide guidance and advice to site staff on how to avoid disturbance of protected species.
15. Monitoring of the ecological interests identified on the site shall be undertaken by the ecologist where protected species have been identified and annual reports as described in BS42020:2013 shall be submitted to the Planning Authority to inform changes to abundance or locations of protected species.
16. The development shall be in accordance with the Council's Affordable Housing Policy approved in April 2016 which requires a 25% allocation of affordable units within the development all to the satisfaction of the Council as Planning Authority.

(ii) 15/02176/FLM – BRIDGE OF EARN – Residential development of 80 dwellings, open space, landscaping and associated infrastructure at land 200 metres south east of Hillview, Kintillo Road, Bridge of Earn – Report 16/255 – King Group and Ogilvie Homes

A Condliffe, Applications Team Leader, The Environment Service, requested that, should they be minded to approve the following application, the Committee also approve Condition 21 being amended and Condition 24 being deleted and added as an informative.

Mr R Hands, objector to the application, followed by Mr A Birnie, on behalf of the applicant, addressed the Committee, and, following their respective representations, withdrew to the public benches.

Motion (Councillors A Livingstone and T Gray) – Grant, subject to the following terms, conditions and informatives, including the amended Condition 21 and Condition 24 being deleted and added as Informative No. 14.

- 1. The proposed development must be carried out in accordance with the approved drawings and documents, unless otherwise provided for by conditions imposed on the planning consent.**
- 2. Prior to the occupation of any residential plot, all matters regarding access, car parking, road layout, design and specification, including the disposal of surface water, shall be in accordance with the standards required by the Council as Roads Authority and to the satisfaction of the Planning Authority.**
- 3. Prior to the occupation of any residential plot details of the specification including materials of all footpaths shall be submitted to the Planning Authority for further approval. The agreed detail shall thereafter be implemented prior to the completion of the development.**
- 4. Prior to the commencement of development details of all front driveway screening arrangements shall be submitted to the Planning Authority for further approval. The agreed detail shall be thereafter implemented prior to the occupation of each dwelling.**
- 5. No development shall commence until full details of earthworks at the southern half of the site have been submitted to and approved in writing by the Planning Authority thereafter the development shall be carried out in accordance with the approved details.**
- 6. The detailed landscaping and planting scheme as approved shall be implemented fully within one calendar year of the commencement of development and thereafter maintained.**
- 7. Any planting failing to become established within five years shall be replaced in the following planting season with others of similar sizes and species.**
- 8. The areas of public open space indicated on the approved landscape and planting drawings shall be planted in accordance with the open space standards of the Planning Authority and completed to phase with the adjacent dwellinghouses in accordance with a programme to be submitted to and agreed in writing with the Planning Authority prior to the commencement of the development. The scheme shall thereafter be maintained.**

9. Prior to the commencement of development a detailed layout of the proposed children's play area indicated in the site layout plan shall be submitted for the further approval of the Planning Authority. The play area(s) shall be designed, laid out and equipped in accordance with the Planning Authority's current criteria for play area provision within six months of the occupation on the site. The play area and its facilities/equipment shall thereafter be maintained.
10. Storm water drainage from all paved surfaces shall be disposed of by means of suitable Sustainable Urban Drainage Systems to meet the requirements of best management practices.
11. Full drainage calculations and the final layout and depth of the proposed SUDS pond and associated infrastructure to be agreed in writing with the Council as Planning Authority, in consultation with the Council's Flooding Team. The agreed detail shall thereafter be implemented prior to the completion of the development.
12. The developer shall ensure that during the construction of the development all surface water is controlled, treated and discharged under the principles of SUDS, as contained in the SUDS Manual (C697) and Site Handbook for the Construction of SUDS (C698) published by CIRIA, all to the satisfaction of the Council as Flood Authority.
13. The Meadows shall not be used at any time by construction traffic associated with the development, unless otherwise agreed by the Planning Authority.
14. Prior to the commencement of development a Construction Environment Management Plan (CEMP), incorporating a Construction Method Statement (CMS), a Construction Traffic Management Plan (CTMP), a Site Waste Management Plan (SWMP), a Site Access Management Plan, a Drainage Management Plan (DMP) shall be submitted to and be approved in writing by the Planning Authority. Thereafter the development shall be fully undertaken in accordance with the CEMP unless otherwise agreed in writing by the Planning Authority.
15. All existing trees and hedgerows shall be retained and protected by suitable fencing in accordance with BS5837 2012 (Trees in Relation to Construction), unless otherwise agreed in writing by the Planning Authority. The details of the protective fencing and its location shall be first submitted to and agreed in writing by the Planning Authority. No materials, supplies, plant, machinery, soil heaps, changes in ground levels or construction activities shall be

permitted within the protected areas without the written consent of the Planning Authority and no fire shall be lit in the position where the flames could extend to within 5 metres of foliage, branches or trunks.

16. There is to be no removal of vegetation, including trees and shrubs between 1 March and 31 August inclusive unless a competent ecologist has undertaken and submitted in writing to the Planning Authority a detailed vegetation check for active birds' nests immediately before the vegetation is to be cleared and that no birds will be harmed and/or that there are appropriate measures in place to protect nesting birds on site. Any such written confirmation must be approved by the Planning Authority prior to commencement of works.
17. No works which include the creation of trenches, culverts or the presence of pipes will commence until measures to protect animals from becoming trapped in open excavations and/or pipes and culverts are submitted to and approved in writing by the Planning Authority. The measures could include, but are not restricted to, creation of sloping escape ramps from trenches and excavations and securely sealing open pipework at the end of each working day.
18. All species used in the planting proposals as detailed in the Proposed Landscaping Plans (Drawing C1533.004 Rev: B) shall be locally native species of local provenance unless otherwise agreed in writing with the Planning Authority.
19. The developer shall incorporate swift bricks and bat roost bricks at eaves height in a minimum of 40 properties.
20. All deliveries to the construction site shall be Monday to Friday 07:00 to 19:00 hours, unless otherwise agreed in writing with the Planning Authority.
21. The hours of operation at the construction stage shall be Monday to Friday 07:00 to 19:00hours. Saturday 08:00 to 13:00hour and no working on a Sunday, unless otherwise agreed in writing with the Planning Authority.
22. Prior to the commencement of 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.
23. All domestic properties require an appropriate storage area for a minimum of 3 x 240 litre bins (1 for general waste, 1 for garden & food waste and 1 for

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

Bin Dimensions

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

Justification

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

Procedural Notes

Consent shall not be issued until a Section 75 Agreement relating to planning contributions set out below has been completed and signed to reflect the current planning reference 15/02176/FLM. The legal agreement should be concluded and completed within 4 months of the date of any Committee approval. Failure to conclude a legal agreement within 4 months will result in the planning application being re-assessed through failing to comply with the associated Developer Contributions Policy and will be ultimately recommended for refusal under delegated powers.

- Affordable housing
- Education contribution
- Transport infrastructure contribution
- Open space provision /maintenance
- Play area provision.
- Landscape buffer and footpath provision

Informatives

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

3. As soon as practicable after the development is complete, the person who completes the development is obliged by Section 27B of the Town and Country Planning (Scotland) Act 1997 (as amended) to give the Planning Authority written notice of that position.
4. This development will require the 'Display of notice while development is carried out', under Section 27C (1) of the Town and Country Planning Act 1997, as amended, and Regulation 41 of the Development Management Procedure (Scotland) Regulations 2013. The form of the notice is set out in Schedule 7 of the Regulations and a draft notice is included for your guidance. According to Regulation 41 the notice must be:
 - Displayed in a prominent place at or in the vicinity of the site of the development.
 - Readily visible to the public.
 - Printed on durable material.
5. The applicant is advised that 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.
6. Should any archaeology be present the developer is advised to contact Perth and Kinross Heritage Trust to discuss terms of reference for work required Tel 01738 477080.
7. The applicants are advised that they must apply to the Roads Authority, for construction consent to form a new street. Please contact The Construction and Maintenance Manager, The Environment Service, Perth and Kinross Council, Pullar House, 35 Kinnoull Street, Perth, PH1 5GD.
8. Please consult the Street Naming and Numbering Officer, The Environment Service, Perth and Kinross Council, Pullar House, 35 Kinnoull Street, Perth PH1 5GD.
9. The applicant is advised that the granting of planning consent does not guarantee a connection to Scottish Water's assets. The applicant must make a separate application to Scottish Water Planning & Development Services team for permission to connect to the public wastewater system and/or water network and all their requirements must be fully adhered to.
10. No work shall be commenced until an application for building warrant has been submitted and approved.

11. **The delivery timescale of the new primary school at Oudenarde will be determined by the Council's Education and Children's Services Department to ensure there is sufficient local primary education capacity for the proposed development.**
12. **The applicant is reminded that, under the Wildlife and Countryside Act 1981, as amended, it is an offence to remove, damage or destroy the nest of any wild birds while that nest is in use or being built. Planning permission for a development does not provide a defence against prosecution under this act.**
13. **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.**
14. **The development shall be in accordance with the Council's Developer Contributions and Affordable Housing Policy approved in April 2016 which requires a 25% allocation of affordable units within the development all to the satisfaction of the Council as Planning Authority.**

Amendment (Councillors H Anderson and W Robertson)

Refuse, on the grounds that the proposal is contrary to:

1. The Perth and Kinross Local Development Plan 2014, Policy EP3C in that it has not been demonstrated that the proposed SUDS system has sufficient capacity for the proposal.
2. The Perth and Kinross Local Development Plan 2014, Policy PM4 as it would constitute development out with the settlement boundary to an excessive amount and would involve the loss of prime agricultural land.
3. The Perth and Kinross Local Development Plan 2014, Policy TA1B as it would significantly impact on existing traffic issues at Kintillo Road, Bridge of Earn.

In accordance with Standing Order 44, a roll call vote was taken.

8 members voted for the Motion as follows:

Councillors T Gray, B Band, J Giacomazzi, C Gillies, A Livingstone, M Lyle, G Walker and E Maclachlan.

4 members voted for the Amendment as follows:

Councillors H Anderson, D Cuthbert, D Melloy and W Robertson.

Amendment – 4 votes

Motion – 8 votes

Resolved:

In accordance with the Motion.

FOLLOWING A SHORT ADJOURNMENT, THE COMMITTEE RECONVENED.

(iii) 16/00255/FLM – KINROSS – Residential development consisting of 91 units, access road, open space and associated works at former Kinross High School, High Street, Kinross – Report 16/256 – Persimmon Homes Ltd

S Callan, Planning Officer, The Environment Service, requested that, should the Committee be minded to approve the following application, they also approve Condition 22 being removed and inserted as additional Informative No. 9.

Mr I McGoldrick, on behalf of the applicant, addressed the Committee, and, following his representation, withdrew to the public benches.

Motion (Councillors D Cuthbert and W Robertson) – Defer, for the provision of (i) an updated parking survey for Kinross to be carried out, with further information on the impact of this development on parking provision in Kinross to be provided; and (ii) further information on the impact of new build materials on the conservation area.

Amendment (Councillors M Lyle and T Gray) – Grant, subject to the following terms, conditions and informatives including amended Condition 12, Condition 22 becoming Informative No. 9, the addition of three extra conditions, and an additional informative:

- 1. The proposed development must be carried out in accordance with the approved plans, unless otherwise provided for by conditions imposed on the planning consent.**
- 2. No demolition of the existing buildings shall take place until the Council as Planning Authority has been satisfied that a contract is in place for the construction of the replacement development.**
- 3. Prior to the occupation and use of the approved development all matters regarding access, car parking, road layout, design and specification, including the disposal of surface water, shall be in accordance with the standards required by the Council as Roads Authority and to the satisfaction of the Planning Authority.**

4. No development shall commence until a connection to the public foul sewer infrastructure has been secured to cater for the foul flows associated with the development. Documentation confirming a connection is available shall be submitted to the local Planning Authority for written approval. Thereafter the development shall be undertaken in accordance with the approved details to the satisfaction of the local Planning Authority.
5. Prior to the commencement of development, a Construction Management Plan (CMP) detailing the proposed phasing of the development, environmental mitigation measures and construction method statements, including specific measures to control dust arising from demolition and construction work shall be submitted to and approved in writing by the Planning Authority in consultation with Perth and Kinross Council's Environmental Health Section, thereafter the development shall be undertaken in accordance with the approved CMP.
6. Details of the exact specification and colour of the proposed external finishing materials to be used shall be submitted for the approval of the Planning Authority prior to the commencement of the development. The scheme as approved shall be implemented prior to the occupation and/or use of the development.
7. The roof material of dwelling numbers marked 73 to 75 inclusive on the Approved Site Layout Plan (Drawing Number: KIN-02-01 REV D) shall be natural slate and maintained in perpetuity. The slate should be reused from the demolition of the existing school building, unless otherwise agreed in writing by the Planning Authority.
8. Prior to the commencement of development detailed plans and elevations for the retained section of the former High School, clearly indicating the extent of retention of the historic fabric and any additional alterations shall be lodged for the prior approval of the Planning Authority. The development shall be carried out in accordance with the approved details and shall be completed prior to the occupation of the development.
9. Prior to the commencement of development details of salvage and the re-use of existing building materials shall be submitted to and approved in writing by the local Planning Authority, thereafter the scheme shall be implemented all to the satisfaction of the local Planning Authority.

10. Prior to the commencement of development a demolition methodology to ensure that the historic elements of the former High School proposed for retention are protected during the development process shall be lodged for the prior approval of the Planning Authority. The development shall be carried out in accordance with the approved details and shall be completed prior to the occupation of the development.
11. Prior to the commencement of development full details of all proposed new and replacement external doors and windows for the retained section of the former High School shall be lodged for the prior approval of the Planning Authority prior to the commencement of works on site. The development shall be carried out in accordance with the approved details and shall be completed prior to the occupation of the development.
12. Prior to the commencement of the development, full details of all boundary treatment shall be submitted to the Planning Authority for written approval. This shall include the boundaries along the accesses/entrances to the site and shall also include specific screen planting along the recessed boundary with the adjacent property of 27A Alexander Drive. The development shall be carried out in accordance with the approved scheme and shall be completed prior to the occupation of the development.
13. The area(s) of public open space indicated on the approved Landscape Plan (Drawing Number: 143.74.01e) shall be planted in accordance with the open space standards of the Planning Authority and completed to phase with the adjacent dwellinghouses in accordance with a programme to be submitted to and agreed in writing with the Planning Authority prior to the commencement of the development. The scheme shall thereafter be maintained.
14. Prior to the commencement of development a detailed layout of the proposed upgrade of Green Road children's play area indicated in the site layout plan shall be submitted for the further approval of the Planning Authority. The play area(s) shall be designed, laid out and equipped in accordance with the Planning Authority's current criteria for play area provision within six months of the occupation on the site. The play area and its facilities/equipment shall thereafter be maintained.
15. No development shall take place until full details of earthworks at the southern half of the site has been submitted to and approved in writing by Planning

- Authority thereafter the development shall be carried out in accordance with the approved details.
16. Prior to the commencement of the development hereby permitted, details of the final planting scheme shall be submitted to the Planning Authority for written approval. The landscaping and planting shall be carried out in accordance with the approved scheme within twelve months of the commencement of the development, or such longer period as the Planning Authority shall specify in writing. The landscaping and planting shall be maintained for a period of five years from the date of the commencement of the development, such maintenance shall include the replacement of any trees or shrubs that die or are removed.
 17. Prior to the commencement of demolition work a total of 7 clusters of 3 bat boxes shall be provided as recommended on Page 54 of the submitted Bat Survey Report.
 18. Prior to the commencement of demolition work a total of 4 bat slates shall be fitted during reroofing of the retained section of the school building as per Page 54 of the submitted Bat Survey Report.
 19. All works to buildings or structures that may be used by bats (such as demolition, roof stripping, excavations or building works or associated operations) shall only be carried out under the direction of a licensed bat ecologist to ensure that an offence is not committed.
 20. Demolition works shall only take place between 1 December and 31 March to reduce the risk of disturbing any bats present, unless otherwise agreed in writing by the Planning Authority.
 21. 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. The scheme shall include a full timetable for the reclamation measures proposed. Verification shall be provided by the applicant, on completion, that reclamation has been undertaken in accordance with, and to the standard specified in, the agreed reclamation scheme.
 22. No development or extensions, whether or not permitted by virtue of Schedule 1, Part 1, Class 1 and 3 of the Town and Country Planning (General Permitted Development) (Scotland) Order, 1992 or any Order revoking and re-enacting that Order shall be erected in the curtilage of any 2 bedroom or

terrace dwellings shown on the Approved Site Layout Plan (Drawing Number KIN-02-01 REV D)

23. Prior to the commencement of 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.
24. All domestic properties require an appropriate storage area for a minimum of 3 x 240 litre bins (1 for general waste, 1 for garden & food waste and 1 for dry mixed recyclates/paper) and suitable access/surface to wheel the bins from the storage area to the kerbside where they must be presented for collection.

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

25. Prior to the commencement of development a detailed sustainable urban drainage system (SUDS) has been submitted for the further written agreement of the Council as Planning Authority, in consultation with SEPA where necessary. The scheme shall be developed in accordance with the technical guidance contained in The SUDS Manual (C753) and the Council's Flood Risk and Flood Risk Assessments Developer Guidance, and shall incorporate source control. All works shall be carried out in accordance with the agreed scheme and be operational prior to the bringing into use of the development.
26. Concurrent with the development hereby approved and for the duration of construction, a temporary surface water treatment facility shall be implemented on site and maintained for the duration of the approved development works. The temporary surface water treatment facility shall remain in place until the permanent surface water drainage scheme is implemented unless otherwise agreed in writing by the Council as Planning Authority.
27. The Finished Floor Level of all properties shall be a minimum of 600mm above the 200year flood level including 20% for climate Change.
28. Storm water drainage from all paved surfaces shall be disposed of by means of suitable sustainable urban drainage systems to meet the requirements of best management practices.
29. The discharge rate of the sustainable urban drainage system (SUDS) shall be limited to the amount specified in drawing E9834/2001 – Rev G.

30. Prior to the commencement of the development, full details of the proposed refurbishment of the pump house on Green Road shall be submitted to the Planning Authority for written approval. The refurbishment shall be carried out in accordance with the approved scheme within twelve months of the commencement of the development, or such longer period as the Planning Authority shall specify in writing.
31. Prior to the commencement of the development, full details of the proposed car park off Station Road shall be submitted to the Planning Authority for written approval. The development shall be carried out in accordance with the approved scheme within twelve months of the commencement of the development, or such longer period as the Planning Authority shall specify in writing.

Justification

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

Procedural Notes

Consent shall not to be issued until a Section 75 Agreement relating to planning contributions has been completed and signed to reflect the current planning reference 16/00255/FLM. The legal agreement should be concluded and completed within 4 months of the date of any Committee approval. Failure to conclude a legal agreement within 4 months will result in the planning application being re-assessed through failing to comply with the associated Developer Contributions policy and will be ultimately recommended for refusal under delegated powers.

- Affordable housing
- Education contribution
- Open space provision /maintenance
- Green Road play area upgrade.

Informatives

1. This planning permission will last only for three years from the date of this decision notice, unless the development has been started within that period. (See Section 58(1) of the Town and Country Planning (Scotland) Act 1997 (as amended).
2. Under Section 27A of the Town and Country Planning (Scotland) Act 1997 (as amended) the person undertaking the development is required to give the

Planning Authority prior written notification of the date on which it is intended to commence the development. A failure to comply with this statutory requirement would constitute a breach of planning control under Section 123(1) of that Act, which may result in enforcement action being taken.

3. 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 will be included for 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.
4. As soon as practicable after the development is complete, the person who completes the development is obliged by Section 27B of the Town and Country Planning (Scotland) Act 1997 (as amended) to give the Planning Authority written notice of that position.
5. The applicant is advised that in terms of Section 56 of the Roads (Scotland) Act 1984 he must obtain from the Council as Roads Authority consent to open an existing road or footway prior to the commencement of works. Advice on the disposal of surface water must be sought at the initial stages of design from Scottish Water and the Scottish Environment Protection Agency.
6. No work shall be commenced until an application for building warrant has been submitted and approved.
7. The applicant is reminded that, under the Wildlife and Countryside Act 1981, as amended, it is an offence to remove, damage or destroy the nest of any wild birds while that nest is in use or being built. Planning consent for a development does not provide a defence against prosecution under this act.
8. The Council's Community Waste Adviser in the Environment Service should be contacted to clarify the bin storage requirements for the development.
9. The development shall be in accordance with the Council's Developer Contributions and Affordable Housing Policy approved in April 2016 which requires a 25% allocation of affordable units within the development all to the satisfaction of the Council as Planning Authority.

- 10. The applicant is requested to enter in to discussions with the owners of 27A Alexander Drive over the ownership and control of the strip of land between the reset west boundary to Plots 43 and 44 and the east boundary of 27A Alexander Drive.**

In accordance with Standing Order 44, a roll call vote was taken.

2 members voted for the Motion as follows:

Councillors D Cuthbert and W Robertson.

10 members voted for the Amendment as follows:

Councillors T Gray, B Band, H Anderson, J Giacobazzi, C Gillies, A Livingstone, M Lyle, G Walker, D Melloy and E Maclachlan.

Amendment – 2 votes

Motion – 10 votes

Resolved:

In accordance with the Motion.

- (iv) 16/00259/CON – KINROSS – Partial demolition of existing buildings at former Kinross High School, High Street, Kinross – Report 16/257 – Persimmon Homes Ltd**

S Callan, Planning Officer, The Environment Service, requested that, should the Committee be minded to approve the following application, they also approve an additional condition.

Resolved:

Grant, subject to the following terms, conditions and informatives, and subject to a further four additional conditions, all as undernoted:

1. The proposed development must be carried out in accordance with the approved plans herewith, unless otherwise provided for by conditions imposed on the planning consent.
2. No demolition of the existing building shall take place until the Council as Planning Authority has been satisfied that a contract is in place for the construction of the replacement development.
3. Prior to the commencement of demolition work a total of 7 clusters of 3 bat boxes shall be provided as recommended on Page 54 of the submitted Bat Survey Report.

4. Prior to the commencement of demolition work a total of 4 bat slates shall be fitted during reroofing of the retained section of the school building as per Page 54 of the submitted Bat Survey Report.
5. All works to buildings or structures that may be used by bats (such as demolition, roof stripping, excavations or building works or associated operations) shall only be carried out under the direction of a licensed bat ecologist to ensure that an offence is not committed.
6. Demolition works shall only take place between 1 December and 31 March to reduce the risk of disturbing any bats present, unless otherwise agreed in writing by the Planning Authority.
7. Prior to the commencement of development details of salvage and the re-use of existing building materials shall be submitted to and approved in writing by the Local Planning Authority, thereafter the scheme shall be implemented all to the satisfaction of the Local Planning Authority.
8. Prior to the commencement of development detailed plans and elevations for the retained section of the former High School, clearly indicating the extent of retention of the historic fabric and any additional alterations shall be lodged for the prior approval of the Planning Authority. The development shall be carried out in accordance with the approved details and shall be completed prior to the occupation of the development.
9. Prior to the commencement of development a demolition methodology to ensure that the historic elements of the former High School proposed for retention are protected during the development process shall be lodged for the prior approval of the Planning Authority. The development shall be carried out in accordance with the approved details and shall be completed prior to the occupation of the development.
10. Prior to the commencement of development full details of all proposed new and replacement external doors and windows for the retained section of the former High School shall be lodged for the prior approval of the Planning Authority prior to the commencement of works on site. The development shall be carried out in accordance with the approved details and shall be completed prior to the occupation of the development.

Justification

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

Informatives

1. This Conservation Area Consent will last only for three years from the date of this decision notice, unless the development has been started within that period. (See Section 16 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997, as amended by Section 20 of the Planning etc. (Scotland) Act 2006.)
2. No work shall be commenced until an application for building warrant has been submitted and approved.
3. 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.

(2) Local Applications

(i) 16/00268/FLL – ABERFELDY – Erection of a telecommunications mast and ancillary equipment, Errichel Farm, Crieff Road, Aberfeldy – Report 16/258 – Telefonica UK Ltd

Mr I Thornton-Kemsley for Thornton Estates, objector to the application, addressed the Committee, and, following his representation, withdrew to the public benches.

Resolved:

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

1. The proposed development must be carried out in accordance with the approved drawings and documents, unless otherwise provided for by conditions imposed on the planning permission.
2. Prior to the commissioning of the mast (hereby approved) the date of the commissioning shall be submitted to the Council as Planning Authority. Thereafter the existing mast at Mains of Murthly (Planning Ref: 02/01971/TD) shall be removed within 2 months of that commissioning date to the satisfaction of the Council as Planning Authority.
3. In the event that the tower and associated equipment becomes redundant, it must be removed within 6 months of it becoming redundant and the site thereafter reinstated to the satisfaction of the Council as Planning Authority.
4. All plant or equipment shall be so enclosed, attenuated and/or maintained such that any noise therefrom shall not exceed Noise Rating 30 between 0700 and 2300 hours daily, or Noise Rating 20 between 2300 and 0700 hours daily, within any neighbouring residential property, with all

windows slightly open, when measured and/ or calculated and plotted on a rating curve chart.

5. Prior to the commencement of development details of the colour finish of the mast and antennae shall be submitted to and agreed in writing by the Council as Planning Authority. The scheme as agreed shall be implemented prior to the completion or bringing into use of the development.
6. Prior to the commencement of development details of the colour finish of the mast base and planting scheme on the southern boundary of the mast base shall be submitted to and agreed in writing by the Council as Planning Authority. The scheme as agreed shall be implemented prior to the completion or bringing into use of the development.

Justification

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

Informatives

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

(3) Proposal of Application Notice (PAN)

- (i) **16/00006/PAN – BALBEGGIE – Residential development at St Martins Road, Land 120 metres West of Burr Cottage, Main Street, Balbeggie – Report 16/259 – Morris Leslie Ltd**

Members requested that, in addition to the issues identified in the Development Quality Manager's report, the following issues

be addressed in the planning application: (1) The importance of consultation and of ensuring press coverage of the exhibition event; (2) the possibility of over-development; and (3) the proximity of the airport and the potential impacts.

DRAFT

Perth and Kinross Council
Development Management Committee – 13 July 2016
Report of Handling by Development Quality Manager

Erection of 8 commercial units for Class 4 (Business) 5 (General Industrial) and 6 (Storage and Distribution) uses and associated works, Arran Road and Kilda Road, Perth

Ref. No: 15/01826/FLM
Ward No: N12 – Perth City Centre

Summary

This report recommends approval of the application for Commercial units, consisting of Business and General Industrial uses as the proposals are considered to comply with the Development Plan for the area if made subject to a legal agreement and through conditional control.

BACKGROUND AND PROPOSAL

- 1 The planning application site extends to 2.6 hectares, located on the eastern side of Arran Road and to the north side of Kilda Road, within the established North Muirton Industrial Estate, on the north western edge of Perth City. The site is predominantly bounded to the west, south and east by existing business units of varying sizes. The curved northern parameters of the site are bounded by “Perth Food and Drink Park”, which has extant planning consent 12/01356/FLM. The wider business park is in close proximity to Inveralmond Roundabout, linking up with the wider strategic road network.
- 2 The site forms part of a wider 18.3 Ha site E3, identified for general employment uses, with associated developer requirement criteria, under the Local Development Plan 2014.
- 3 As described in the submission background, the site can be characterised as being segmental shaped, with predominant land area consisting of young self-seeded trees, shrub and grassland planting. The site is considered to have commenced development historically through the formation of a vehicular access, associated infrastructure and peripheral earthworks on Kilda Road. This followed earlier phases of the development of the wider North Muirton Industrial Estate, including the ‘Dingbro’ warehouse development on Arran Road, which originally formed part of the wider site now under consideration. The predominant established uses in close proximity of the site include Class 4 – Business/Office, Class 5 – General Industrial and Class 6 – Storage and Distribution.
- 4 The proposal includes the following elements:

8 large buildings with associated service courtyards, each proposed to be subdivided to accommodate a range of tenancies, within 16 units over a total gross floor area of 7,771 m², comprising:

- Unit 1 – 697 m²
 - Unit 2 - 464 m²
 - Unit 3 - 464 m²
 - Unit 4 - 464 m²
 - Unit 5 - 464 m²
 - Unit 6 - 464 m²
 - Unit 7 - 464 m²
 - Unit 8 - 464 m²
 - Unit 9 - 464 m²
 - Unit 10 – 464 m²
 - Unit 11 – 345 m²
 - Unit 12 – 464 m²
 - Unit 13 – 464 m²
 - Unit 14 – 697 m²
 - Unit 15 – 464 m²
 - Unit 16 – 464 m²
- 5 As part of the proposals, the application proposes that up to 20% of individual unit floor space be allowed to be utilised for trade and retail sales space.
 - 6 Each individual building proposal is approximately 20 metres deep, with a shallow pitch, trapezoidal roof rising to 8.2 metres high and ranging in horizontal length from approximately 45 to 60 metres. On the principal elevations, a modest canopy is proposed above glazing and pedestrian door panelled arrangements with two large vehicular up and over loading doors (5x4m) with signage panel above and identified flood light adjacent. The rear of the building detail is limited to two fire exits at either end.
 - 7 The design and finish of the buildings is consistent throughout, with proposed material finishes including composite panels in merlin grey and metallic silver with a buff brick base-course. No signage has been detailed at this stage, with the units being built speculatively for letting.
 - 8 Vehicular access – Includes a new adoptable road, utilising the existing hammerhead junction to serve the development off Kilda Road and units 15/16 accessed off Arran Road.
 - 9 Pedestrian/Cycle Access – Functional footpaths have been identified to tie in with existing pavement infrastructure and dedicated cycle storage has also been incorporated.
 - 10 Car Parking – Car parking identified at a ratio of 1:42, including 16 disabled parking space allocations.
 - 11 Open space and landscaping – Landscaping and open space proposals were received as part of the original submission, which have been further detailed and revised to include formal hedge planting, interspersed tree planting and meadow planting leading to an established SUDs pond on a neighbouring site.

- 12 Other associated infrastructure – Drainage infrastructure proposed through a drainage strategy, including foul drainage, surface water drainage and sustainable urban drainage (SUDs). The requirements have been worked up following ongoing dialogue with a Perth and Kinross Council Flood Engineer.

ENVIRONMENTAL IMPACT ASSESSMENT (EIA)

- 13 Directive 2011/92/EU requires the ‘competent authority’ (Perth and Kinross Council) when giving planning consent for particular large scale projects to do so in the knowledge of any likely significant effects on the environment. This Directive therefore sets out a procedure that must be followed for certain types of project before ‘development consent’ can be given.
- 14 This procedure, known as Environmental Impact Assessment (EIA), is a means of drawing together, in a systematic way, an assessment of a project’s likely significant environmental effects. This helps to ensure that the importance of the predicted effects, and the scope for reducing any adverse effects, are properly understood by the public and the relevant competent authority before it makes its decision.
- A screening exercise in accordance with the EIA (Scotland) Regulations 2011 (as amended) was undertaken by the Planning Authority and in this case due to the projects size, nature and location an Environmental Statement was not deemed to be required.

PRE-APPLICATION CONSULTATION

- 15 The proposed development is classed as a major development under class 9 of the Town and Country Planning (Hierarchy of Developments) (Scotland) Regulations 2009. This requires pre-application consultation with the local community to be undertaken. A Proposal of Application Notice (PAN) was submitted to the Council as required by regulation 6 of The Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013 and Section 35B of the Planning Act. The content of the PAN were subsequently agreed by the Council under 15/00003/PAN.
- 16 The pre-application consultation (PAC) report submitted confirms the extent of consultation activity undertaken, which is agreed to have met minimum standards and complies with the content of the measures agreed through the Proposal of Application Notice.

NATIONAL POLICY AND GUIDANCE

- 17 The Scottish Government expresses its planning policies through the National Planning Framework 3, Scottish Planning Policy (SPP) and Planning Advice Notes (PAN).

National Planning Framework 3

- 18 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

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

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

- 20 Of relevance to this application are;

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

- 21 A Successful, Sustainable Place:

- Paragraphs 92- 108 Supporting Business and Employment

- 22 A Natural, Resilient Place:

- Paragraphs 193 – 218 The Natural Environment
- Paragraphs 219 – 233 Maximising the Benefits of Green Infrastructure
- Paragraphs 254 – 268 Managing Flood Risk & Drainage

- 23 A Connected Place:

- Paragraphs 286 – 291 Promoting Sustainable Transport and Active Travel

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

- PAN 1/2011 Planning and Noise
- PAN 3/2010 Community Engagement
- PAN 40 Development Management
- PAN 51 Planning, Environmental Protection and Regulation
- PAN 60 Planning for Natural Heritage
- PAN 61 Planning and Sustainable Urban Drainage Systems
- PAN 75 Planning for Transport
- PAN 79 Water and Drainage

National Roads Development Guide (2014)

25 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

26 The Development Plan for the area consists of TAYplan Strategic Development Plan 2012-2032 (Approved June 2012) and the Perth and Kinross Local Development Plan 2014 (Approved February 2014)

TAY plan Strategic Development Plan 2012

27 TAYPlan sets out a vision for how the region will be in 2032 and what must occur to bring about change to achieve this vision. The vision for the area as set out in the plans states that:

“By 2032 the TAYplan region will be sustainable, more attractive, competitive and vibrant without creating an unacceptable burden on our planet. The quality of life will make it a place of first choice where more people choose to live, work, study and visit, and where businesses choose to invest and create jobs”

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

Policy 1: Locational Priorities

- 29 Seeks to focus the majority of development in the region's principal settlements. Kinross is identified as a Tier 2 Settlement with the potential to make a major contribution to the region's economy.

Policy 2: Shaping Better Quality Places

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

Policy 3: Managing TAYplan's Assets

- 31 This recognises the importance of historic buildings and townscapes and identifies the importance of only allowing development where it does not adversely impact upon or preferably enhances these assets.

Policy 8: Delivering the Strategic Development Plan

- 32 States:

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

PERTH & KINROSS LOCAL DEVELOPMENT PLAN FEBRUARY 2014

- 33 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.
- 34 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."
- 35 Under the LDP, the following policies are of particular importance in the assessment of this application:

PM1: Placemaking

- 36 PM1A: Development must contribute positively to the quality of the surrounding built and natural environment, respecting the character and amenity of the place.
- 37 PM1B: All proposals should meet the placemaking criteria set out.

PM2: Design Statements

- 38 Design Statements should normally accompany a planning application if the development comprises 5 or more dwellings, is a non-residential use, which exceeds 0.5 ha or if the development affects the character or appearance of a Conservation Area, Historic Garden, Designed Landscape or the setting of a Listed Building or Scheduled Monument.

PM3: Infrastructure Contributions

- 39 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 ED1A – Employment and Mixed Use Areas

- 40 Areas identified for employment uses should be retained for such uses and any proposed development must be compatible with surrounding land uses and all six of the policy criteria, in particular retailing not being generally acceptable unless ancillary to the principal use.

TA1: Transport Standards and Accessibility Requirements

- 41 TA1A: Encouragement will be given to the retention and improvement of transport infrastructure identified in the plan.
- 42 TA1B: 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.

NE1: Environment and Conservation Policies

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

NE3: Biodiversity

- 44 All wildlife and wildlife habitats, whether formally designated or not should be protected and enhanced in accordance with the criteria set out.

EP1: Climate Change, Carbon Reduction and Sustainable Construction

- 45 Sustainable design and construction will be integral to new development within Perth & Kinross.

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.

EP3: Water Environment and Drainage

- 47 EP3A: 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.
- 48 EP3B: 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.
- 49 EP3C: All new development will be required to employ Sustainable Urban Drainage Systems (SUDS) measures.

EP8 – Noise Pollution:

- 50 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.

OTHER POLICIES

- 51 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 & Kinross Corporate Plan 2013-2018

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

The Perth City Plan 2015 – 2035

- 53 This plan produced by the City Development Board sets out the long-term vision for Perth as one of Europe's great small cities. It sets out a framework for investment in strategic infrastructure, along with a 5 year delivery plan for economic development and placemaking.

SITE HISTORY

- 54 15/00003/PAN Erection of 8 commercial units. Content of PAN agreed 18 March 2015.

CONSULTATIONS

EXTERNAL

Scottish Environment Protection Agency –

- 55 SEPA has objected in principle to any form of development on this site on the grounds that it may place buildings and persons at risk of flooding contrary to Scottish Planning Policy.

Scottish Water –

- 56 No response received.

Scottish Natural Heritage –

- 57 There are no likely significant effects anticipated upon the River Tay - Special Area of Conservation (SAC). An informal response was received from SNH case officer, advising that they did not feel it appropriate to respond to this individual case as an appraisal had previously been undertaken of the SAC as part of the wider development and it was considered there would be no additional adverse impact upon the SAC in this respect.

INTERNAL

Environmental Health

- 58 No objection, subject to conditional controls relating to plant noise, vehicle movements, loading/unloading of vehicles and goods and artificial lighting.

Waste Services

- 59 No objection; request for an informative being included on any decision to recommend that the applicant seek advice from waste services in relation to known end users and associated individual waste requirements.

Flood Risk and Structures

- 60 Following clarification through the provision of supplementary information in relation to best practice methods of surface water management, conditional control is recommended; with no formal flood risk assessment requested or deemed necessary.

Developer Contributions Officer

- 61 Original consultation response stated no objection provided that associated Transport Infrastructure Developer Contributions amounting to £85,481 are secured for the site (7,771m² x £11) via upfront payment or through a legal agreement.
- 62 This consultation position was re-visited latterly, following the approval of revised Transport Infrastructure Supplementary Guidance, which applied formally from April 2016. The outcome of the consultation review, which is set out in the appraisal section, continuing to apply the requirement for developer contributions was considered unreasonable in this case and it was agreed to recommend that the associated transport infrastructure contribution is no longer pursued.

Biodiversity Officer

- 63 No objection provided due diligence is taken in relation to construction elements. Suggested amendments to landscaping are recommended and the opportunity for green roofs to maximise biodiversity opportunities is highlighted.

Community Greenspace

- 64 No formal comments received. There is an adopted core path (NMUR/104) directly to the north west of the site boundaries, but this is not considered to be directly affected through the associated proposals.

REPRESENTATIONS

65 No representations received.

ADDITIONAL STATEMENTS

Environment Statement	Not required
Screening Opinion	Undertaken
Environmental Impact Assessment	Not required
Appropriate Assessment	Not required – SNH confirmed wider site previously considered.
Design Statement / Design and Access Statement	Submitted
Report on Impact or Potential Impact	Surface water drainage information and calculations on request.

APPRAISAL

Policy Appraisal

- 66 Sections 25 and 37(2) of the Town and Country Planning (Scotland) Act 1997 require that planning decisions be made in accordance with the development plan unless material considerations indicate otherwise. The Development Plan consists of the TAYplan 2012 and the Perth and Kinross Council Local Development Plan 2014 is a material consideration in the determination of the application and has progressed to examination by the Scottish Ministers.
- 67 The determining issues in this case are whether; the proposal complies with Development Plan policy; whether the proposal complies with supplementary planning guidance; or if there are any other material considerations which justify a departure from policy.
- 68 The site forms part of identified site E3 in the Local Development Plan, zoned for employment uses, where policy ED1A applies. This states that areas identified for employment uses should be retained for those uses. It also requires new development to relate to be compatible with surrounding uses. The policy includes a series of criteria, which also require to be considered. Following research of the site history, it was identified that the wider site area, which this site is located within, has been designated as an employment area for more than 20 years. In general terms, the proposals are considered to comply with relevant Local Development Plan policy criteria, as further discussed below.

Design and Layout

- 69 A design statement was received with the original submission, in line with Policy PM2, setting out the basic design approach and the resultant response to the wider site context. The proposed buildings are to be positioned in regular blocks, reflecting the existing scale, form and relationship of neighbouring units, with landscaping proposed around the edges and parking/servicing courtyards fronting the blocks. The proposed building line on Kilda road, broadly respects that already existing.
- 70 The application of a consistent, simple design approach across all the building units is supported, using a simple muted palette of finishing materials. Overall, the proposed design, scale, finishes and layout of the buildings within the relative infill relationship between ranges of existing industrial buildings is considered appropriate in this context.

Landscaping

- 71 Additional landscaping detailing was requested in writing, resulting in a more detailed plan produced, including heavy standard tree planting, and hedge planting proposals. The updated plan also now includes a proposed section of meadow grass planting, reflecting recommendations from the Council biodiversity officer.

Visual Amenity

- 72 The proposed building group and associated infrastructure at this site will conclude development on Kilda road and a section of Arran Road, tidying up an area of infill scrubland. There is not considered to be any adverse impact in relation to visual amenity through the development proposals.

Traffic and Transport

- 73 Policy TA1B of the LDP requires a full assessment of the impact of the development to pedestrian and traffic safety to be undertaken. The submission included a Transport Statement (TS) which outlines the implications on the road network of the proposed development. The TS was considered to adequately assess the impact that it will have on transport networks. It also identified that the site has previously been assessed as part of the wider development of the North Muirton Industrial Site/Food & Drink Park and appropriate mitigation in the form of a new signalised junction has already been provided. There is also considered to be identified adequate provision for vehicle parking along with cycle parking for the various units.
- 74 Overall, I am satisfied that the proposal meets the requirements of Policy TA1B of the Local Development Plan, provided appropriate conditions are applied, in the interests of pedestrian and traffic safety.

Drainage and Flooding

- 75 Policy EP2 relates to flooding and states that 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 possibility of flooding from any source.
- 77 As a result of the 1993 Perth floods, a Flood Protection Scheme was built extending from the Mill Lade intake at Almondbank to Friarton Bridge downstream of Perth. The application site is within the area protected by that flood prevention scheme, which provides protection to the area from a 1 in 250 year flood event.
- 78 SEPA has objected to the proposed development in principle, on the grounds that it may place buildings and persons at flood risk contrary to Scottish Planning Policy.
- 79 They indicate that there is a shared duty with Scottish Ministers and other responsible authorities under the Flood Risk Management (Scotland) Act 2009 to reduce overall flood risk and promote sustainable flood risk management. The cornerstone of sustainable flood risk management is the avoidance of flood risk in the first instance. They recommend that alternative locations be considered.
- 80 They go on to state that development on ‘undeveloped sites’ behind a flood prevention scheme would add to the overall numbers of properties and people at risk and would therefore be contrary to the policy principles of SPP (para 255) and the aspirations of the Flood Risk Management Act to reduce overall risk.
- 81 Conversely, SPP para 263 states (subject to mitigation – such as water resistant materials)
- “• Medium to High Risk – annual probability of coastal or watercourse flooding is greater than 0.5% (1:200 years)
– May be suitable for:
residential, institutional, commercial and industrial development within ‘built-up areas’ provided flood protection measures to the appropriate standard already exist and are maintained, are under construction, or are a planned measure in a current flood risk management plan;”*
- 82 In this case, the Planning Authority in consultation with the Council’s Flooding Team, consider the land subject to this application to be within a built up area as set out in SPP para 263 and on previously developed land.
- 83 Within the glossary of SPP (2014) it defines Brownfield land as:- *Land which has previously been developed. The term may cover vacant or derelict land, land occupied by redundant or unused building and developed land within the*

settlement boundary where further intensification of use is considered acceptable.

- 84 In this instance, the application site has been subject to infrastructure and associated engineering operations, which are evident from site visit. It was also noted that the land extending to the north has been subject to the infrastructure works associated with planning consent 12/01356/FLM. On this basis, we consider the site to be both developed and located within a built up area. As indicated within the policy section above, this site is formally adopted as part of zoned site E3 within the LDP 2014. Therefore; the Planning Authority does not share SEPA's view, that the land subject to this application is undeveloped.
- 85 It also worth noting that historically, SEPA offered no objection to the wider developable area, including planning application 12/01356/FLM; stating and accepting that whilst the site is indicated to fall within river and coastal flood mapping (Scotland), the mapping did not take into account the flood prevention scheme, which offers protection up to 1:250 year flood event and would therefore be at a low risk of fluvial flooding from the river Tay and Almond. On that basis, the infrastructure works subject to the 2012 application have been undertaken in full with associated investment committed.
- 86 Given the above, we consider the proposed development of this site to accord with Policy EP2 of the LDP and the wider national policy position of the SPP. On the basis of this recommendation, contrary to SEPA's objection and in accordance with The Town and Country Planning (Notification of Applications) (Scotland) Direction 2009 there is a requirement to refer this recommendation to Scottish Ministers for their consideration.
- 87 Policy EP3B relates to foul drainage and states that developments within or close to settlements should connect to the public sewer unless there are specific costing reasons as to why a public sewer connection is not possible.
- 88 The Council's Flood team originally sought additional information on eight different points in relation to surface water and drainage treatment. The flooding team were content with additional information received in April and May 2016 in relation to the wider drainage strategy. SEPA also clarified in their response that they had no objections to the surface water and drainage treatment proposals.
- 89 The Flood team were satisfied with the finalised drainage options proposed, clarifying that the final design will however be governed by what Scottish Water agree as the allowable outflow from the site into the existing sewer (currently 5 litres per second). The Flood team requested that an informative be included to point out that any future site owners should be made aware of their maintenance obligation in relation to the proposed porous paving elements.

Developer Contributions

- 90 The Council Transport Infrastructure Developer Contributions Supplementary Guidance, which relates directly to Policy PM3: Infrastructure Contributions requires a financial contribution towards the cost of delivering the transport

infrastructure improvements, which are required for the release of certain categories of development sites in and around Perth.

- 91 The application was originally validated on 06 November 2015. In line with the adopted Transport Infrastructure Supplementary Guidance August 2014, the proposals triggered a requirement to make a contribution towards Transport Infrastructure. A consultation response was submitted by the Development Negotiation Officer on 03 December 2015, seeking a total contribution of £85,481.
- 92 In late 2015 a review of the Transport Infrastructure Supplementary Guidance was undertaken. A report was approved by E&I Committee on 23 March 2016, which agreed changes to the Guidance, applying to all new applications submitted from 01 April 2016.
- 93 One of the principal changes to the Guidance included application's to new employment use proposals. Paragraph 6.7 of the Guidance states *'In order to support the economic growth of Perth and Kinross new employment uses which fall under the Employment Land Use category of the Transport Infrastructure section of this Guidance and which are to be developed on brownfield land will not be required to make a contribution.'*
- 94 The application site, which sits within a built up area and has been previously developed through the historic provision of a dedicated vehicular access, is interpreted by the Guide to broadly constitute brownfield land. Under the revised Guidance, if this proposal had been submitted after 01 April 2016, it would not attract the requirement for a contribution towards Transport Infrastructure. Looking at the assessment of this submission pragmatically, this would also apply if the current application was withdrawn and resubmitted.
- 95 The Council is seeking to support the delivery of economic development land and the shift in the Guidance in relation to the application of the Transport Infrastructure Guidance reflects this. It is therefore recommended that due to the change in position, the requirement for a contribution towards transport infrastructure from this proposal is not pursued.

Neighbouring Amenity

- 96 To the south east of the application site is an established area of housing at Muirton. Some of the housing would be within 100m of the application site boundaries. As previously outlined, the site is within a designated area of employment land. Policy ED1A requires all uses to be compatible with its surroundings. Policy ER8 refers to noise pollution.

- 97 Following site visits, it was evident that the majority of uses in the immediate vicinity comprise similar industrial based uses. Environmental Health highlighted the potential for the amenity of householders to be adversely affected by future activities of occupiers of the serviced units within this development, due to the proximity. As a consequence, appropriate conditions have been recommended to control lighting; noise levels; hours of business operation; deliveries and the operation of plant and ventilation equipment associated with any future occupiers. Given the overall relationship of the site with immediate neighbouring land uses and the associated recommended conditions proposed, I am satisfied there will be no adverse impact on residential amenity as a result of the proposals.

Air Quality

- 98 Although the site is within the Perth Air Quality Management Area (Policy EP11), the site is not in close proximity to any of Perth's hotspot areas and due to the scale and location of the development, Environmental Health did not consider that there will be any adverse effect on ambient air quality, taking a similar consultation position to planning application 12/01356/FLM.

Lighting

- 99 Policy EP5 of the LDP relates to light pollution and seeks to prevent statutory nuisance from occurring due to lighting. Environmental Health has recommended conditions controlling any external lighting elements.

Ecology/Biodiversity

- 100 Policy NE3 of the LDP requires new development to take account of any potential impact on natural heritage including protected species and states that the Council should seek to protect and enhance all wildlife and wildlife habitats whether formally designated or not.
- 101 When determining applications the Planning Authority is required to have regard to the Habitats Directive and the Habitats Regulations. Consideration of how 'European Protected Species' (EPS) are affected must be included as part of the consent process, not as an issue to be dealt with at a later stage. Three tests must be satisfied before the Scottish Government can issue a license under regulation 44(2) of the Habitats Regulations so as to permit otherwise prohibited acts.
- 102 Given the existing predominant grassland nature of the site and immediate neighbouring land uses, it is considered unlikely that the site currently has any high biodiversity value, albeit the Councils biodiversity officer has stated that existing self-seeding trees and hedging does provide some potential habitats suitable for small mammals, invertebrates and birds.

- 103 Through ensuring diligence during the pre-construction phases including conditional control, I am satisfied that the proposals can comply with Policy NE3. The River Tay Special Area of Conservation (SAC) sits to the east of the site. Due to its remoteness from the Tay SAC boundaries and through a wider assessment of the wider neighbouring site areas, the proposals are considered to comply with Policy NE1A.

Ground Conditions

- 104 Policy EP12 of the LDP indicates that any potential contaminated land on an application site requires to be considered. No comments were received in relation to ground conditions from Environmental Health. The site is considered to have been previously developed through the associated engineering operations and construction of a road junction, with no known issues of ground contamination identified.

Economic Impact

- 105 The economic impact of the proposed economic development units are considered to be moderate. Employment opportunities will exist during the construction phase and then thereafter, through take-up of the units. The delivery of this infill site will neatly finish off this part of North Muirton Industrial Estate, and will assist with the delivery of strategic employment objectives for Perth as identified in TAYplan and also the wider aspirations of the Perth City Plan.
- 106 This development would ultimately facilitate the establishment of new business and permanent employment opportunities, with potential for further spin-off service jobs. Based on the UK Government Homes and Communities Agency 'Employment Density Guide' (2015), the proposed uses are forecast to generate up to:
- 90 Full Time Equivalent (FTE) employee opportunities if the proposed floor space was all taken up by storage and distribution uses,
 - 200 (FTE) for general industrial uses or
 - 650 (FTE) for office uses.

It is considered that the realistic likelihood is for the overall employment opportunities to remain towards the lower end of this scale.

LEGAL AGREEMENTS

- 107 None required.

DIRECTION BY SCOTTISH MINISTERS

- 108 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. Given the objection position from SEPA (a government agency), there is a requirement to notify Scottish Ministers of this recommendation.

CONCLUSION AND REASONS FOR RECOMMENDATION

- 109 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.
- 110 It is considered that the application is in accordance with the adopted Development Plan, the site is allocated as part of Employment site E3 in the LDP with the proposed density, layout, siting and associated landscaping proposals considered to be acceptable within the immediate site context.
- 111 I have taken account of material considerations, including the review of an objection from statutory consultee SEPA, but do not consider this position to justify the refusal of this application. The application is therefore recommended for approval, subject to associated conditions and referral to Scottish Ministers.

RECOMMENDATION

A Approve subject to the following conditions and referred to Scottish Ministers

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

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

- 2 The developer shall ensure that during the construction of the development that all surface water is controlled, treated and discharged under the principles of SUDS all to the satisfaction of the Council as Flood Authority.

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

- 3 For the avoidance of doubt, any retail and trade sale elements associated with any individual operational unit shall not exceed 20% of the overall floor area of the unit.

Reason – In order that the Planning Authority may retain control over the future use of the land, which is located within an area designated primarily for employment uses.

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

Reason – In order to protect the visual amenity of the area.

- 5 The detailed landscaping and planting scheme which is hereby approved shall be implemented as part of the site development programme and thereafter maintained.

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

- 6 Any planting failing to become established within five years shall be replaced in the following planting season with others of similar size, species and number unless otherwise agreed in writing with the Council as Planning Authority.

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

- 7 All plant or equipment including any ventilation system associated with any of the commercial units shall be so enclosed, attenuated and/or maintained such that any noise there from shall not exceed Noise Rating 35 between 0700 and 2300 hours daily, or Noise Rating 25 between 2300 and 0700 hours daily, within any neighbouring residential premises, with all windows slightly open, when measured and/ or calculated and plotted on a noise rating curve chart.

Reason - In order to safeguard the residential amenity of the neighbouring area.

- 8 The hours of business for units shall be limited to 0700 hours to 1900 hours Monday to Sunday unless otherwise agreed in writing with the Planning Authority.

Reason - In order to safeguard the residential amenity of the neighbouring area.

- 9 Commercial and Industrial deliveries shall be limited to Monday to Saturday 07.00 to 19.00 and at no other time unless otherwise agreed in writing with the Planning Authority.

Reason - In order to safeguard the residential amenity of the neighbouring area.

- 10 For commercial and industrial areas all external lighting to be installed shall be sufficiently screened and aligned so as to ensure that there is no direct illumination of neighbouring land and that light spillage beyond the boundaries of the site is minimised.

Reason - In order to avoid unnecessary light pollution and safeguard the residential amenity of the neighbouring area.

- 11 Effective ventilation systems should be installed, operated and maintained in any units that are to be used for the production of food such that cooking odours are not exhausted into or escape into any neighbouring dwellings.

Reason - In order to safeguard the amenity of the neighbouring area.

- 12 Removal of existing vegetation, including hedgerows, trees, shrubs and scrub, shall be avoided between 1st March and 31 August inclusive, unless a competent ecologist has undertaken a check of the vegetation for active birds' nests immediately prior to commencement of site clearance works and provided written confirmation that no birds will be harmed and/or that that appropriate measures are in place to protect nesting bird interest on site. Any such written confirmation shall be submitted to the Planning Authority.

Reason - In the interests of employing best practice ecology.

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

- 14 Prior to the occupation and use of the approved development all matters regarding access, car parking, cycle parking, street lighting, 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 within the National Roads Development Guide and to the satisfaction of the Planning Authority.

Reason – In the interests of pedestrian and traffic safety.

- 15 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, the system of management, monitoring, review, reporting and the duration of the plan.

Reason – To encourage the use of sustainable modes of transport.

B JUSTIFICATION

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

C PROCEDURAL NOTES

- 1 If supported in line with recommendation, the application will require to be referred to Scottish Ministers.
- 2 In the event that Scottish Ministers refer the application back to the Council for final determination; this should be undertaken utilising delegated powers, incorporating all associated recommendations of this Development Management Committee.

D INFORMATIVES

- 1 This planning permission will last only for three years from the date of this decision notice, unless the development has been started within that period. (See section 58(1) of the Town and Country Planning (Scotland) Act 1997 (as amended).
- 2 Under section 27A of the Town and Country Planning (Scotland) Act 1997 (as amended) the person undertaking the development is required to give the planning authority prior written notification of the date on which it is intended to commence the development. A failure to comply with this statutory requirement would constitute a breach of planning control under section 123(1) of that Act, which may result in enforcement action being taken.
- 3 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 38 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 38 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.

- 4 As soon as practicable after the development is complete, the person who completes the development is obliged by section 27B of the Town and Country Planning (Scotland) Act 1997 (as amended) to give the planning authority written notice of that position.
- 5 The applicant should be advised that in terms of Section 21 of the Roads (Scotland) Act 1984 he must obtain from the Council as Roads Authority consent to construct a new road prior to the commencement of roadworks. Advice on the disposal of surface water must be sought at the initial stages of design from Scottish Water and the Scottish Environmental Protection Agency.
- 6 The applicant should be 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.
- 7 No work shall be commenced until an application for building warrant has been submitted and approved.
- 8 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.
- 9 The applicant is advised to contact the Council's waste advisers to clarify any bin storage requirements in relation to individual unit uptake.
- 10 The applicant is advised that any future site owners should be made explicitly aware of their obligation in relation to the proposed maintenance responsibilities of the porous paving elements.

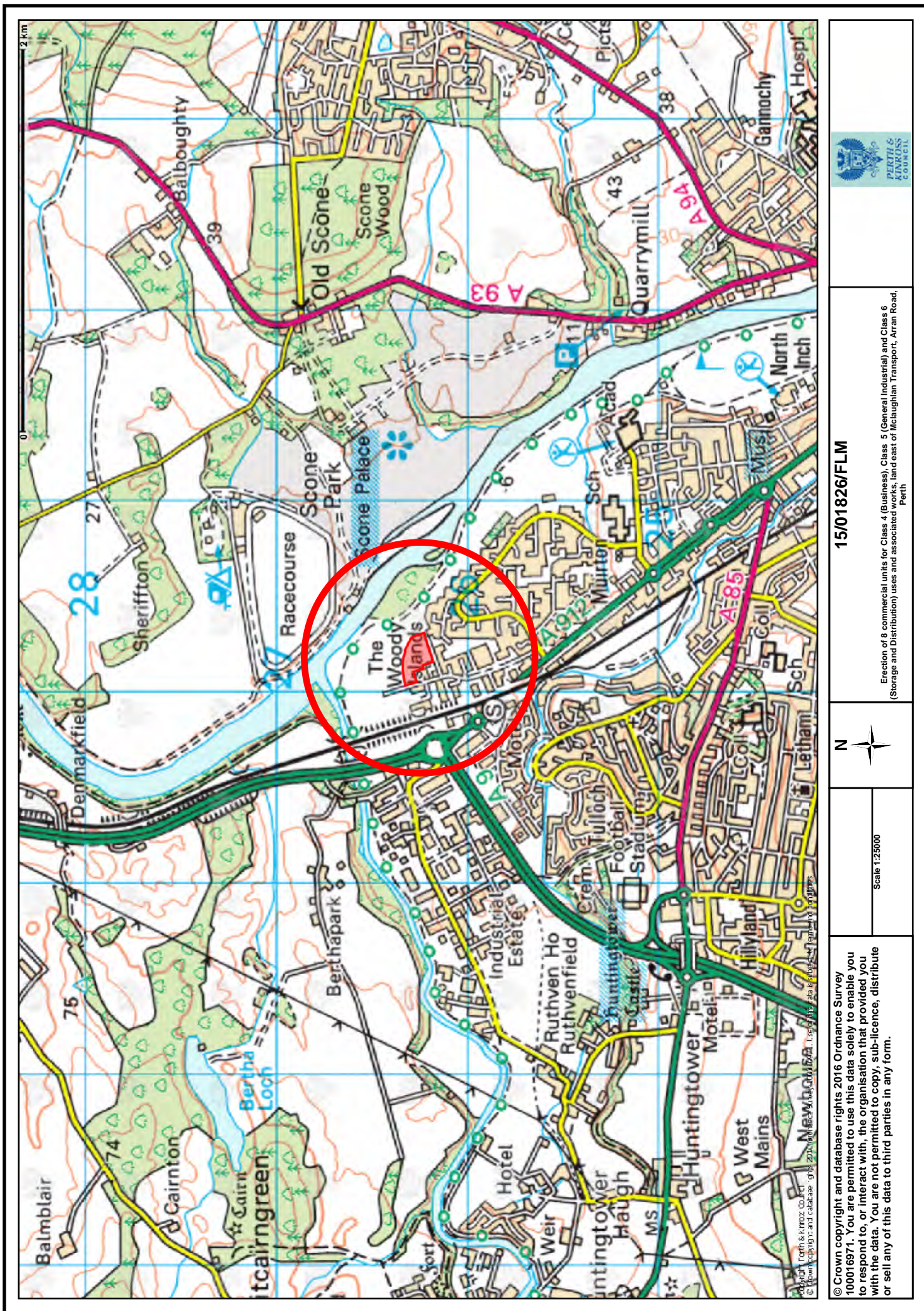
Background Papers: None
Contact Officer: Callum Petrie Ext 75353
Date: 29 June 2016

Nick Brian
Development Quality Manager

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Perth and Kinross Council
Development Management Committee – 13 July 2016
Report of Handling by Development Quality Manager

Residential development of 203 dwellings (Phases 6-8) of Muirton Regeneration
Masterplan Perth

Ref. No: 16/00401/FLM
Ward No: N12 Perth City Centre

Summary

This report recommends approval of the application for a development comprising 203 residential units for the last three phases (6-8) of the Muirton Regeneration Area off Dunkeld Road in Perth as the development proposals are considered to comply with the relevant provisions of the Development Plan and there are no material considerations apparent which would outweigh the Development Plan.

BACKGROUND AND DESCRIPTION

- 1 The planning application site is located 1.5km north of Perth City Centre and covers a site area of 5.13 hectares. The site is largely flat following demolition of over 600 tenement flats in the 1990's. The site does not benefit from any specific allocation in the Local Development Plan 2014 but is classed as urban brownfield land. A regeneration masterplan for Muirton that includes this site was first approved by the Councils Environment and Infrastructure Committee in 2004 and updated again in 2009. Immediately adjacent to the site are Phases 1 to 5 of the regeneration masterplan which has been an ongoing development since 2004. Phase 5 is currently under construction.
- 2 The site is bounded on all sides by existing development in particular residential with some commercial and retail uses to the west facing onto Dunkeld Road. Most of the existing residential units are the earlier phases of the Muirton regeneration and includes a mix of housing types, design and materials.
- 3 There are three existing roads within the site that connect into the existing street network. The connections are between Dunkeld Road, Gowans Terrace and Ainslie Gardens. There is also a link road that connects to Carnegie Place, which is currently blocked with bollards by PKC. There are also significant traffic calming measures designed into the previous development phases which link into the proposed site.
- 4 This proposal seeks to formally establish the final three phases of the approved masterplan development for the regeneration of Muirton. The proposed scale of development is for 203 dwellings with a mix of the dwelling types ranging from 1 to 4 bedroom units. 102 units will be affordable dwellings delivered by a Social Rented Landlord (Caledonia Housing Association) and the remaining 101 units will be open market dwellings. Of these, 20 of the private housing are Low Cost Home Ownership flats, 12 are private flats and 69 are semi-detached

or terraced dwellings. The 102 affordable houses are semi-detached, terraced or cottage style flats.

- 5 The proposed development largely integrates with the existing street layout and connections, that can be traversed by pedestrians, cyclists and by vehicles. Shared space is featured throughout the proposed development and there are pavement build outs proposed at certain locations to reduce traffic speeds. A hierarchy of streets has been proposed through the use of different paving types. Three areas of open greenspace, including a play area is proposed throughout the site.
- 6 The proposed principal materials include light and dark red brick and light and dark grey concrete roof tiles. Flats are proposed facing onto Dunkeld Road which provide a distinctive entranceway into the proposed development from the west. The flats are of a modern design and have been designed with consideration of neighbouring building lines.

ENVIRONMENTAL IMPACT ASSESSMENT

- 7 Due to the scale of the proposal it will require to be screened as to whether the proposal is an Environmental Impact Assessment (EIA) development under the EIA 2011 regulations. A screening request was submitted in January 2016 and it found that an EIA is not required in this instance.

PRE-APPLICATION PROCESS

- 8 The proposed development is classed as a Major development under class 9 of the Town and Country Planning (Hierarchy of Developments) (Scotland) Regulations 2009. This requires pre-application consultation with the local community to be undertaken. The Proposal of Application Notice (reference 15/00019/PAN) outlined a public exhibition was held on 16 December 2015 at North Inch Community Campus. The Ward Councillors for the area (Cllrs Barrett, Parrott, MacLellan and Stewart) were consulted by the applicant as well as North Inch and Muirton Community Council, North Muirton Community Council and Tulloch Residents Association. The results of the community consultation is submitted with the application as part of the Pre-Application Consultation (PAC) Report.

NATIONAL POLICY AND GUIDANCE

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

National Planning Framework

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

application. The document provides a national context for development plans and planning decisions as well as informing the on-going programmes of the Scottish Government, public agencies and local authorities.

The Scottish Planning Policy 2014

- 11 The Scottish Planning Policy (SPP) was published on 23 June 2014. It sets out national planning policies which reflect Scottish Ministers' priorities for operation of the planning system and for the development and use of land. The SPP promotes consistency in the application of policy across Scotland whilst allowing sufficient flexibility to reflect local circumstances. It directly relates to:
 - The preparation of development plans.
 - The design of development, from initial concept through to delivery.
 - The determination of planning applications and appeals.
- 12 Of relevance to this application are;
 - Paragraphs 24 – 35: Sustainability
 - Paragraphs 36 – 57: Placemaking
- 13 A successful Sustainable Place
 - Paragraphs 126 – 131 Affordable Housing
 - Paragraphs 135 – 151 Valuing the Historic Environment
- 14 A Natural, Resilient Place.
 - Paragraphs 219 – 233 Maximising the Benefits of Green Infrastructure
 - Paragraphs 254 – 268 Managing Flood Risk & Drainage
- 15 A Connected Place
 - Paragraphs 286 – 291 Promoting Sustainable Transport and Active Travel
- 16 The following Scottish Government Planning Advice Notes (PAN) are also of interest:
 - PAN 2/2010 Affordable Housing and Housing Land Audits
 - PAN 1/2011 Planning and Noise
 - PAN 40 Development Management

- PAN 51 Planning, Environmental Protection and Regulation
- PAN 58 Environmental Impact Assessment
- PAN 60 Planning for Natural Heritage
- PAN 61 Planning and Sustainable Urban Drainage Systems
- PAN 63 Waste Management Planning
- PAN 65 Planning and Open Space
- PAN 67 Housing Quality
- PAN 68 Design Statements
- PAN 69 Planning & Building Standards Advice on Flooding
- PAN 75 Planning for Transport
- PAN 79 Water and Drainage
- PAN 83 Masterplanning

Designing Places 2001

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

Designing Streets 2010

- 18 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

- 19 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

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

TAYPlan Strategic Development Plan 2012-2032

- 21 TAYPlan sets out a vision for how the region will be in 2032 and what must occur to bring about change to achieve this vision. The vision for the area as set out in the plans states that:

“By 2032 the TAYplan region will be sustainable, more attractive, competitive and vibrant without creating an unacceptable burden on our planet. The quality of life will make it a place of first choice where more people choose to live, work, study and visit, and where businesses choose to invest and create jobs”

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

Policy 1 – Location Priorities

- 23 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

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

Policy 3: Managing TAYplan’s Assets

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

Policy 5: Housing

- 26 Seeks to ensure there is a mix of housing type, size and tenure that meets the needs and aspirations of a range of different households throughout their lives including the provision of affordable housing.

Policy 6: Energy and Waste/Resource Management Infrastructure

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

Perth and Kinross Local Development Plan 2014

- 28 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.
- 29 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.”
- 30 Under the LDP, the following policies are of particular importance in the assessment of this application.

Policy PM1A - Placemaking

- 31 Development must contribute positively to the quality of the surrounding built and natural environment, respecting the character and amenity of the place. All development should be planned and designed with reference to climate change mitigation and adaptation.

Policy PM1B - Placemaking

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

Policy PM1C - Placemaking

- 33 Proposals of more than 200 houses or 10 ha should create a sustainable neighbourhood and seek to meet the key needs of residents or businesses either within or adjacent to the development. A Masterplan will be required in most cases.

Policy PM2 - Design Statements

- 34 Design Statements should normally accompany a planning application if the development comprises 5 or more dwellings, is a non-residential use which exceeds 0.5 ha or if the development affects the character or appearance of a Conservation Area, Historic Garden, Designed Landscape or the setting of a Listed Building or Scheduled Monument.

Policy PM3 - Infrastructure Contributions

- 35 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

- 36 In identified areas, residential amenity will be protected and, where possible, improved. Small areas of private and public open space will be retained where of recreational or amenity value. Changes of use away from ancillary uses such as local shops will be resisted unless supported by market evidence that the existing use is non-viable. Proposals will be encouraged where they satisfy the criteria set out and are compatible with the amenity and character of an area.

Policy RD4 - Affordable Housing

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

Policy TA1A - Transport Standards and Accessibility Requirements

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

Policy TA1B - Transport Standards and Accessibility Requirements

- 39 Development proposals that involve significant travel generation should be well served by all modes of transport (in particular walking, cycling and public transport), provide safe access and appropriate car parking. Supplementary Guidance will set out when a travel plan and transport assessment is required.

Policy CF1B - Open Space Retention and Provision

- 40 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

- 41 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

- 42 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 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.

OTHER POLICIES

- 53 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
- 54 **Open Space Standards (2001)** - Sets out the Councils adopted open space adoption standards for new residential developments, which gives developers three viable options to pursue/proposed as part of their development.

Perth & Kinross Corporate Plan 2013-2018

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

The Perth City Plan 2015 – 2035

- 56 This plan produced by the City Development Board sets out the long-term vision for Perth as one of Europe's great small cities. It sets out a framework for investment in strategic infrastructure, along with a 5 year delivery plan for economic development and placemaking.

PLANNING SITE HISTORY

- 57 The following history is of particular importance.

October 2004: Masterplan approved by Environment and Infrastructure Committee for regeneration of the Muirton area following demolition of 600 tenement flats in the 1990's

04/02282/FUL: Phase 1 of Muirton Regeneration Masterplan with erection of 57 dwellings, new roads and associated landscaping. Approved under delegated powers February 2005

06/01648/FUL: Phase 2 and 3 of Muirton Regeneration Masterplan with the erection of 92 dwellings. Approved under delegated powers December 2006

January 2009: Revised and Updated Masterplan approved by Environment and Infrastructure Committee for the continued regeneration of the Muirton area

09/01389/FLL: Modification of Phase 3 of Muirton Regeneration Masterplan to amend layout of 27 dwellings. Approved by Development Management Committee November 2009

10/01109/FLL: General landscape work including play area provision associated with Muirton Regeneration Masterplan. Approved by Development Management Committee October 2010

10/1700/FLL: Phase 4 of Muirton Regeneration Masterplan with the erection of 40 dwellings and boundary treatment. Approved by Development Management Committee February 2011

14/01443/FLL: Phase 5 of Muirton Regeneration Masterplan with the erection of 25 dwellings and associated landscape work. Approved under delegated powers October 2014

CONSULTATIONS

EXTERNAL

Scottish Environmental Protection Agency (SEPA)

- 58 No objection to the proposal.

Scottish Water

- 59 No response received.

Transport Scotland

- 60 No objection to the proposal.

Historic Environment Scotland (HES)

- 61 No objection to the proposal.

North Inch and Muirton Community Council

- 62 No response received.

North Muirton Community Council

- 63 No response received.

Tulloch Residents Association

- 64 No response received.

INTERNAL

Strategic Planning and Policy

- 65 No objection to the proposal.

Transport Planning

- 66 No objection to the proposal.

Environmental Health

- 67 Initially raised concerns regarding lack of information submitted in terms of air quality. They have revised their position to 'no objection'.

Biodiversity Officer

- 68 No objection to the proposal.

Flood Risk and Structures

- 69 No objections and are satisfied with the competency of the Flood Risk Assessment and Drainage Strategy. Specific conditions are recommended to ensure there is no flood risk to existing and future residential properties.

Community Greenspace

- 70 No objection to the proposal.

Waste Services

- 71 No objection to the proposal.

Developer Negotiations/Affordable Housing

- 72 No developer contributions required as site is part of an ongoing regeneration masterplan since 2004.

REPRESENTATIONS

- 73 The application has attracted 1 representation against the proposal with this being primarily concerned about the loss of a mature tree at Ainslie Gardens.
- 74 This issue is addressed under the Appraisal section of this report.

ADDITIONAL STATEMENTS

75	Environment Statement	Screened – Not Required
	Screening Opinion	Submitted
	Environmental Impact Assessment	Not Required
	Appropriate Assessment	Not Required
	Design Statement/Design and Access Statement	Submitted
	Report on Impact or Potential Impact	Flood Risk Assessment, Transport Statement and Air Quality Assessment

APPRAISAL

Policy

- 76 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.
- 77 The most relevant policies of the Development Plan are TAYplan Strategic Development plan 2012 and Perth and Kinross Local Development Plan 2014 including Supplementary Guidance.

Principle

- 78 TAYplan Policy 1 (Location Priorities) focuses the majority of development to Tier 1 settlements as they have the greatest potential to accommodate the majority of the region's additional development in the next 20 years. The proposed site is located within the Tier 1 settlement of Perth and is within the Perth Core Area and therefore complies with the objective of this policy.

Design, Scale and Layout

- 79 The proposed layout broadly follows the parameters of the approved masterplan for the site and includes reasonably generous open space and takes account of the site's importance alongside a main route into the City of Perth. The proposed layout takes cognisance of Designing Streets and the National Roads Development Guide and incorporates appropriate natural surveillance of open space, the children's play area and the main pedestrian and cycle routes.
- 80 Building heights are important to the successful integration of any new development into the existing built environment. The proposed development introduces taller buildings at key gateways into the site, which clearly defines the edges of the new neighbourhood. These are considered to be well designed and provide a strong attractive entrance into the site.
- 81 Three and four storey flats are proposed at the Dunkeld Road access, forming a clearly defined gateway into the site. The height of the flats creates a continual frontage along Dunkeld Road and is considered to sit well in relation to the adjoining existing commercial centre/retail units.
- 82 Three storey townhouses are proposed at Gowans' Terrace to define the gateway and entrance into the site. The majority of the site is two storey which is considered appropriate and helps to integrate this phase of development with the existing masterplan. Some single storey housing is also proposed at the centre of the development and has been designed for use by the elderly.
- 83 The layout also includes a hierarchy of surfaces that assist in achieving a sense of place with proposed 'secondary treatments' on street edges. The street layout is considered to be usable and broadly achieves Designing Streets policy objectives.
- 84 The proposed layout and linkages ensure the site has appropriate levels of permeability and connectivity for all modes of transport, especially public transport, pedestrians and cyclists with footpaths connecting up with the existing network and onto public transport connections.
- 85 The massing and scale of the dwellings can be accommodated within the plots without having an adverse impact on the amenity of neighbouring properties and works within the parameters of the established masterplan. The proposed density of development of 203 dwellings is considered to be acceptable at this location and most dwellings will benefit from reasonably generous garden sizes and none of the properties should adversely impact on the amenity enjoyed by neighbouring properties or land uses in terms of overlooking or overshadowing.

- 86 In terms of design and finish the proposed materials integrate well with the existing earlier phases, whilst respecting the wider context too. To create a distinct sense of place, which helps define the final phases of the regeneration of the area, feature gables have been strategically placed to provide key views through the site, enhance way-finding and creating some character.
- 87 A limited materials palette is proposed which avoids unnecessary window treatment and the predominant material is a multi-tone facing brick. A second lighter tone of facing brick is employed on certain blocks where they are located in visually prominent positions. These help create some visual interest and character.
- 88 Two shades of roof tiles are proposed to differentiate certain character areas. Buildings at the edge of the development, at key nodes or set around one of the open spaces will have a slightly darker roof tile to help provide some variety of colour.
- 89 It is considered that the materials proposed whilst respecting the surrounding earlier phases will also provide a distinct, attractive and modern feel for the last three phases of the regeneration masterplan.
- 90 The proposals are considered appropriate in terms of design, scale and layout and satisfies the policy objectives of Designing Places, Designing Streets and the Councils Placemaking Policies.

Affordable Housing

- 91 Just over 50% (102 units) of the proposed development will be affordable housing and will be delivered and managed by Caledonian Housing Association. Delivery of this will be dealt with via the Section 75 Legal Agreement. As a consequence, the proposal comfortably complies with the Councils Affordable Housing Policy.

Transport and Access

- 92 Because of the existing road network within the site and surrounding it, the site is easily accessible to all modes of transport including public transport, walking and cycling. The proposed development seamlessly connects up with the existing transport infrastructure and earlier phases provide a very permeable development. Pedestrian/cycle links will be provided between the development site and the existing local facilities.
- 93 Transport Planning and Transport Scotland have raised no issues and overall the transport and access strategy provides excellent vehicle access onto Dunkeld Road and the wider transport network and permeability for pedestrians and other non-motorised users through the site connecting with local facilities and Perth City Centre.

Transport - Wider Network

- 94 Inverlamond Interchange has known performance issues but Transport Scotland are aware this proposal is the latter part of an ongoing re-development site and as a result have not raised any concerns about impact on the trunk road network.

Sustainable Transport

- 95 In terms of sustainability the site is located in a highly sustainable location just 1.2km north of Perth City Centre. The site is adjacent to Dunkeld Road which is a main arterial route in and out of the City Centre. With existing bus services along Dunkeld Road, Gowans Terrace and Balhousie Street all residents should be within 350 metres of a bus stop. This will provide a number of opportunities that will encourage the use of public transport and provide a frequent and attractive service into Perth city centre and to the bus and rail stations.
- 96 The plans also provide paths and cycle paths that are linked to the existing network that should also encourage future residents to walk and cycle.

Open Space and Recreation Provision

- 97 Three interrelated public areas of open/recreation space are proposed across the site. A small park is proposed at the northern gateway into the site and provides a significant enhancement to the public realm and street character of the area. This area of open space allows for the planting of new trees and shrubs that will soften the hard urban edge with Gowlands Terrace and help provide privacy and screening to the proposed housing.
- 98 A play area is proposed in a central location within the development that will benefit from natural surveillance. The play area will provide 200sqm of play space with a range of fixed equipment specifically for those aged between 2-14 years. Older children will be able to travel further within the neighbourhood to other play areas developed in the earlier regeneration phases.
- 99 A linear park is proposed within the southern half of the site and runs in an east-west direction. As well as providing a generous area of open space it will also provide a safe pedestrian route away from vehicle movement with wide footpaths picking up on desire lines across the site.
- 100 During pre-application discussions Community Greenspace agreed that the proposed provision is acceptable. It is considered that the proposed open space and play area will provide an improvement to the existing situation and will be a benefit to both existing and future residents in the area. As a result the proposal complies with LDP Policies CF1 – Open Space Retention and Provision and CF3 – Social and Community Facilities

Air Quality

- 101 Perth and Kinross Council have a statutory duty under the Environment Act 1995 to review and assess air quality within its area. This is done by the Environmental Health Team and under these duties the whole city of Perth was declared an Air Quality Management Area (AQMA) on the basis of exceedances of the annual mean nitrogen dioxide (NO₂) and particulate (PM₁₀) standards and a subsequent Air Quality Action Plan (AQAP) was finalised in 2009. This application is within the boundary of the AQMA, and the scale of the application means it is likely that a number of vehicles will access the centre of Perth for work or leisure. This has the potential to have a detrimental effect on the levels of the aforementioned pollutants and the operation of the AQAP. Due to this the applicant has submitted an air quality assessment which has been assessed.
- 102 Following submission of additional air quality information, Environmental Health have confirmed their support for the proposal. The proposal is considered to comply with LDP Policy EP11 Air Quality Management Area.

Noise

- 103 The planning system has an important role to play in preventing and limiting noise pollution. Although the planning system cannot tackle existing noise problems directly, it has the task of guiding development to the most suitable locations and regulating the layout and design of new development. The noise implications of development can be a material consideration in determining applications for planning permission.
- 104 Given the sites central location within Perth with a mix of surrounding uses it is considered that there are minimal noise issues and Environmental Health have not raised any concern.

Flood Risk and Drainage

- 105 There are proposed connections between the new and existing surface water drainage systems. The Councils Flooding Officer recommends, if not already carried out the Developer will be required to conduct a survey and assess the condition of the existing network to ensure it is of a suitable standard and has capacity to connect to the new network and provide any such evidence to the Council. This can be covered by way of condition.
- 106 Underground storage cells are also proposed as part of SUDS arrangements for the site with hydrobrakes used to restrict flow from the underground storage cells to 1 litre per second. The Council's Flooding Officer has recommended that the developer will need to clarify the return period to which this figure relates. This again can be controlled and agreed by way of condition.
- 107 Overall, the Councils Flooding Officer and SEPA have reviewed the Flood Risk Assessment including Drainage Strategy and have no objection to the

proposal. The proposal is considered to accord with LDP Policy EP3 – Water Environment and Drainage.

Waste

- 108 The Councils Waste Services team provided guidance as part of their consultation response to ensure all properties have the required number and type of bins and that there should be adequate space within each property to accommodate the required bins and that the road network will be able to accommodate the required refuse vehicles to service the site. They have confirmed that all their requirements have been met by the applicant. Having said that some conditional control and informatives will ensure the collection of waste will not be compromised in the future.

Trees

- 109 Concern was raised by a representation regarding the loss of a mature tree at Ainslie Gardens. The Councils Tree Officer was consulted as part of the Community Greenspace consultation. He provided commentary on the proposed trees but raised no issue regarding the loss of the tree referred to in the submitted representation. The loss of any mature tree is always considered unfortunate and if it can be retained as part of the landscaping of the site, we will seek to do so. In the event the tree cannot be retained the proposal looks to provide significant tree planting throughout the site and in particular at gateway locations to create tree lined streets. Given the lack of trees throughout the site it is considered that the proposals will, overall, compensate for the loss of one existing tree.

Sustainability

- 110 The earlier phases of this regeneration have been developed and future proofed to connect into any district heating opportunities that may come forward in the future. It is expected that the same will occur for the last three phases.
- 111 In the interim each dwelling has been designed to accommodate photovoltaic cells on each roof and each dwelling has been designed to minimise energy costs for residents.

Developer Contributions

- 112 A Section 75 legal agreement is required to secure the provision and maintenance of the proposed open space and play area. A Draft Heads of Terms has been prepared and has been agreed with the applicant. It will cover the following topics:
- Open Space Provision and Maintenance
 - Play Area Provision and Maintenance

Economic Impact

- 113 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.
- 114 The development of up to 203 dwellings as will provide a significant increase in available expenditure for the economy of Perth in particular and further afield. The Perth and Kinross Retail Study in 2014 estimate 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 203 dwellings the estimated annual expenditure on convenience and compassion goods will be in the region of £1.15 million. This expenditure should have a significant positive impact on Perth City Centre and the adjacent commercial centres. 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.

PLANNING AUTHORITY WITH AN INTEREST IN THE LAND

- 115 The Town and Country Planning (Notification of Applications) (Scotland) Direction 2009 advises on the procedure for notification of planning applications to the Scottish Ministers for developments in which planning authorities have an interest in. The Direction states that notification to the Ministers is only required where the proposal involves a significant departure from the authority's own Development Plan. As the recommendation of approval for residential development of an urban brownfield site with an approved regeneration masterplan in place is not considered a significant departure from the Development Plan, a notification to the Ministers is not required.

LEGAL AGREEMENTS

- 116 A legal agreement is required to secure provision and maintenance of the proposed areas of open space and play area. A Draft Heads of Terms are suggested and have been agreed between the parties:
- Delivery of open space and associated maintenance
 - Delivery of play area and associated maintenance

DIRECTION BY SCOTTISH MINISTERS

- 117 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

- 118 Section 25 of the Act requires that determination of the proposal should be made in accordance with the provisions of the Development Plan, unless material considerations indicate otherwise. The proposal seeks to formally establish development on the associated site and it is consistent with the objectives of the Development Plan.
- 119 The regeneration of Muirton is a longstanding, committed development site since 2004. The site is well placed to deliver a new well connected sustainable community in Perth. The proposal will provide a significant contribution towards meeting the required dwellings to meet the projected population growth of Perth and Kinross.
- 120 The proposed development will lead to the creation of new homes to meet the predicted population growth, jobs during the construction period and potential additional workforce afterwards. The proposal will significantly assist in meeting local and national targets in a sustainable and measured fashion.
- 121 Overall the proposal is a well-designed high quality proposal that complements the earlier phases of the regeneration masterplan whilst also creating a unique identity within the development. 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 conditions:

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

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

- 2 Prior to the occupation of any residential plot, all matters regarding access, car parking, road layout, design and specification, including the disposal of surface water, shall be in accordance with the standards required by the Council as Roads Authority unless otherwise agreed in writing.

Reason: In the interest of vehicle and pedestrian safety and in accordance with the policies of the adopted Perth and Kinross Local Development Plan 2014.

- 3 The detailed landscaping and planting scheme as approved shall be implemented fully within one calendar year of the commencement of development and thereafter maintained to the satisfaction of the Council as Planning Authority.

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

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

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

- 5 The areas of public open space indicated on the approved landscape and planting drawings shall be planted in accordance with the open space standards of the Planning Authority and completed to phase with the adjacent dwellinghouses in accordance with a programme to be submitted to and agreed in writing with the Planning Authority prior to the commencement of the development. The scheme shall thereafter be maintained to the satisfaction of the Council as Planning Authority.

Reason: In the interests of visual amenity; to ensure a satisfactory standard of local environmental quality and to reserve the rights of the Planning Authority.

- 6 Prior to the commencement of development a detailed layout of the proposed children's play area indicated in the site layout plan shall be submitted for the further approval of the Planning Authority. The play area(s) shall be designed, laid out and equipped in accordance with the Planning Authority's current criteria for play area provision within six months of the occupation of the 50th dwelling on the site. The play area and its facilities/equipment shall thereafter be maintained to the satisfaction of the Council as Planning Authority.

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

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

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

- 8 Prior to the commencement of development the existing drainage infrastructure within the site shall be inspected and details of its condition and any required upgrading shall be submitted to and agreed by the Planning Authority in consultation with Councils Flooding team. Thereafter the development shall be carried out as per the agreed details.

Reason: To reduce flood risk.

- 9 Storm water drainage from all paved surfaces shall be disposed of by means of suitable Sustainable Urban Drainage Systems to meet the requirements of best management practices

Reason: In the Interest of vehicle and pedestrian safety.

- 10 Prior to the commencement of development full drainage calculations and the final layout and depth of the proposed SUDS facilities and associated infrastructure are to be agreed in writing with the Council as Planning Authority, in consultation with the Council's Flooding Team. The agreed detail shall thereafter be implemented prior to the completion of the development.

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

- 11 The developer shall ensure that during the construction of the development that all surface water is controlled, treated and discharged under the principles of SUDS, as contained in the SUDS Manual (C697) and Site Handbook for the Construction of SUDS (C698) published by CIRIA, all to the satisfaction of the Council as Flood Authority.

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

- 12 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: To ensure there is adequate provision for waste disposal and recycling.

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

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

B JUSTIFICATION

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

C PROCEDURAL NOTES

- 1 Consent shall not to be issued until a Section 75 Agreement relating to planning contributions has been completed and signed to reflect the current planning reference 16/00401/FLM. The legal agreement should be concluded and completed within 4 months of the date of any Committee approval. Failure to conclude a legal agreement within 4 months will result in the planning application being re-assessed through failing to comply with the associated developer contributions policy and will be ultimately recommended for refusal under delegated powers.

D INFORMATIVES

- 1 This planning permission will last only for three years from the date of this decision notice, unless the development has been started within that period. (See section 58(1) of the Town and Country Planning (Scotland) Act 1997 (as amended).
- 2 Under Section 27A of the Town and Country Planning (Scotland) Act 1997 (as amended) the person undertaking the development is required to give the Planning Authority prior written notification of the date on which it is intended to commence the development. A failure to comply with this statutory requirement would constitute a breach of planning control under section 123(1) of that Act, which may result in enforcement action being taken.
- 3 As soon as practicable after the development is complete, the person who completes the development is obliged by Section 27B of the Town and Country Planning (Scotland) Act 1997 (as amended) to give the Planning Authority written notice of that position.
- 4 This development will require the 'Display of notice while development is carried out', under Section 27C (1) of the Town and Country Planning Act 1997, as amended, and Regulation 38 of the Development Management Procedure (Scotland) Regulations 2008. 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 38 the notice must be:
 - Displayed in a prominent place at or in the vicinity of the site of the development.
 - Readily visible to the public.
 - Printed on durable material.
- 5 The applicants are advised that they must apply to the Roads Authority, for construction consent to form a new street. Please contact The Construction and Maintenance Manager, The Environment Service, Perth and Kinross Council, The Atrium, Glover Street, Perth.

- 6 The applicant should be aware that the street lighting scheme to be submitted to the Council as Roads Authority as part of their Construction Consent application should include the use of LED lights.
- 7 Please consult the Street Naming and Numbering Officer, The Environment Service, Perth and Kinross Council, Pullar House, 35 Kinnoull Street, Perth PH1 5GD
- 8 The applicant is advised that the granting of planning consent does not guarantee a connection to Scottish Water's assets. The applicant must make a separate application to Scottish Water Planning & Development Services team for permission to connect to the public wastewater system and/or water network and all their requirements must be fully adhered to.
- 9 No work shall be commenced until an application for building warrant has been submitted and approved.

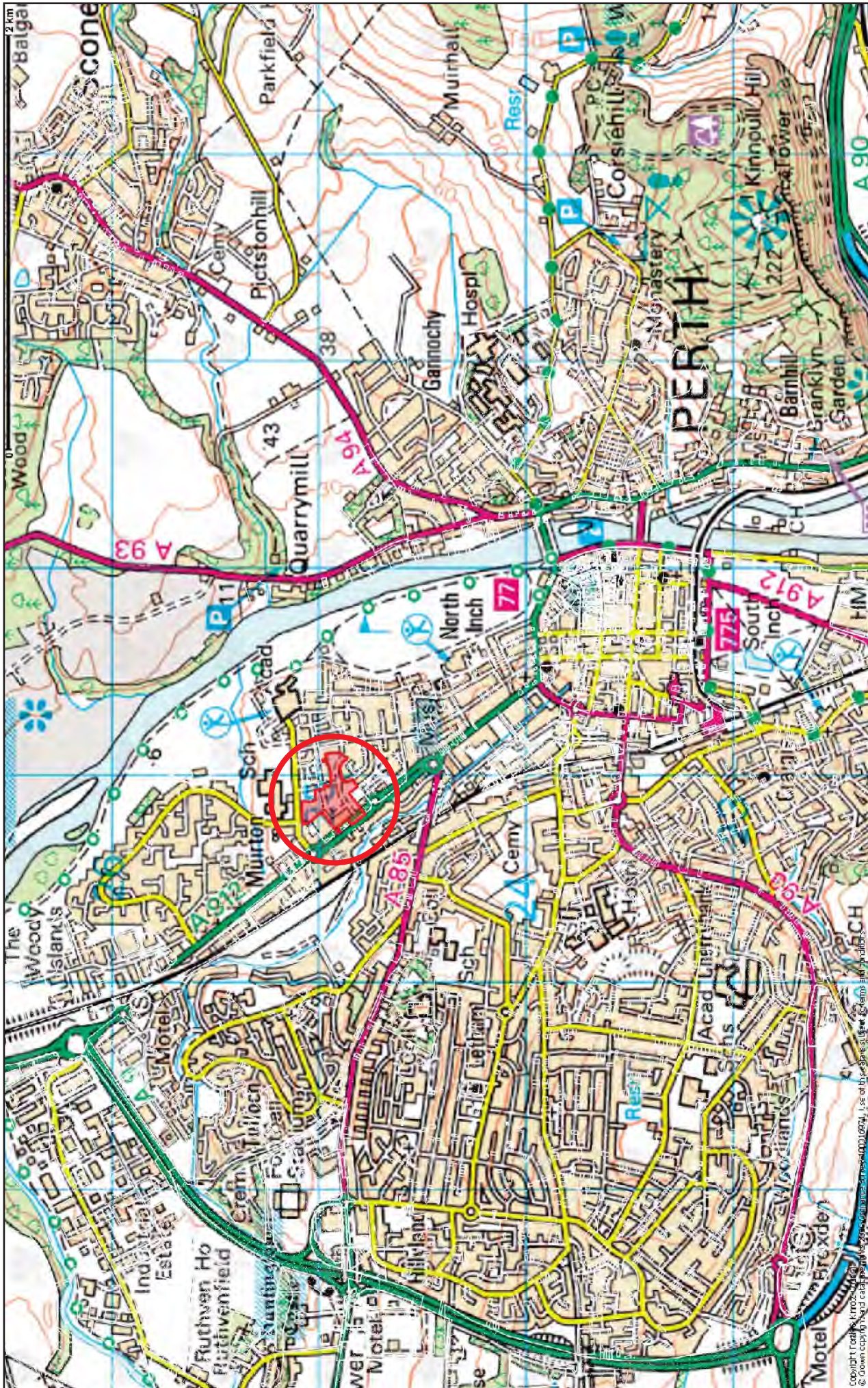
Background Papers: 1 Letter of representation
Contact Officer: Steve Callan – Ext 75337
Date: 28 June 2016

Nick Brian
Development Quality Manager

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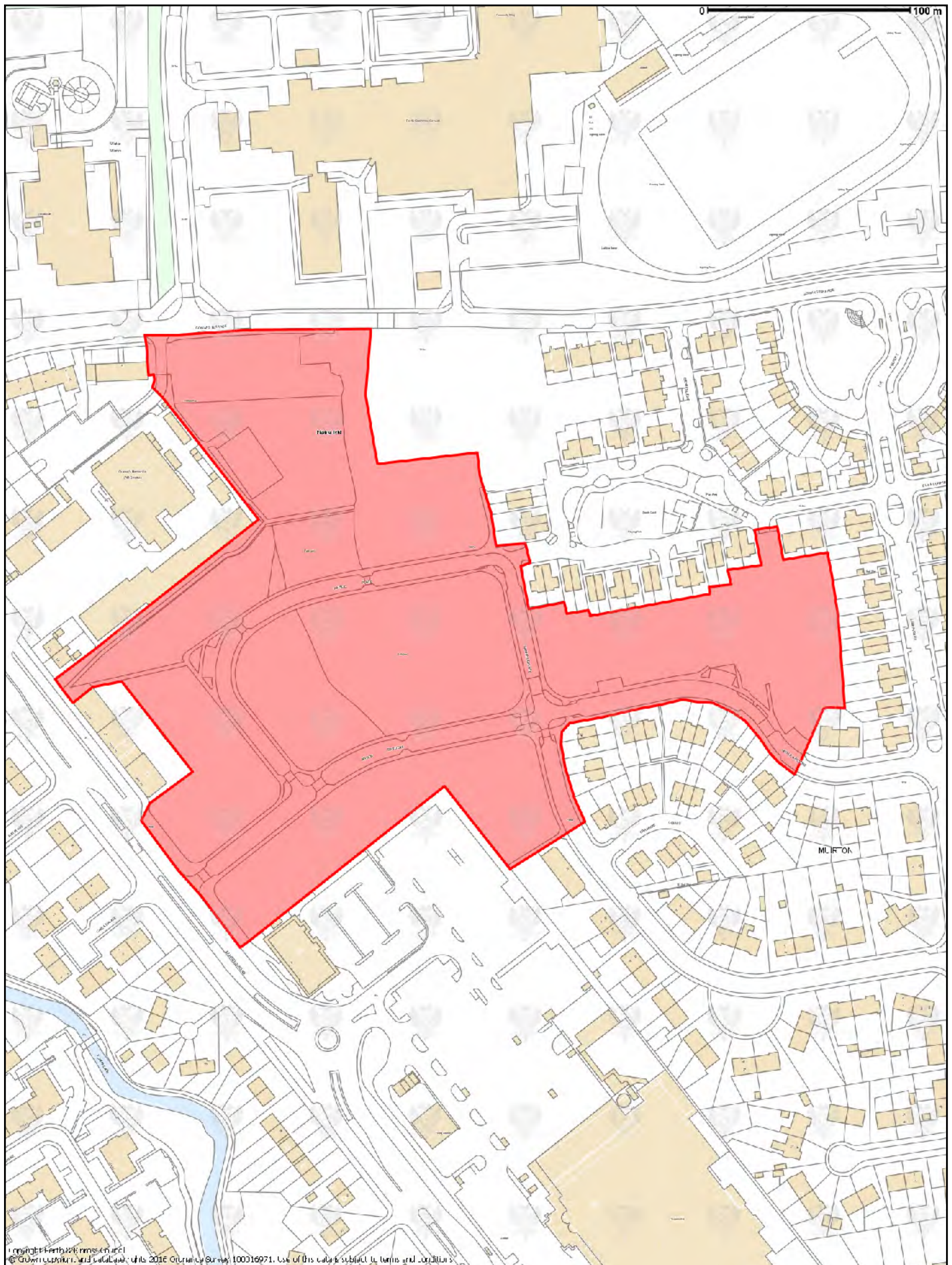
16/00401/FLM

Erection of 203 dwellings with associated car parking, vehicular access, open space, drainage and associated works, land NE of McDonald's, Ainslie Place, Perth



Scale 1:25000

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Scale 1:2500

16/00401/FLM

Erection of 203 dwellinghouses with associated car parking, vehicular access, open space, drainage and associated works, land NE of McDonald's, Ainslie Place, Perth



Perth and Kinross Council
Development Management Committee – 13 July 2016
Report of Handling by Development Quality Manager

Residential development (In Principle) at Duntuim Farm, Aberfeldy

Ref. No: 16/00478/IPM
Ward No: N4 Highland

Summary

This report recommends approval of the In Principle application for a residential development including open space, landscaping, access roads, footpaths, drainage works and ancillary facilities at land 25 Metres South West Of 8, The Beeches Aberfeldy.

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

BACKGROUND

- 1 The site is an area of agricultural land located at the western edge of Aberfeldy and covers a site area of 8.7 hectares. The site lies on the southern slope of the Strathtay Glen with the northern boundary of the site adjacent to the A827 (Kenmore Road) that connects Aberfeldy with Kenmore and beyond to Killin.
- 2 The western and southern boundaries of the development site are contained by agricultural land and farm buildings. Immediately east the site is bordered by residential development and the area of open field at the south-east boundary has planning permission for housing.
- 3 A farm access road dissects the site from the north-east corner traversing the site south-west to access Duntuim Farm. An additional supplementary farm access road and junction is (at the time of the site visit) is in the process of construction to the west of the site.
- 4 A significant feature of the site is the tree-lined burn that dissects it from south to north and discharges via a culvert under the A827 into the River Tay.
- 5 The site is allocated (H37) in the Local Development Plan (LDP) for residential use with a notional figure of 100 dwellings.

PROPOSAL

- 6 The proposed development is an In Principle application and is supported by a masterplan for the site which shows the delivery of 80 dwellings including 20 affordable units. Within the masterplan the following hierarchy of dwelling types have been indicatively represented:

- 1½ storey 4-5 bedroom dwellings;
 - 1½ storey 3 bed dwellings;
 - 3 bed bungalows;
 - Two storey 3 bedroom dwellings;
 - Semi-detached 2-3 bedroom affordable housing dwellings (adjacent to the existing Registered Social Landlord housing stock on Duntaylor Avenue)
- 7 Due to existing steep topography of the site and to comply with permissible gradients (less than 8%) for residential streets, the proposed road winds up the hill in the path of least resistance. The proposed masterplan shows a 5.5 metre wide road with footpaths on either side that crosses the burn just once. Secondary roads are shown to be 4.2 metres wide.
- 8 It is proposed that the new farm access junction shall be utilised for the vehicular access to the development site from Kenmore Road and a secondary access will be formed via Duntaylor Avenue.
- 9 Pedestrian access to the site shall be provided from the existing farm access junction at the north east corner of the site which is proposed to be closed to vehicular traffic. This shall connect with the main road up through the site and connect with Duntaylor Avenue. There shall be an additional pedestrian link onto the Duntaylor Farm Access road at the highest level of the site to the south east. This road would link up with the bottom of Urlar Road adjacent to the start of the footpath for the Birks of Aberfeldy.

ENVIRONMENTAL IMPACT ASSESSMENT

- 10 Due to the scale of the proposal it will require to be screened as to whether the proposal is an Environmental Impact Assessment (EIA) development under the EIA 2011 regulations. A screening request (15/01735/SCRN) was submitted in October 2015 and found that an EIA is not required in this instance.

PRE-APPLICATION PROCESS

- 11 The proposed development is classed as a Major development under class 9 of the Town and Country Planning (Hierarchy of Developments) (Scotland) Regulations 2009. This 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 15/00022/PAN) outlined a public exhibition was held on 14 December 2015 at the Locus Centre in Aberfeldy. The Ward Councillors for the area (Cllrs Campbell, Howie, and Williamson) were consulted as well as Aberfeldy Community Council.

NATIONAL POLICY AND GUIDANCE

- 12 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

- 13 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

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

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

- 15 The following Scottish Government Planning Advice Notes (PAN are likely to be of relevance to the proposal,

- PAN 3/2010 Community Engagement
- PAN 1/2011 Planning and Noise
- PAN 40 Development Management
- PAN 51 Planning, Environmental Protection and Regulation
- PAN 61 Planning and Sustainable Urban Drainage Systems
- PAN 75 Planning for Transport

Designing Places 2001

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

Designing Streets 2010

- 17 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

- 18 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.

LOCAL POLICY AND GUIDANCE

TAYPlan Strategic Development Plan 2012-2032

- 19 TAYPlan sets out a vision for how the region will be in 2032 and what must occur to bring about change to achieve this vision. The vision for the area as set out in the plans states that:

"By 2032 the TAYplan region will be sustainable, more attractive, competitive and vibrant without creating an unacceptable burden on our planet. The quality of life will make it a place of first choice where more people choose to live, work, study and visit, and where businesses choose to invest and create jobs"

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

Policy 1: Locational Priorities

- 21 Seeks to focus the majority of development in the region's principal settlements. Aberfeldy is identified as a Tier 3 Settlement with the potential to accommodate a small share of the region's additional development over the plan period which is more about sustaining them.

Policy 2: Shaping Better Quality Places

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

Policy 3: Managing TAYplan's Assets

- 23 Seeks to identify and safeguard at least 5 years supply of employment land within principle settlements to support the growth of the economy and a diverse range of industrial requirements.

Policy 5: Housing

- 24 Seeks to ensure there is a minimum of 5 years effective housing land supply at all times. Land should be allocated within each Housing market Area to provide a generous supply of land to assist in the delivery of 26,000 units up to year 2024.

Perth and Kinross Local Development Plan 2014

- 25 The Local Development Plan (LDP) was adopted by Perth and Kinross Council on 3 February 2014. It is the most recent statement of Council policy and is augmented by Supplementary Guidance.
- 26 The LDP sets out a vision statement for the area and states that:
"Our vision is of a Perth and Kinross which is dynamic, attractive and effective which protects its assets whilst welcoming population and economic growth."
- 27 The application site is located within the settlement boundary of Aberfeldy and is allocated (H37) for mixed use development. The principal relevant policies are in summary:
- 28 Under the LDP, the following policies are of particular importance in the assessment of this application.

PM1A: Placemaking

- 29 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

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

Policy PM3 - Infrastructure Contributions

- 31 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

- 32 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

- 33 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 HE2 - Listed Buildings

- 34 There is a presumption in favour of the retention and sympathetic restoration, correct maintenance and sensitive management of listed buildings to enable them to remain in active use. The layout, design, materials, scale, siting and use of any development which will affect a listed building or its setting should be appropriate to the building's character, appearance and setting.

Policy CF1B - Open Space Retention and Provision

- 35 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

- 36 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

- 37 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 NE2A - Forestry, Woodland and Trees

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

Policy NE2B - Forestry, Woodland and Trees

- 39 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

- 40 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

- 41 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

- 42 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

- 43 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

- 44 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

- 45 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

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

Policy EP3D - Water, Environment and Drainage

- 47 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

- 48 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.

TA1B- Transport Standards

- 49 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

- 50 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
- 51 **Open Space Standards (2001)** - Sets out the Councils adopted open space adoption standards for new residential developments, which gives developers three viable options to pursue/proposed as part of their development.

Perth & Kinross Corporate Plan 2013-2018

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

PLANNING SITE HISTORY

- 53 The following history is of particular importance.

- **14/01554/FLL** - Formation of an access road. Approved under delegated powers October 2014
- **15/01735/SCRN** - Screening Request for EIA – No EIA required. Decision issued December 2015
- **15/00022/PAN** - Proposal of Application Notice (PAN) for development of 100 dwellings. Content of PAN agreed December 2015

CONSULTATIONS

EXTERNAL

- 54 **Scottish Environmental Protection Agency (SEPA)**

No objection provided certain conditions are applied.

Scottish Natural Heritage (SNH)

- 55 No response received.

Scottish Water

- 56 No response received.

Transport Scotland

- 57 No objection to the proposal.

Historic Environment Scotland (HES)

- 58 No objection to the proposal.

Royal Society of Protection of Birds (RSPB)

- 59 No response received.

Perth and Kinross Heritage Trust

- 60 No objection to the proposal.

Aberfeldy Community Council

- 61 Supports the proposal as housing need in the town is a significant issue. They do request that there is no construction traffic into the site via Alma Avenue or Duntaylor Avenue.

INTERNAL

Environmental Health

- 62 No objection to the proposal on the grounds of air quality and noise impact.

Land Quality (Contaminated Land)

- 63 An inspection of the proposed development site did not raise any real concerns, although there is a record of a small limekiln on the site and there is a disused tip approximately 200m south of the site. The applicant should satisfy themselves that there is no risk to the proposed development. A watching brief during redevelopment is therefore required.

Biodiversity Officer

- 64 The proposed development is on existing fields used for grazing and likely to be low impact on biodiversity. The development has potential to provide for biodiversity by including bat roost and bird nest sites and the proposed SUDS pond could be designed to provide suitable habitats for amphibians.

Strategic Planning and Policy

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

Developer Negotiations/Affordable Housing

- 66 As the application proposes more than 5 dwelling houses, means that the Affordable Housing Policy applies and a condition to reflect this should be attached to any planning application granted.
- 67 In terms of Primary Education, as this application is only “in principle” it is not possible to provide a definitive answer at this stage however it should be noted that the Developer Contributions Policy would apply to all new residential units with the exception of those outlined in the policy. The determination of appropriate contribution, if required, will be based on the status of the school when the detailed application is received.

Community Greenspace including Access

- 68 No response received.

Transport Planning

- 69 No objection to the proposal provided certain conditions are applied.

Structures and Flooding

- 70 Satisfied with the information contained in the Flood Risk Assessment (FRA) and Drainage Impact Assessment (DIA). No objection to the proposal provided certain conditions are applied.

Community Waste Advisor

- 71 No objection to the proposal and confirmed this development will require a 3 bin system.

REPRESENTATIONS

- 72 The application has attracted 11 representations with 7 against the proposal, 3 raising concerns and 1 in support. The following issues are raised:
- Road safety concerns in particular construction access via Duntaylor Avenue
 - Adverse impact on Red Squirrels
 - Flood Risk
 - Drainage issues
 - Noise pollution
 - Adverse impact on residential amenity
 - Adverse impact on visual amenity
 - Adverse impact on water supply
 - Adverse impact on privacy
 - Decrease in property value
- 73 The material issues are addressed in the Appraisal section of this report. Possible decrease in property value is not a material planning issue

ADDITIONAL STATEMENTS

Environment Statement	Screened – Not Required
Screening Opinion	Submitted
Environmental Impact Assessment	Not Required
Appropriate Assessment	Not Required
Design Statement/Design and Access Statement	Submitted
Report on Impact or Potential Impact	Flood Risk Assessment, Transport Assessment, Ecology Survey and Landscape and Visual Impact Assessment

APPRAISAL

Policy

- 74 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.
- 75 The most relevant policies of the Development Plan are TAYplan Strategic Development plan 2012 and Perth and Kinross Local Development Plan 2014 (LDP) including Supplementary Guidance.

Principle

- 76 The principle of residential development for over 100 dwellings has been established through its allocation in the LDP. The proposed residential density of the current submission of 80 units is obviously lower than the allocation of the site and has been based on a low density indicative layout plan of detached dwellings. The proposed density is considered to be acceptable at this location and therefore the principle of the development can be supported.

Ste Specific Requirements

- 77 These requirements will be assessed in turn and many will address concerns raised by objectors.

Flood Risk Assessment

- 78 LDP Policy EP2 confirms there will be a general presumption against proposals for built development or land raising on a functional flood plain and in areas where there is a significant probability of flooding from any source, or where the proposal would increase the probability of flooding elsewhere. In addition, built development should avoid areas at significant risk from landslip, erosion and storm surges.
- 79 Both a Flood Risk Assessment (FRA) and a Drainage Impact Assessment (DIA) have been submitted in support of the application. They have been assessed by SEPA and the Councils Flood Risk Officer. Neither have raised an objection to the proposal on the grounds of flood risk or drainage. As the application is 'In Principle' at this stage they have both recommended several conditions that will need to be dealt with for the detailed planning submission.

Transport Assessment

- 80 A Transport Assessment (TA) has been submitted in support of the proposal and has been fully assessed by Transport Planning. It adequately demonstrates that the local road network can accommodate the anticipated level of traffic associated with this type and scale of development. The TA also outlines the broad accessibility of the site via sustainable travel modes, however it is accepted that much of the detail of this will be developed as part of future detailed designs as there will be a requirement for better pedestrian and public transport facilities on the A827 Kenmore Road to support the development. This would also include the relocation of the 30mph zone to the west side of the development.
- 81 The site offers a certain level of permeability and connectivity to the existing road network which is in line with the requirements of Designing Streets. It is expected that all aspects of new roads, transport infrastructure, accesses etc. will be in accordance with the National Roads Development Guide with much of the detail determined as part of a future planning application and Roads Construction Consent application.
- 82 The indicative phasing plan suggests that the affordable element that joins Duntaylor Avenue will be built first. This has raised significant objection by members of the public and I would agree with some of safety concerns expressed about construction traffic using this route for this phase. A condition restricting HGV construction access through Duntaylor Avenue is considered appropriate at this stage and that a Construction Traffic Management Plan should be prepared that details the mitigation measures to be used to minimise the impact on the existing network. This may require temporary access to be taken from elsewhere for construction traffic.

Primary Access from A827 Kenmore Road

- 83 The submitted plans and the Transport Assessment confirm that primary access to the site will be from the A827 Kenmore Road. Transport Planning have assessed the proposed access to the site and have not raised any issues regarding its suitability to accommodate the proposed development or any road safety concerns.

Connection to Duntaylor Farm

- 84 The submitted plans show that there will continue to be connection with the adjoining farm and no issues have been raised by Transport Planning in terms of conflict of uses and traffic.

Landscaping Framework

- 85 A Landscape Framework has been submitted in support of the proposal and provides a detailed integration and biodiversity strategy for the site.
- 86 The Landscape Framework provides suitable guidance to illustrate how future design of the site should be informed when working up the detailed design of the site. It is considered that with careful assimilation of new building plots and roads with new areas of landscape planting it should result in a sensitively worked proposal that keeps long term biodiversity at the forefront and ensure the provision of an attractive environment for the development.

Boundary Treatment to form settlement gateway on A827

- 87 As it is an 'In Principle' application, it is considered to be too early in the process to require full details of any boundary treatment. The applicant has expressed his desire to create an attractive gateway into the site from the A827 and this will be fully assessed with any detailed application.

Enhancement of Biodiversity including Otter Survey

- 88 A detailed Ecological Appraisal was submitted in support of the proposal. The site was surveyed by a visual ground survey to assess the ecological impact of the proposed development on the farmland; if there are protected species using the site; and the potential risk to the present habitat/wildlife from the proposed development.
- 89 Field surveys were carried out to assess for the presence/absence of otters and their resting places; presence/absence of bats and their roosts; presence/absence of red squirrels and their dreys; presence/absence of specially protected, sensitive or very rare species of birds; presence/absence of other protected species; and assess the habitat quality.

- 90 Results of the survey demonstrated that the proposed development will have a low ecological impact on the site. The River Tay is designated a Special Area of Conservation for its otter interest. There were no signs or sightings of otters recorded in the proposed development site, or up to 250m in the surrounding area during the survey period. The stream has the potential to be a corridor along which otters travel, however, there was no evidence to indicate that otters were using the overland route during the survey period and the volume of water in the stream is low.
- 91 The Council's Biodiversity Officer agrees that the site offers low biodiversity value as it is currently farmland and the indicative proposal should provide opportunities to enhance the biodiversity value of the site and surrounding area. Due to the longevity of the build out and potential impact on otter habitats a further otter survey prior to work commencing will be required. This can be secured through conditional control and this would achieve compliance with LDP Policy NE3 – Biodiversity and Policy EP15 - Development within the Tay Catchments.

Protection and enhancement of broadleaf trees and woodland within site

- 92 A detailed Landscape Assessment has been submitted in support of the proposal and the indicative plans look to retain as much of the existing trees within the site as possible especially along the length of the burn. The retention of trees and vegetation is considered will appropriately protect the visual amenity and biodiversity of the area.
- 93 As mentioned earlier the Council's Biodiversity Officer agrees that the indicative proposal should provide opportunities to enhance the biodiversity value of the site and surrounding area.

Construction Method Statement (CMS)

- 94 Even though this is an 'In Principle' application and may be too early in the planning and development process to fully assess any Construction Method Statement (CMS), it does provide a helpful guide as to how the site will be developed out.
- 95 This can be fully investigated at the detailed design stage and a condition requiring a Construction and Environmental Management Plan (CEMP) and including an updated CMS will be required for the detailed application.

Built form and layout - Detailed Design and Phasing

- 96 Although the application is just seeking 'In Principle' permission the submitted masterplan provides an indicative layout of the road through the site and the plots that will be serviced from it.
- 97 The general approach to development, utilising existing landscape features to shape the layout and tie it to the overall site context is supported. The design

concept includes retaining existing landscape buffering and structure planting, in particular the trees that run alongside the burn

- 98 Detailed design of the site should be sensitively guided by existing field boundaries, planting and enhancing existing views, natural features and the setting of the nearby listed buildings.
- 99 All building design should reflect the age of the building, contemporary in appearance and form, avoiding a pastiche approach. Designs should be site specific, considering localised identity, outlook and solar orientation. Innovative, architectural design will be supported and a comprehensive design statement will be required to fully justify the architectural and urban design approach.
- 100 Overall, the proposed house numbers are not approved at this stage. It is intended that the scale of development will be ascertained through the outcome of the detailed applications, which will then inform associated infrastructure requirements and facilities including education and community facilities, public transport improvements and carbon reduction measures.

Developer Contributions

Affordable Housing

- 101 As the proposal is for over 80 dwellings the Council Affordable Housing Policy applies requiring 25% of the development to contain affordable units. As the application is just In Principle a condition to reflect this requirement should be included with any consent.

Primary Education

- 102 As the application is 'In Principle' it is not possible to provide a definitive answer at this stage regarding primary school developer contributions. It should be noted that the Developer Contributions Policy would apply to all new residential units with the exception of the affordable units. The determination of appropriate contribution, if required, will be based on the status of the school when detailed applications are submitted.

Cultural Heritage

- 103 The site is in close proximity to Dun Aluinn which is a Category C listed building. The site is also in the vicinity of two Category A listed buildings, namely the Tay (General Wade's) Bridge and Castle Menzies.
- 104 Historic Environment Scotland (HES) and Perth and Kinross Heritage Trust (PKHT) have assessed the proposal due to the site proximity to listed buildings and archaeology. The Design and Access Statement and the Landscape and Townscape Assessment are considered comprehensive in their analysis of any potential impacts on the surrounding built heritage and both have no objections in principle to the proposed residential development.

Landscape and Visual Impact

- 105 Safeguarding and enhancing landscape character is an important planning objective. As part of the application an assessment of the impact that the proposed development may have on the landscape, townscape and visual impact was undertaken.
- 106 The loss of rural features and the introduction of built development will result in a significant change to the local landscape. It is considered that the main landscape and visual impact will primarily be a local impact. With the existing tree belts within the site and the submitted landscape strategy will help alleviate much of any potential adverse effect on key landscape features.
- 107 Any structure planting and earthworks should be prioritised and carried out in the early stages of the development phases in order to minimise the long term visual effects of the development and this should be incorporated and agreed with through the phasing plan for the development site.
- 108 It is considered that in time the visual impact of the proposal on the townscape will soften as the development becomes part of the established built fabric of Aberfeldy.

Overlooking/Overshadowing

- 109 In this case it is difficult to assess any potential overlooking or overshadowing of neighbouring properties due to application being In Principle and this issue can only be dealt with effectively at the detailed planning stage.

Air Quality and Noise

- 110 As it is just an In Principle application it is difficult to fully assess any air quality or noise pollution issues. However following construction of the proposed dwellings, the development is not considered to be one which would be a high generator of noise.
- 111 Environmental Health have not identified any air quality or noise issues regarding the site or the proposal at this stage.

Socio-Economic Impact

- 112 The proposal will have a positive impact in terms of job creation in the area both during the construction period itself and once the proposed site is completed. The proposal will create a number of jobs during the construction period and the population growth will in turn increase consumer spending in the area by almost £ 700,000 per annum. It is considered that the level of available expenditure that will be created by the development will have a significant positive impact on Aberfeldy and in particular businesses and shops in the town centre.

- 113 The proposed development will also have a positive effect in assisting Perth and Kinross Council to achieve housing and employment land requirements.

LEGAL AGREEMENTS

- 114 None required at this time as it is an 'In Principle' application.

DIRECTION BY SCOTTISH MINISTERS

- 115 Under the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2008, 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

- 116 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.
- 117 The development of dwellings on land that is allocated in the LDP for residential use is considered to comply with the current Development Plan and on that basis the application is recommended for approval subject to conditions.

RECOMMENDATION

A Approve the application subject to the following 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:
 - The expiration of 3 years from the date of the grant of the planning Permission in principle
 - The expiration of 6 months from the date on which an earlier application
 - The requisite approval was refused
 - 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 No works in connection with the development 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:

- A detailed phasing plan for the whole site
- 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.
- The siting, design, height and external materials of all buildings or structures;
- The details of all roads, footpaths and cycleways throughout the development;
- Details of any screen walls/fencing to be provided;
- Measures to maximise environmental sustainability through design, orientation and planting or any other means;
- Details of all landscaping, structure planting and screening associated with the development;
- Full details of the proposed means of disposal of foul and surface water from 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.

3 Prior to commencement of development, a detailed Construction Environmental Management Plan (CEMP) detailing environmental mitigation measures and construction method statements, including specific measures for environmental monitoring during construction, shall be submitted to and approved in writing by the Planning Authority in consultation with the Scottish Environment Protection Agency and Perth and Kinross Council's Environmental Health Section. Such details shall be submitted not less than two month prior to the agreed scheduled commencement date and shall incorporate detailed pollution avoidance and mitigation measures for all construction elements. Thereafter the approved CEMP shall thereafter be fully respected and adhered to through the construction phase of the development.

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

- 4 Notwithstanding the details on the indicative masterplan and prior to the commencement of any works in connection with each phase a development brief shall be provided for the area covered. The briefs shall specify:

- The height and appearance of all new structures.
- The use of appropriate external materials including walls, fences and other boundary enclosures.
- The surfacing of all new roads, parking areas, cycleways and footpaths;
- The lighting of all streets and footpaths.
- The layout of play areas and the equipment to be installed.
- Maintenance of all open space and treed areas not included in private house plots.
- Details of car charging points to be provided within the development.

Once approved, all development in the respective areas shall be carried out in accordance with the approved briefs.

Reason: In order to give further consideration to those details which have still to be submitted.

- 5 The site layout plan and housing numbers as submitted is purely indicative and is not approved.

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

- 6 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.

- 7 As part of any detailed application an updated Flood Risk Assessment must be submitted for the written approval of the Planning Authority in consultation with SEPA and all work shall be carried out in accordance with the approved plan.

Reason: To avoid flood risk.

- 8 Prior to the commencement of development full design details of any proposed culverts shall be submitted to and agreed in writing by the Planning Authority, in consultation with the Council's Flooding Team and SEPA. The agreed detail shall thereafter be implemented prior to the completion of the development.

Reason: To avoid flood risk.

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

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

- 10 The developer shall ensure that during the construction of the development that all surface water is controlled, treated and discharged under the principles of SUDS all to the satisfaction of the Council as Flood Authority.

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

- 11 The Finished Floor Level of all properties shall be a minimum of 600mm above the 200 year flood level including 20% for climate Change.

Reason: To reduce flood risk.

- 12 A minimum of a 5m Maintenance strip either side of the watercourse must be provided along all watercourses (Unnamed watercourse as referred to in the FRA dated 14 March 2016) within the extents of the proposed development.

Reason: To allow suitable access to the watercourse for maintenance purposes.

- 13 All matters regarding access, pedestrian and cycling facilities, public transport infrastructure, car parking, road layout, design and specification, including the disposal of surface water, shall be in accordance with the standards required by the Council as Roads Authority and to the satisfaction of the Planning Authority.

Reason: In the interests of pedestrian and traffic safety, residential amenity.

- 14 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, the system of management, monitoring, review, reporting and the duration of the plan.

Reason: In the interests of pedestrian and traffic safety, residential amenity.

- 15 Prior to the occupation or use of any part of the approved development 'Pick up and drop off' areas for school children / bus passengers shall be provided on both sides of the A827 public road adjacent to the access to the development. The areas shall be a minimum of 6m long by nominally 1.8m wide kerbed and surfaced to the requirements of the Council as Roads Authority to the satisfaction of the Planning Authority. The area on the north side of the A827 shall also incorporate a 3 bay glazed bus shelter.

Reason: In the interests of pedestrian and traffic safety, residential amenity.

- 16 Prior to the commencement of works on any part of 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:

- Restriction of construction traffic to approved routes and the measures to be put in place to avoid other routes being used.
- 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.
- 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.
- Arrangements for cleaning of roads affected by material deposited from construction sites associated with the development.
- 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.
- Details of information signs to inform other road users of construction traffic.
- Arrangements to ensure that access for emergency service vehicles are not impeded.
- Co-ordination with other major commercial users known to use roads affected by construction traffic.

- Traffic arrangements in the immediate vicinity of temporary construction compounds.
- Monitoring, reporting and implementation arrangements.
- 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: Reason: In the interests of pedestrian and traffic safety, residential amenity.

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

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

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

Reason: In the interest of protecting environmental quality and bio-diversity.

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

Reason: In the interest of protecting environmental quality and bio-diversity.

- 20 Prior to the commencement of development details of proposed bat and bird provisions shall be submitted to and agreed by the Planning Authority. The agreed detail shall thereafter be implemented prior to the completion of the development.

Reason: In the interest of protecting environmental quality and bio-diversity

- 21 The development shall be in accordance with the Council's Affordable Housing Policy approved in April 2016 which requires a 25% allocation of affordable

units within the development all to the satisfaction of the Council as Planning Authority.

Reason: To comply with the Council's approved policy on affordable housing.

- 22 The development shall be in accordance with the requirements of the Council's Developer Contributions Guide August 2014 and Policy PM3 of the Local Development Plan 2014; all to the satisfaction of the Council as Planning Authority.

Reason: To comply with the Council's approved policy on developer contributions.

- 23 Duntaylor Avenue shall not be used at any time by construction traffic associated with the development, unless otherwise agreed by the Planning Authority.

Reason: In the interests of pedestrian and traffic safety, residential amenity.

INFORMATIVES

- 1 Application for the approval of matters specified in conditions shall be made before the expiration of 3 years from the date of the grant of planning permission in principle, unless an earlier application for such approval has been refused or an appeal against such refusal has been dismissed, in which case application for the approval of all outstanding matters specified in conditions must be made within 6 months of the date of such refusal or dismissal.
- 2 The approved development shall be commenced not later than the expiration of 3 years from the date of grant of planning permission in principle or 2 years from the final approval of matters specified in conditions, whichever is later.
- 3 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.
- 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, The Atrium, Glover Street, 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 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 Because of a disused tip approximately 200m south of the site, the applicant should satisfy themselves that there is no risk to the proposed development. A watching brief during redevelopment is therefore recommended.

Background Papers: 11 letters of representation
Contact Officer: Steve Callan – Ext 75337
Date: 29 June 2016

Nick Brian
Development Quality Manager

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Perth and Kinross Council
Development Management Committee – 13 July 2016
Report of Handling by Development Quality Manager

Erection of sports centre to provide indoor sports facilities (comprising sports centre with games hall, gymnasium, dance studio, swimming pool, changing facilities and associated ancillary accommodation) (in principle) at Dallerie Sports Pitches, Dallerie, Crieff, PH7 4LJ

Ref. No: 13/02364/IPL
Ward No: N6 - Strathearn

Summary

This report recommends approval of a planning in principle application for the erection of indoor sports facilities (comprising a sports centre with games hall, gymnasium, dance studio, swimming pool, changing facilities and associated ancillary accommodation) at Dallerie Sports Pitches in Crieff as the proposal is considered to comply with the relevant provisions of the Development Plan.

BACKGROUND AND DESCRIPTION

- 1 This planning application seeks to obtain a planning in principle consent for the erection of a modern indoor sports facilities at the northern end of the Dallerie Sports pitches in Crieff for Morrison's Academy. The statement lodged with the planning application states that the new facility would be contained within a single building encompassing a full games hall, a gymnasium, a dance studio, a swimming pool, changing facilities and other indoor sports accommodation. Works are currently underway on the construction of two new all-weather sports pitches and new parking area adjacent to the site, and this proposed indoor facility would be located within the area between proposed pitches and parking area.
- 2 In terms of the intended parking provision, as part of the previously approved detailed planning application for the new all-weather pitches 60 car parking spaces are to be created to the north of the site on an area of ground adjacent to Turretbank Road, and it is intended that this new parking area would also be used to serve this new indoor facility.
- 3 At this stage, only very indicative details of the scale of the building have been submitted however it's envisaged that the building would most likely be in the region of 11m in height, bearing in mind the required head room requirement for modern sports hall(s) is circa 9m.
- 4 The school has indicated that this proposal is part of an ambitious three stage development plan which comprises the currently under construction new all-weather pitches, a swimming pool and a sport centre – both of which are subject of this planning application, and also outdoor tennis facilities. The school has also indicated to the Council that new pitches were their key priority;

with the swimming pool its 2nd priority and the multi-use sport centre its 3rd. With works now underway on the new all-weather pitches, the school is now looking to advance their indoor facilities proposals.

NATIONAL POLICY AND GUIDANCE

- 5 The Scottish Government expresses its planning policies through the National Planning Frameworks, the Scottish Planning Policy (SPP), Planning Advice Notes (PAN), Creating Places, Designing Streets, National Roads Development Guide and a series of Circulars. Of specific relevance to this planning application are,

The Scottish Planning Policy 2014

- 6 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.
- 7 Of specific relevance to this planning application is the text contained within paragraph 226. This paragraph states that when an existing outdoor sports facility would be lost it should *'be replaced either by a new facility of comparable or greater benefit for sport in a location that is convenient for users, or by the upgrading of an existing outdoor sports facility to provide a facility of better quality on the same site or at another location that is convenient for users and maintains or improves the overall playing capacity in the area'*
- 8 The following Planning Advice Notes (PAN's) are also applicable to the proposal,
- PAN 1/2011 - Planning and Noise
PAN 69 - Flooding

DEVELOPMENT PLAN

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

TAYplan Strategic Development Plan 2012

- 10 Whilst there are no specific strategies directly relevant to this proposal the overall vision of the Tay Plan should be noted. The vision states *“By 2032 the TAYplan region will be sustainable, more attractive, competitive and vibrant without creating an unacceptable burden on our planet. The quality of life will make it a place of first choice, where more people choose to live, work and visit and where businesses choose to invest and create jobs.”*
- 11 In terms of specific policies, **Policy 3 Managing TAYPlan’s Assets** seeks to protect our cultural heritage assets from inappropriate developments.

Perth and Kinross Local Development Plan 2014

- 12 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. The site is located within the settlement boundary of Crieff within an area identified as being an existing sports pitch. In addition to this, the surrounding areas are identified as being residential with compatible uses. To this end, the following LDP policies are directly applicable to this proposal,

Policy CF1A - Space Retention and Provision

- 13 Development proposals resulting in the loss of Sports Pitches, Parks and Open Space which are of recreational or amenity value will not be permitted, except in circumstances where one or more of the criteria set out apply. Policy CF1A also states that the facility which would be lost must be replaced by a new facility of comparable or greater benefit to the local area and in a location which is convenient for its users, or by the upgrading of the existing provision to provide a better quality facility either within the same site, or at another location which is also convenient for its users.

Policy RD1 - Residential Areas

- 14 Residential amenity will be protected and where possible, improved.

Policy PM1A - Placemaking

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

Policy EP2 - New Development and Flooding

- 16 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.

Policy EP5- Nuisance from Artificial Light and Light Pollution

- 17 The Council's priority will be to prevent a statutory nuisance from occurring first and foremost. Consent will not be granted for proposals where the lighting would result in obtrusive and/or intrusive effects. Proposed lighting equipment should comply with current standards, including approved design standards. The Council may secure the regulation of lighting installations and their maintenance through the use of conditions attached to the granting of planning permission.

Policy EP8 - Noise Pollution

- 18 There is a presumption against the siting of proposals which would 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 HE2/3 – Listed Buildings / Conservation Areas

- 19 Seeks to ensure that the character and appearance of both listed buildings and Conservation Areas are protected from inappropriate developments.

OTHER COUNCIL POLICIES

Developer Contributions and Affordable Housing, April 2016

- 20 This policy seeks to offer guidance on Developer Contributions and Affordable Housing in relation to new developments.

SITE HISTORY

- 21 A similar planning application to the one currently under consideration was withdrawn prior to it being determined by the Council in 2013 (13/01189/IPL) due to the lack of information lodged relating to noise and flooding matters.
- 22 In addition to that application, a detailed planning application for the construction of two all-weather sports pitches, new fencing and floodlighting columns was approved by this Committee in December last year (15/01036/FLL), and works are currently underway in relation to that permission.

CONSULTATIONS

EXTERNAL

- 23 **Scottish Environmental Protection Agency (SEPA)** – Initially objected to the proposal on the grounds of flood risk. However, after further discussion with the applicant and the Council's flooding team, SEPA have now formally confirmed that in principle, they have no objection to the proposal in terms of flooding issues subject to conditions being imposed on any permission and that they are

further consulted when an application for approval of matters specified or a detailed application is lodged.

- 24 **SportScotland** – No objections to the proposal.
- 25 **Scottish Water** – No objection to the proposal.
- 26 **Crieff Community Council** – Have not made specific comments in relation to this proposal, but previously made comments in relation to the new sport pitches. In their comments made in relation to that application, they recognised the benefit that the new facilities would have for the residents of Crieff, but did raised some concerns regarding the proposed parking (insufficient number of spaces) and the vehicular access arrangements (would result in congestion).

INTERNAL

- 27 **Transport Planning** - No objection to proposal in principle to the proposal in terms of proposed off street parking and the impact on the local road network.
- 28 **Structures and Flooding** - No objection to the proposal in terms of flooding matters.
- 29 **Environmental Health** - Subject to appropriate conditions, they have no objection to the proposal in terms of noise nuisance or light pollution.

REPRESENTATIONS

- 30 Seventeen letters of representations have been received, all of which are objecting to the proposal. The main issues raised within the representations are,
- Contrary to the Local Development Plan 2014
 - Impact on residential amenity
 - Impact on visual amenity
 - Loss of open space
 - Flooding implications
 - Impact on Trees
 - Increased Traffic on local roads
 - Inadequate parking provision
 - Impact on the Conservation Area / Listed Buildings
 - Air pollution arising from the swimming pool
 - Impact on wildlife
- 32 These issues are addressed in the appraisal section of this report.

ADDITIONAL STATEMENTS

Environment Statement	Not required
Screening Opinion	Not required
Environmental Impact Assessment	Not required
Appropriate Assessment	Not required
Design Statement / Design and Access Statement	Submitted
Report on Impact or Potential Impact	A series of documents in relation to flood risk have been submitted since the planning application was lodged.

APPRAISAL

- 33 Sections 25 and 37(2) of the Town & Country Planning (Scotland) Act 1997 (as amended) requires the determination of the application to be made in accordance with the provisions of the Development Plan, unless material considerations indicate otherwise.
- 34 The Development Plan for the area comprises the approved Tay Plan 2012 and the adopted Perth and Kinross Local Development Plan 2014 (LDP).

Policy

- 35 In terms of land use policy issues, the key land use policies are contained within the LDP. Within that plan, the site lies within the settlement boundary of Crieff within an area which has been identified as an existing sports pitch where *Policy CF1A* is directly applicable. This policy states that existing sports pitches have a high value to the local community for recreational and amenity purposes and that new development proposals which would result in the loss of these areas will not be permitted, except in certain circumstances. In the case of proposals involving the loss of a recreational facility, *Policy CF1A* states that the facility which would be lost must be replaced by a new facility of comparable or greater benefit to the local area and in a location which is convenient for its users, or by the upgrading of the existing provision to provide a better quality facility either within the same site, or at another location which is also convenient for its users.
- 36 The areas surrounding the site have been identified within the LDP as being residential with compatible uses where *Policies RD1* and *Policy PM1A* of the LDP are applicable. Both these policies seek to ensure that all new developments do not have an adverse impact on the existing environment - which includes the impact on existing residential and visual amenity.

- 37 *Policies EP5 and EP8* of the LDP seek to ensure that new developments which may generate noise and light pollution do not adversely affect sensitive, adjacent land uses whilst *Policy EP2* of the LDP seeks to ensure that new developments are not undertaken on areas of land which are liable to flood or would create flooding elsewhere.
- 38 For reasons stated below, subject to appropriate details being finalised and restrictive conditions being imposed on any permission, I consider the proposal to be consistent with all the aforementioned policies.

Land Use

- 39 In terms of land use issues, there are two key considerations. The first is whether or not the proposal is acceptable in terms of the requirements of *Policy CF1A* of the LDP and secondly, whether or not the proposal is compatible with the adjacent residential use.
- 40 Taking these in turn, the proposal is essentially for a new indoor recreational facility which will provide a better quality facility than the existing (grass pitch) facility within the same site. Some concerns have been raised within the representations that the loss of open space to allow for the creation of the new indoor facility is not in line with the aims of the LDP, which seeks the retention of areas of open space/existing pitches. I do accept that an area of open space would be permanently lost in the event that this development was to proceed, however the area of ground which the proposed new building is to be located on is a fairly small section of the far larger Dalliery sports fields' area. It also needs to be taken into account that the proposed building would offer an improved recreational facility which is part of a wider improvement to the existing recreational facilities in the area, and in my view an indoor facility in this location would offer a far greater (wider) benefit to local community than the existing grassed pitch. As part of the consultation process, the national agency for sport, *SportScotland* were consulted on the proposal (as part of their remit as a statutory consultee when existing sports pitches area affected by new development), and they raised no objection to proposal. To this end, I consider the principle of the proposal to align itself positively with the requirements, and aspirations of *Policy CF1A* of the LDP.
- 41 In terms of the proposals compatibility with existing uses, I note that within the representations a number of concerns have been raised regarding the potential for the new indoor facility to result in an increase in usage and intensity of the area/building, which in turn could have an adverse impact on the area in terms of greater noise nuisance and traffic movements. Bearing in mind what is proposed, it would be extremely disappointing if the proposal did not result in an increased usage compared to the existing usage of the grass pitch as the main purpose of this proposal is to create a quality, performance indoor facility which would allow for indoor activities to occur for 12 months of the year to complement the new all-weather outdoor facilities which are under construction. However, as was the case when considering the application for new sports pitches, it is important to note that the usage of the existing grass pitch is not restricted by the terms of any historic planning permission, and whilst pitch

conditions and the lack of existing lighting does (in reality) have a material influence on the probable level of usage in reality, there is not any formal restriction on the level of activity or use that can occur on the site at present.

- 42 It is also the case that the existing use of the land is not changing. What is changing is that the means of delivering the recreational use is moving from outdoor provision to indoors. It has been raised within the representations that the indoor facility would increase noise levels; result in longer hours of operation and introduce light pollution – all of which would collectively have an adverse impact on the residential amenity of adjacent residential properties. This is a planning in principle application therefore specific details regarding the exact operation of the facility and the location of any external lighting and / or external plant/equipment have yet to be advanced or agreed. However, in principle I consider all these aspects to be perfectly controllable via appropriately worded restrictive conditions, and this view is shared by my colleagues in Environmental Health. To this end, I consider the proposal to be compatible with existing land uses and any additional level of activity which it may bring, is acceptable and would not adversely impact on the (surrounding) land uses.

Flooding

- 43 In terms of flooding issues, the site is relatively low lying and can be liable to flood during bad weather. There are also ongoing issues concerning flooding in the adjacent lade to the east, and infrastructure capacity issues with the public sewer – both of which can (and have) affect the site. As part of a detailed submission, precise details of the disposal of the surface water would be engineered (in consultation with both SEPA and the Council's Flooding Team) to ensure that the new development does not increase the probability of flood risk elsewhere. SEPA have been consulted on the proposal, and after detailed technical discussions with the applicant and the Council's flooding team have now reached a position where they do not object to the proposal subject to conditions being attached to any permission and further consultation at any detailed stage. The Council's own Flooding Team also have no objection to the principle of the proposal.

Noise Impact

- 44 Within the representations, a number of concerns have been raised by local residents which focus on noise, and the impact that noise nuisance from the new facility may have on their existing residential amenity.
- 45 As this would be an indoor facility, noise from activities inside the building would be far more controllable than noise associated with outside uses. The main source of potential noise nuisance would most likely be from plant and associated external equipment, and these elements would be subject to normal compliance conditions in terms of noise emissions. It would also be the case that vehicles leaving and entering the site (users and deliveries) could potentially cause noise disturbance but this could be suitably controlled by limiting operation times of the facility. Subject to control over these matters, my

colleagues in Environmental Health have no objection to the proposal in terms of noise issues at this planning in principle stage.

Light Pollution

- 46 In terms of light pollution any external lighting would have to conform to the Council's standards in terms of light spillages, brightness and operation times. Whilst the introduction of some external light would inevitably change the appearance of the site, my colleagues in Environmental Health are content that any external lighting on the building for security / safety purposes can be positioned, designed and time restricted in such a way that the residential amenity of adjacent, existing residential properties would not be compromised to an unacceptable degree. In terms of light pollution from inside the building via windows/doors, this would also need to be considered at the detailed stage however it's unlikely that internal light sources would have an adverse impact on surrounding residential amenity in what is already a built up area with existing sources of light.

Hours of Operation

- 47 As stated previously, this proposal would form part of a wider sports field and there is an existing interaction between the use of the area (for sports) and the adjacent residential properties which is largely limited to the hours of daylight – the extent of which would obviously vary throughout the year. It would also be the case that noise from the usage would be more manageable than that of noise from outside, and control over vehicle movement of users (and deliveries) would be possible to control possible nuisances from vehicle movements. Environmental Health suggested operating times of 0700-2300 as a maximum, which is in line with other leisure uses within built up areas and I have no objection to these proposed hours.

Roads and Access Issues

- 48 Within the letters of representations concerns have been raised that the level of off street parking (60) already approved is insufficient and that the parking need associated with the new indoor facility would overspill onto neighbouring streets. As part of the wider proposal, the applicants carried out a Transport Assessment (TA) which addressed parking provision and the impact that the indoor facility (in combination with the new all-weather pitches) would have on the local road and pedestrian network. The TA was comprehensive in its content, and Transport Planning have raised no objection to the level of parking provision proposed and the proposed access details. The parking provision and access arrangements have now been approved as part of the new pitch development, and are therefore considered acceptable to service this proposed development in combination with the new all-weather pitches.

Visual Impact

- 49 Within the letters of representation concerns have been raised that the proposal would have a negative impact on the visual amenity of the area. The site at present is fairly open, and the introduction of any form of new building would inevitably change the appearance of the area to some degree. However, in this location (and bearing in mind what the building is for, I do not consider the principle of a new building in this location would necessarily have a negative impact on the visual amenity of the area. It would be the case that any detailed submission would need to comply with the Council's Placemaking standards.

Impact on existing Trees / Hedges

- 50 To facilitate both new parking provision and also the new pitches already approved some sections of hedges along the northern boundary have been removed, whilst some trees are also to be removed from the south-east and south western corners of the site. As part of this proposal, it may be the case that some further removals at the northern end of the site may be necessary, however with any detailed submission, a detailed landscaping plan would be required which would clearly show all tree removal as well as details of the new planting/landscaping.

Impact on the Conservation Area / Listed Buildings

- 51 The site is located outwith the Conservation Area of Crieff and would have little negative impact on its character of appearance. In terms of the impact on the setting of neighbouring listed buildings, the new building (if designed appropriately) is not likely to have an adverse impact on the setting of these historic buildings.

Right of Way

- 52 There is a right of way which runs along the western boundary of the Dalliery Pitches. The applicant is aware of this, and is not intending blocking or obstructing this route either during construction or on completion of the development. A condition to this effect is recommended to be placed on any consent.

Air pollution

- 53 Within the representations, a concern regarding the potential for air pollution to occur in relation to the swimming pool and its associated plant/equipment has been raised. At this stage, Environmental Health have not raised any concerns regarding air pollution arising from the swimming pool, and I have no reason to offer a different view.

Impact on Wildlife

- 54 It is not expected that this proposal would have any adverse impact on any protected species or local wildlife.

Economic Impact

- 55 Whilst Morrison's Academy may benefit from a small financial return if the new indoor facility was to be let out for public use, this income is unlikely to be significant and would not have a significant impact on the local economy – either positively or negative. The principal impact that this facility would bring is improved recreational facilities for both the school and the wider community, which is not necessarily linked to the local economy. It is also the case that a small number of jobs would be created during the construction phase and once the new facility was operational.

LEGAL AGREEMENTS

- 56 None required.

DIRECTION BY SCOTTISH MINISTERS

- 57 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

- 58 The proposal is in accordance with the relevant land use policies contained in the Local Development Plan 2014. Whilst I note the proposal has attracted a number of representations objecting to the proposal, this proposal is ultimately for the upgrade and improvement of an existing recreational facility to provide a modern indoor facility principally for Morrison's Academy but also for the wider local community of Crieff. The key issues which have been raised within the representations relate to amenity issues centred on noise, hours of operation and light pollution which are all matters which I am confident can be fully addressed at the detailed planning application stage and then suitably controlled and enforced.

RECOMMENDATION

A Approve the application subject to the following conditions:

- 1 The development shall not commence until the following specified matters have been the subject of a formal planning application for the approval of the Council as Planning Authority: the siting, design and external appearance of the development, the hard and soft landscaping of the site, all means of enclosure, means of access to the site, vehicle parking and turning facilities, levels, drainage and waste management provision, all external lighting and specification of all proposed plant and associated equipment.

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 Notwithstanding the terms of condition 1, the submission of an application for the approval of matters specified shall include specific details of any external lighting. All external lighting to be installed shall be sufficiently screened and aligned so as to ensure that there is no direct illumination of neighbouring land and that light spillage beyond the boundaries of the site is minimised, to the satisfaction of the Council as Planning Authority.

Reason – In order to protect the existing residential amenity of the adjacent residential properties.

- 3 Notwithstanding the terms of condition 1, the submission of an application for the approval of matters specified must include specific details of the existing ground levels and those of the proposed development.

Reason - In order to ensure that the development does not increase the risk of flood risk off site.

- 4 Notwithstanding the terms of condition 1, the submission of an application for the approval of matters specified must include the creation of an overland flow path to capture water from the existing lade which will overtop Turretbank Road in the absence of such a path.

Reason – In order to reduce the risk of flooding and to address SEPA's concerns.

- 5 For the avoidance of doubt, planning permission is hereby granted for an indoor facility only, with no outside uses approved.

Reason – In order to clarify the terms of the planning permission.

- 6 For the avoidance of doubt, no details regarding the scale, mass, design or location of the proposed new building are approved under this permission.

Reason – This is a planning in principle application only.

- 7 The operation times of the facility shall be 0700-2300 only.

Reason – In the interest of protecting residential amenity.

- 8 Notwithstanding the terms of condition 1, the submission of an application for the approval of matters specified must include an air quality report, in the event that the swimming pool element is included.

Reason – In the interest of protecting residential amenity.

- 9 All plant or equipment shall be so enclosed, attenuated and/or maintained such that any noise therefrom shall not exceed Noise Rating 30 between 0700 and 2300 hours daily, or Noise Rating 20 between 2300 and 0700 hours daily, within any neighbouring sensitive receptor, with all windows slightly open, when measured and/ or calculated and plotted on a rating curve chart, to the satisfaction of the Council as Planning Authority.

Reason – In the interest of protecting residential amenity.

B JUSTIFICATION

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

C PROCEDURAL NOTES

None applicable.

D INFORMATIVES

- 1 Application for the approval of matters specified in conditions shall be made before the expiration of 3 years from the date of the grant of planning permission in principle, unless an earlier application for such approval has been refused or an appeal against such refusal has been dismissed, in which case application for the approval of all outstanding matters specified in conditions must be made within 6 months of the date of such refusal or dismissal.
- 2 The approved development shall be commenced not later than the expiration of 3 years from the date of grant of planning permission in principle or 2 years from the final approval of matters specified in conditions, whichever is later.
- 3 The applicant is advised to make early contact with the Council with regards to satisfying the requirements of conditions 1, 2, 3 and 4 of this permission.

Background Papers: 17 letters of representation

Contact Officer: Andy Baxter – Ext 5339

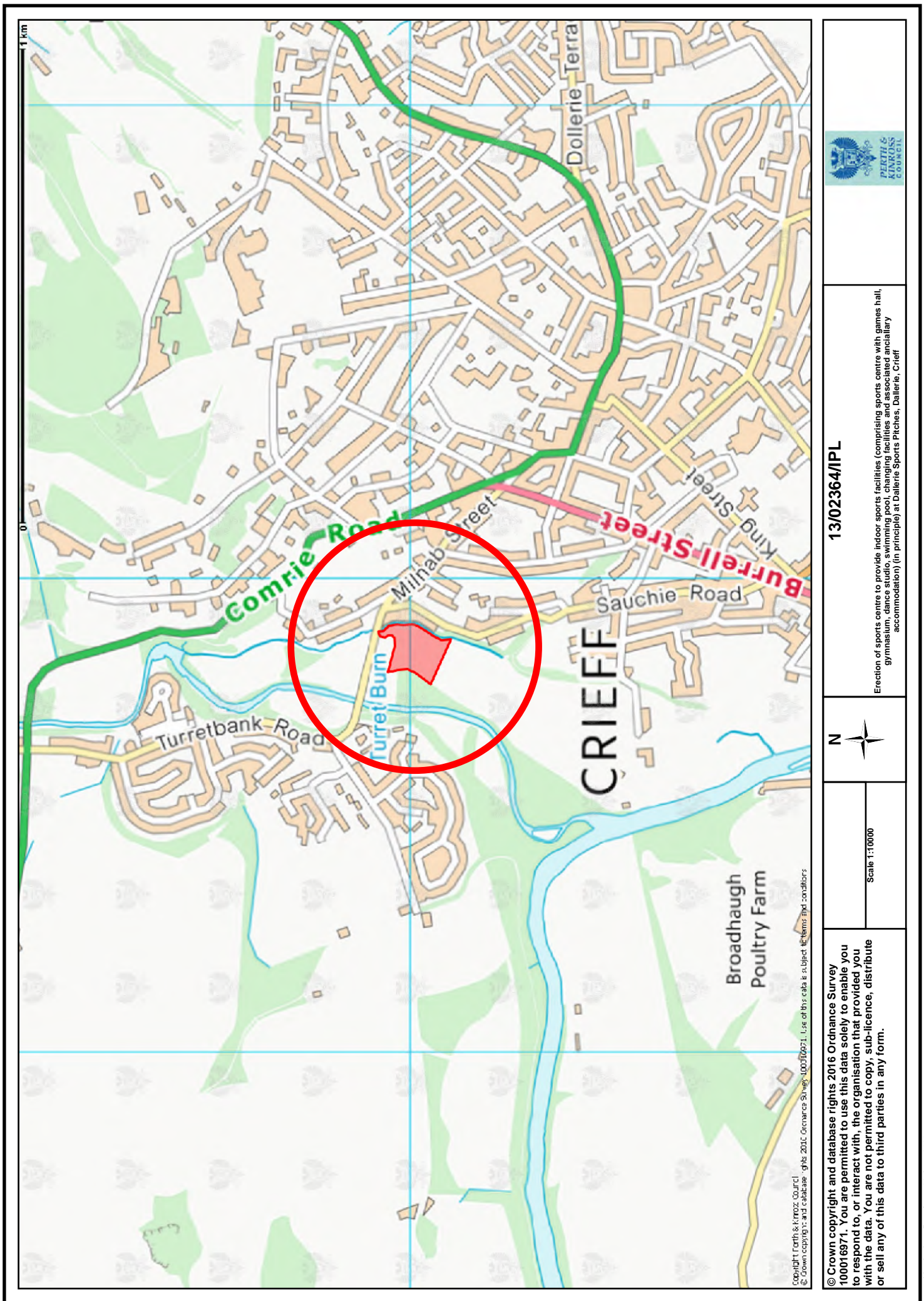
Date: 29 June 2016

Nick Brian
Development Quality Manager

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Perth and Kinross Council
Development Management Committee – 13 July 2016
Report of Handling by Development Quality Manager

Change of use of ground floor from storage to mixed uses (including retail, pool hall, crèche and tearoom) at Ainslie's Antiques, 113-119 Glover Street, Perth, PH2 0JF

Ref. No: 16/00461/FLL
Ward No: N10 –Perth City South

Summary

This report recommends approval of a detailed planning application for a mixed use development (including retail, a pool hall, crèche and tearoom) on Glover Street, Perth as the development is considered to comply with the relevant provisions of the Development Plan, and there are no material considerations apparent which would outweigh the Development Plan.

BACKGROUND AND DESCRIPTION

- 1 This planning application seeks to obtain detailed planning permission for the change of use of the ground floor of 113-117 Glover Street, Perth to a number of non-residential uses including a pool hall, crèche, retail and a small tea room. The Glover Street area and the surrounding streets are largely residential in character, although there are some other non-residential uses present within the area. The existing building is category B listed, and retains a number of its historic features including very attractive windows and cast iron pillars within the internal space. The building was last used as a store associated with a local antiques business, however this business no longer uses the ground floor part of the building for its business interests and the ground floor is currently vacant pending the outcome of this planning application. Above the ground floor is vacant attic space; however no proposed use changes are proposed within this area.
- 2 Some minor internal alterations are proposed as part of this application, and listed building consent has recently been granted for the proposed alterations, and works are currently underway in line with the listed building consent. The site has had some previous planning history, insofar as a detailed planning consent (14/01025/FLL) was approved in 2014 for the partial change of use from a storage building (class 6) to a mixed use including fitness studio (class 11), shop/hairdressers (class 1) and tearoom (class 3) however those uses have never been implemented.
- 3 Limited additional information has been lodged in support of this planning application, however the applicant has indicated that the proposed pool hall is not to be licenced.

NATIONAL POLICY AND GUIDANCE

- 4 The Scottish Government expresses its planning policies through the National Planning Frameworks, the Scottish Planning Policy (SPP) and Planning Advice Notes (PAN). Of specific relevance to this planning application is,

Scottish Planning Policy 2014

- 5 The Scottish Planning Policy (SPP) was published in June 2014. It sets out national planning policies which reflect Scottish Ministers' priorities for operation of the planning system and for the development and use of land. The SPP promotes consistency in the application of policy across Scotland whilst allowing sufficient flexibility to reflect local circumstances. It directly relates to:
- The preparation of development plans;
 - The design of development, from initial concept through to delivery; and
 - The determination of planning applications and appeals.
- 6 Of relevance to this application are:
- Paragraphs 92 – 108, which relates to Supporting Business & Employment
 - Paragraphs 135 – 151, which relates to Valuing the Historic Environment

DEVELOPMENT PLAN

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

TAYplan Strategic Development Plan 2012

- 8 Whilst there are no specific strategies directly relevant to this proposal the overall vision of the Tay Plan should be noted. The vision states *“By 2032 the TAYplan region will be sustainable, more attractive, competitive and vibrant without creating an unacceptable burden on our planet. The quality of life will make it a place of first choice, where more people choose to live, work and visit and where businesses choose to invest and create jobs.”*
- 9 **Policy 3** (Managing Tay Plan's Assets) seeks to ensure that our cultural heritage assets are protected from inappropriate new developments.

Perth and Kinross Local Development Plan 2014

- 10 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.
- 11 Within the LDP, the site lies within the city boundary of Perth, outwith the town centre where the following policies are applicable,

Policy RD1 - Residential Areas

- 12 In identified areas, residential amenity will be protected and, where possible, improved. Small areas of private open space will be retained and changes of use away from ancillary uses such as local shops will be resisted unless supported by market evidence that the existing use is non-viable. Proposals will be encouraged where they satisfy the criteria set out and are compatible with the amenity and character of an area.

Policy RD2 - Pubs and Clubs in Residential Areas

- 13 Pubs, clubs and other leisure uses which support the evening economy are best located in town centres except where they serve a local market. There will be a general presumption against the siting of these below existing residential property, and there will be a presumption against the siting of these in the midst of other (particularly residential) uses where problems of noise or disturbance cannot be satisfactorily addressed.

Policy PM1A - Placemaking

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

Policy PM3 – Contributions

- 15 Where the cumulative impact of new developments will exacerbate a current or generate a future 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 HE2 - Listed Buildings

- 16 The layout, design, materials, scale, siting and use of any development which will affect a listed building or its setting should be appropriate to the building's character, appearance and setting.

Policy EP8 – Noise Pollution

- 17 There will be a presumption against the siting of development proposals which will generate high levels of noise in the locality of existing or proposed noise sensitive land uses and similarly against the locating of noise sensitive uses near to sources of noise generation.

OTHER COUNCIL POLICIES

Developer Contributions and Affordable Housing, April 2016

- 18 This supplementary guidance is about facilitating development. It sets out the basis on which the Council will seek developer contributions and affordable housing provision for new developments. This Supplementary Guidance should be read in conjunction with Local Development Plan Policy PM3: Infrastructure Contributions and the Developer Contributions Supplementary Guidance.

OTHER LEGISLATION

Planning (Listed Buildings & Conservation Areas) (Scotland) Act 1997 (PLBCA)

- 19 *Section 59* requires the Council, when considering applications which potentially affect the setting of a listed building, to have special regard to the desirability of preserving the historic character of the affected listed building.

SITE HISTORY

- 20 Detailed planning consent was approved on the site in 2014 (14/01025/FLL) for a partial change of use of the ground floor area from a storage use (class 6) to a mixed use including fitness studio (class 11), shop/hairdressers (class 1) and tearoom (class 3).
- 21 Since that approval was granted, the site has been subject to a series of enforcement enquiries relating to unauthorised works taking place within the building, and also an alleged change of use of part of the building to a residential use. Following an inspection of the building in early 2016, the ongoing unauthorised physical works to the building subsequently ceased, and a listed building consent application for the works already undertaken and new proposed alteration – which were to facilitate the uses proposed under this planning application was thereafter submitted and subsequently approved by the Council.
- 22 In relation to the alleged change of use of part of the upper floor of the building above the area subject of this planning application, there is currently no outstanding enforcement interest at this time and the applicant has been made aware that any residential use of this area would require a formal planning permission.

CONSULTATIONS

EXTERNAL

- 23 **Scottish Water** – Have made no specific comment.

INTERNAL

- 24 **Environmental Health** - In terms of noise and odour nuisance issues, they have raised no objections subject to a series of conditions being attached to any permission.
- 25 **Transport Planning** - Indicated that if the proposed crèche element was removed from the development then they would have no objections to the remainder of the development.
- 26 **Contributions Officer** – Confirmed that there is no requirement for any Developer Contributions in relation to Transport Infrastructure.

REPRESENTATIONS

- 27 394 letters of representations have been received of which 55 are letters of objections, and the remainder are letters which are offering support for the proposal. The main issues raised by the objectors are,
- Proposal is contrary to the Local Development Plan
 - Impact on residential amenity, in terms of noise / odour nuisance
 - Parking Issues
 - Impact on listed building
 - Uncertainty over further, future developments on the site
 - History of Enforcement Interest
 - Probability of compliance with any restrictive conditions, bearing in mind previous enforcement involvement
- 28 In terms of the letters of support, the majority of these offer support for the proposal in respect of the benefits that the pool hall would bring to Perth. It is noted that a number of the letters of support make reference to other potential uses such as bowling alleys and darts arenas which are not proposed as part of this planning application.
- 29 These issues are addressed in the main Appraisal section of this report.

ADDITIONAL STATEMENTS

Environment Statement	Not required
Screening Opinion	Not required
Environmental Impact Assessment	Not required
Appropriate Assessment	Not required
Design Statement / Design and Access Statement	None
Report on Impact or Potential Impact	None

APPRAISAL

- 30 Sections 25 and 37(2) of the Town & Country Planning (Scotland) Act 1997 (as amended) requires the determination of the application to be made in accordance with the provisions of the Development Plan, unless material considerations indicate otherwise.
- 31 The Development Plan for the area comprises the approved Tay Plan 2012 and the adopted Perth and Kinross Local Development Plan 2014 (LDP). In terms of other material considerations, this involves considerations of the Council's other approved policies, namely those which relate to developer contributions, the sites previous planning history and consideration of the PLBCA Act.

Policy

- 32 The key land use policies are contained within the LDP, where the site lies wholly within the city boundary of Perth where *Policies RD1, RD2, PM1A and EP5* are all directly applicable.
- 33 *Policy RD1* of the LDP seeks to ensure that all new developments are compatible with existing land uses and that the character and amenity (visual and residential) of the area concerned is not adversely affected by the development proposed.
- 34 *Policy RD2* relates to new commercial, leisure uses within residential areas, and states that leisure uses (as well as pubs and clubs), which support the evening economy are best located in the town centres except where they serve a local market. This policy goes on to state that there will be a general presumption against the siting of these below existing residential property, and there will be a presumption against the siting of these in the midst of other (particularly residential) uses where problems of noise or disturbance cannot be satisfactorily addressed.
- 35 *Policy PM1A* is also applicable to this proposal, and this policy seeks to ensure that the quality of the surrounding built and natural environment is maintained, and that all new development respects the existing character and amenity of the existing areas, whilst *Policy EP5* of the LDP looks to protect existing residential amenity by ensuring that new sources of noise are suitably controlled so that they do not affect residential amenity.

- 36 Lastly, both the Tay Plan (*Policy 3*) and the Local Development Plan (*Policy HE2*) seek to ensure that the historic character of listed buildings are not adversely affected by inappropriate new developments.
- 37 For reasons stated below, I consider the proposal to be consistent with the aforementioned policies.

Land Use Acceptability

- 38 In terms of land use acceptability, there are several uses which are proposed which all have different issues. It is also a matter of fact that the proposed tea room and also the small retail element have already been considered acceptable by the Council (in a slightly different configuration) via the terms of the extant detailed planning permission. This remains the case, and I do not consider it necessary to revisit the acceptability of these two uses in land use terms.
- 39 It is therefore ultimately the acceptability of the pool hall use and crèche element which are the key considerations for this current planning application, and I shall consider these two in turn.

Pool Hall

- 40 Within the LDP, *Policy RD2* of the LDP is specifically relevant to new commercial, leisure uses within residential areas and states that new leisure uses (as well as pubs and clubs), which support the evening economy are best located in the town centres except where they serve a local market. The policy goes on to state that there will be a general presumption against the siting of these below existing residential property, and there will be a presumption against the siting of these uses in the midst of other (particularly residential) uses where problems of noise or disturbance cannot be satisfactorily addressed. *Policy RD1* of the LDP, also seeks to ensure that new development within residential areas do not adversely affect existing amenity and this is echoed through *Policy EP5* of the LDP in relation to controlling potential sources of noise nuisance.
- 41 Whilst the site is located within walking distance from the town centre, the site is not within the town centre as defined within the LDP so therefore the acceptability of the pool hall element would be largely dependent on whether or not noise and disturbance can be suitably controlled so that (existing) residential amenity is not adversely affected.
- 42 The vast majority of the objections highlight residential amenity issues as a significant area of concern for them, and question whether the proposed uses (in particular the proposed pool hall) are compatible with the surrounding residential uses. There are a number of residential properties in the area, and some which are within 10 metres of the site, which means that there is a clear potential for noise to become an issue if the development is not properly managed. Environmental Health have considered the proposal and have indicated that they are unconcerned regarding potential noise nuisance arising

from the proposed crèche or tearoom elements, but do have concerns regarding potential for noise nuisance to occur from activities associated with the proposed pool hall. It is the case that the game of pool (or snooker) is in itself not a particularly noisy sport, however if large number of people congregate either externally or internally there is the potential that neighbours could be disturbed by anti-social behaviour and their residential amenity affected. For this site, controlling noise coming from inside the premises is a particular issue bearing in mind that the existing windows are single glazed, which would typically allow more noise to escape than if the windows were double or triple glazed.

- 43 Nevertheless, the applicant has indicated within this submission that it not his intention to licence the premise for the sale of alcohol. Alcohol consumption may not be the only contributor to noise nuisance but it is a significant contributor in most cases and in this case the fact that the premises will not be licenced is a significant material consideration.
- 44 After much consideration it is the settled view of Environmental Health that subject to a number of conditions relating to hours of operation, delivery times and strict controls over the use of amplified music noise can be adequately controlled as to not adversely neighbours. Whilst it would be appropriate in this case to have these individual matters covered by specific, individual restrictive conditions, their collective implementation and how they are to be achieved and monitored in practice, would also be subject of the further approval of a robust noise management plan. This plan would be required to be submitted prior to the opening of the facility, and would have to demonstrate fully how the premises would be run (in accordance with all the recommended conditions) to ensure that the potential for disturbance at nearby residential receptors is minimised.
- 45 A number of concerns have also been raised within the representations that the pool hall would generate a significant level of car movements, which in turn would have an adverse impact on the parking provision in the local area, which in turn would also affect residential amenity. The site is located within a reasonable walkable distance from the centre of Perth and is currently well served by public transport. I therefore consider the location to be one which does not necessary require the users of the facility to be limited to travelling by car, and any approval would not necessarily add to any existing on street parking issues.
- 46 I therefore consider the pool hall use to be acceptable in this location in terms of its compatibility with existing uses, and (subject to conditions) to be in accordance with the requirements of *Policies RD1, RD2 and EP5* of the LDP.

Crèche

- 47 The pure nature of a crèche facility is such that it would ordinarily require good parking provision as the users of the facility would in the majority of most cases be driving to and from the facility to pick up or drop off children. As outlined in more detail below, the lack of onsite parking would increase pressure on the

already limited on-street parking within the area which is ultimately unacceptable to Transport Planning. I therefore consider the proposed crèche to be unacceptable in this location for this reason alone. However, as the crèche element is not the principal use proposed, I intend to condition the removal of this element from my recommendation of approval which would allow for the other (acceptable) uses to progress.

Road Related Issues

- 48 In terms of road relates matters, I note that a number of concerns have been raised regarding the lack of onsite parking and the lack of on street parking. It is unlikely that either the retail element or the tea room would generate significant traffic movement which would have an impact on the parking provision on the area.
- 49 In terms of the pool hall element, whilst the site is technically outwith the town centre in terms of the LDP, it is nevertheless very close to the centre of Perth and is both within walkable distance and well served by public transport – both of which reduce the need for car usage.
- 50 However, in terms of the proposed crèche, this would have implications for parking provision as the users of the facility would be arriving and departing from the crèche largely by car. With limited scope to offer any parking onsite, and on street parking in the area limited at peak times (when usage of the crèche may be most popular), the introduction of this use to the area would have the potential to adversely impact on parking provision in the area. The applicant has indicated that the crèche is not a priority in terms of his long term plans, and has indicated that he would be open to a restrictive condition which removed this use from any approval, and to this end, this is what I propose. By conditioning 'out' the crèche element and for the space to remain as storage, the applicant would then be free to implement and advance the other acceptable elements.

Noise

- 51 In terms of the proposed crèche, tea room and shop these are unlikely to cause any degree of noise nuisance. However, as previously discussed the pool hall element does have the potential to cause noise nuisance if not suitably controlled. Environmental Health have been consulted on the planning application and are confident that the combination of sensible opening / delivery times, a restriction on amplified music and the non-licenced nature of the premises will ensure that adjacent residential properties are not adversely affected by this proposal.

Odours

- 52 No details have been submitted by the applicant in relation to the means of proposed ventilation of cooking equipment associated with the proposed kitchen. To ensure that odours do not adversely affect the amenity of any adjacent residential property, a standard condition will be attached to this

permission which requires further details to be submitted in relation to the proposed cooking ventilation system. Subject to this, Environmental Health have no concerns in terms of odour issues.

Visual Impact / Impact on Listed Building

- 53 Listed building consent has been granted for works to the internal fabric of the building to help facilitate the proposed uses and works have been progressing. No external changes are proposed to the fabric of the building, and particularly no works are proposed to the attractive windows which face onto Glover Street. From a visual amenity point of view I have no concerns over the proposal.

Drainage

- 54 The proposal raises no issues in terms of either surface water or foul drainage.

Concern over the future development / Compliance with Conditions

- 55 It is noted within the representations that there is some concern regarding potential, future uses which have been suggested in the local press. In terms of this planning permission, and to ensure that the Council has control over the uses within the building I propose to attach restrictive conditions on the permission to avoid any ambiguity over future uses of the building. It has also been suggested within the letters of representations that due to the enforcement history attached to the site, there is a likelihood that any restrictive conditions placed on any permission will not be adhered too. It would be unreasonable for the Council to take the view that conditions could not be implemented simply because there have been previous breaches of planning control in the past on the site, and involving the same applicant. The conditions which are recommended to be attached to the planning permission have been discussed with the applicant, and he has indicated that he has no issues or concerns in relation to their content and workability, and that he would be able to comply with them fully.

Neighbour Notification

- 56 Within the representations, concerns have been raised that the neighbour notification process has not been carried out correctly. In terms of the planning act, neighbour notification in relation to this planning application has been undertaken correctly. It is also the case that as 55 letters of representations have been received objecting to the proposal from local residents all the interested parties appear to have been aware of this planning application and have had an opportunity to make comment.

DEVELOPER CONTRIBUTIONS

Primary Education

- 57 Due to the nature of the proposal, there is no requirement for any Developer Contribution in relation to Primary Education.

Transport Infrastructure

- 58 There is no requirement for any Transport Infrastructure Developer Contribution.

ECOMONIC IMPACT

- 59 The proposal has the potential to have a positive impact on the local economy; however its exact impact is unquantified at this stage.

LEGAL AGREEMENTS

- 60 None required.

DIRECTION BY SCOTTISH MINISTERS

- 61 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

- 62 The proposal is considered to be in accordance with the relevant land use policies contained in the Local Development Plan 2014. I do appreciate the concerns from the local residents of the area which relate to residential amenity issues, however I am satisfied that subject to conditions the uses proposed (in particular the pool hall) can function without compromising existing residential amenity.

RECOMMENDATION

A Approve the application subject to the following conditions:

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

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

- 2 The hours of operation of all uses shall be limited to Monday to Sunday 07.00 to 23.00 only.

Reason – In order to protect existing residential amenity

- 3 Prior to the commencement of any works on site, precise details of the proposed means of ventilation system must be submitted for the approval in writing by the Council as Planning Authority. The details must demonstrate an effective ventilation system commensurate with the nature and scale of cooking to be undertaken, and shall be installed, operated and maintained, within the commercial areas, such that cooking odours are not exhausted into or escape into any neighbouring dwellings all to the satisfaction of the Council as Planning Authority.

Reason – In order to protect existing residential amenity

- 4 All plant or equipment shall be so enclosed, attenuated and/or maintained such that any noise therefrom shall not exceed Noise Rating 35 between 0700 and 2300 hours daily, or Noise Rating 25 between 2300 and 0700 hours daily, within any neighbouring residential property, with all windows slightly open, when measured and/ or calculated and plotted on a rating curve chart, to the satisfaction of the Council as Planning Authority.

Reason – In order to protect existing residential amenity

- 5 The delivery of goods to the premises shall take place between 7am to 7pm Mondays to Saturdays and at no other time.

Reason – In order to protect existing residential amenity

- 6 No amplified music will be permitted on the premises.

Reason – In order to protect existing residential amenity

- 7 Prior to the opening this facility, the applicant shall submit a noise management plan to minimise the potential for disturbance at nearby residential receptors. The approved plan shall thereafter be implemented in full, to the satisfaction of the Council as Planning Authority.

Reason – In order to protect existing residential amenity

- 8 For the avoidance of doubt, this permission relates to the ground floor area only.

Reason – In order to clarify the terms of this permission.

- 9 Notwithstanding the terms of conditions 1, the crèche area is not hereby approved and shall remain in its current use (storage), to the satisfaction of the Council as Planning Authority. Within 1 month of the date of the decision note an amended layout plan which reflects this position must be submitted for the approval in writing by the Council as Planning Authority.

Reason – In order to ensure that road and pedestrian safety is not compromised by the permission.

- 10 No changes away from the uses approved uses (pool hall, tea room and retail/shop) will be permitted unless subject to a further planning application.

Reason – In order to retain control of the use of the building to ensure that residential amenity is protected.

- 11 For the avoidance of doubt, the pool hall area shall be unlicensed and any change would require to be the subject to a further planning application.

Reason – In order to protect existing residential amenity

B JUSTIFICATION

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

C PROCEDURAL NOTES

None

D INFORMATIVES

- 1 This planning permission will last only for three years from the date of this decision notice, unless the development has been started within that period. *(See section 58(1) of the Town and Country Planning (Scotland) Act 1997 (as amended)).*
- 2 As soon as practicable after the development is complete, the person who completes the development is obliged by section 27B of the Town and Country Planning (Scotland) Act 1997 (as amended) to give the planning authority written notice of that position.
- 3 Under section 27A of the Town and Country Planning (Scotland) Act 1997 (as amended) the person undertaking the development is required to give the planning authority prior written notification of the date on which it is intended to commence the development. A failure to comply with this statutory requirement would constitute a breach of planning control under section 123(1) of that Act, which may result in enforcement action being taken.
- 4 No work shall be commenced until an application for a building warrant has been approved.
- 5 This development will require the 'Display of notice while development is carried out', under Section 27C(1) of the Town and Country Planning Act 1997, as amended, and Regulation 41 of the Development Management Procedure (Scotland) Regulations 2013. The form of the notice is set out in Schedule 7 of the Regulations and a draft notice is included for your guidance. In accordance with Regulation 41 the notice must be:
 - Displayed in a prominent place at or in the vicinity of the site of the development

- Readily visible to the public
 - Printed on durable material.
- 6 This is approval relates to a planning permission. It does not include any approval of works to a listed building. If any additional physical works to the building (from those already consented under 16/00327/LBC) are required to comply with the attached conditions, early contact with the Council must be made to ascertain whether or not any further permission(s) are necessary before works commence.
- 7 The applicant must have all the necessary entertainment / trading licences in place prior to any use commencing.

Background Papers: 394 letters of representation

Contact Officer: Andy Baxter – Ext 5339

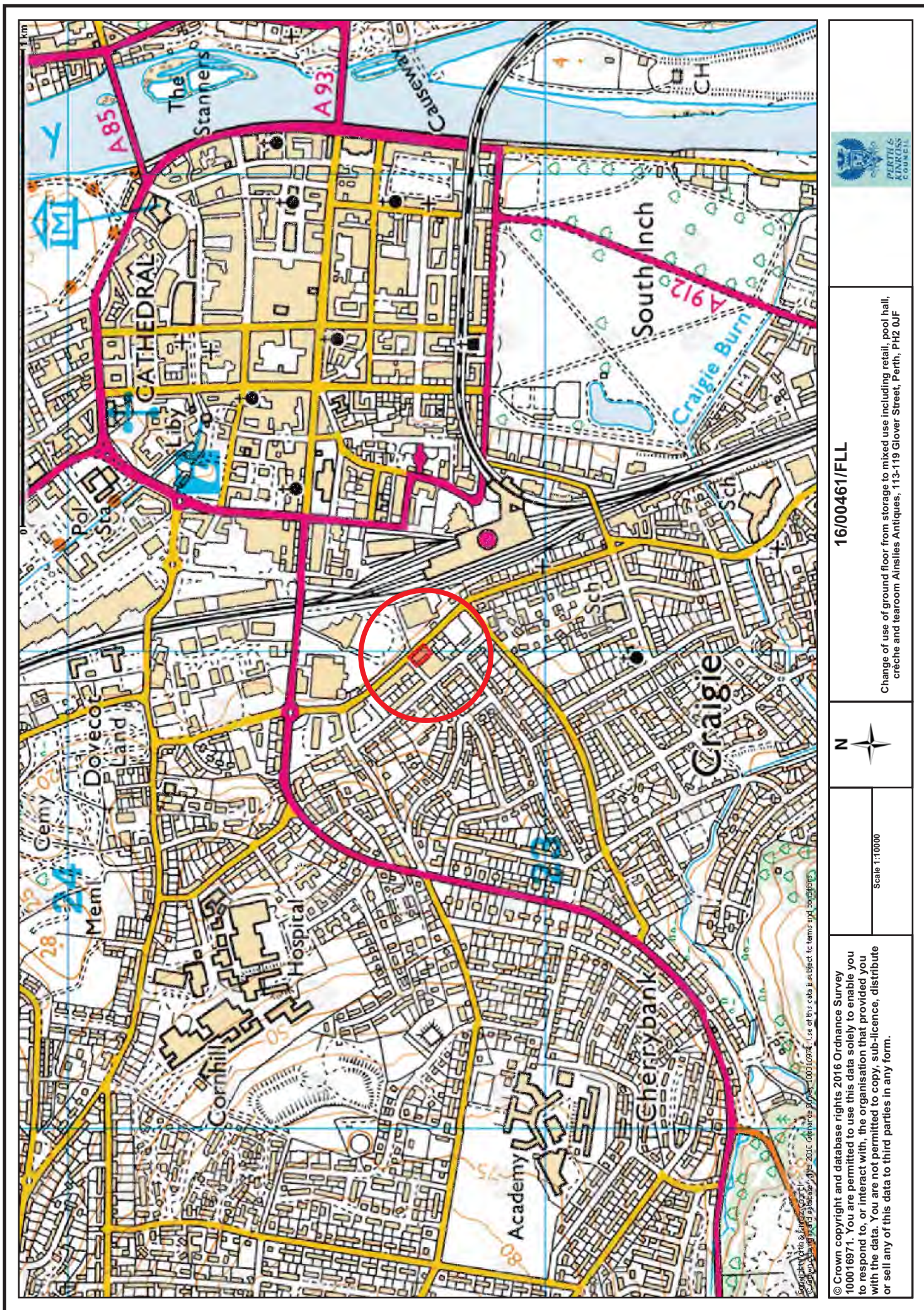
Date: 29 June 2016

Nick Brian
Development Quality Manager

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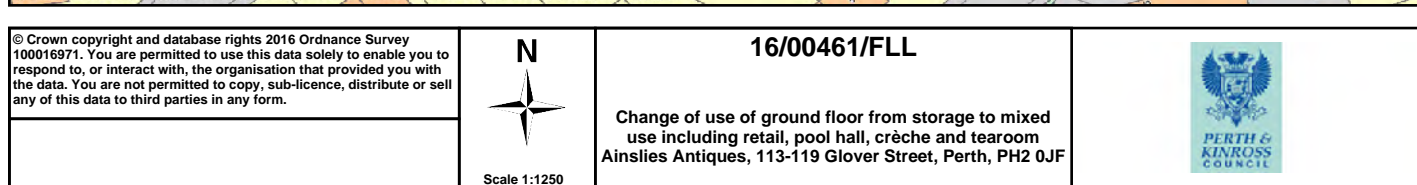
16/00461/FLL

Change of use of ground floor from storage to mixed use including retail, pool hall, crèche and tearoom Ainslies Antiques, 113-119 Glover Street, Perth, PH2 0JF



Scale 1:10000

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Perth and Kinross Council
Development Management Committee – 13 July 2016
Report of Handling by Development Quality Manager

16/00613/FLL Change of use of pavement to form outdoor seating area 5 High Street Blairgowrie PH10 6ET

Ref. No: 16/00613/FLL
Ward No: N3- Blairgowrie And Glens

Summary

This report recommends approval of the application for the change of use of pavement to form outdoor seating area as it is considered to comply with the relevant provisions of the Development Plan and there are no material considerations apparent which would outweigh the Development Plan.

BACKGROUND AND DESCRIPTION

- 1 Full planning permission is sought for the change of use of pavement to form outdoor seating area on an area of pavement close to the CATERAN Café at 5 High Street, Blairgowrie. 5 High Street is a Category C listed building and located within the Blairgowrie Conservation Area.
- 2 This area of pavement has previously been used for pavement seating. The current owners wish to regularise the position with regard to the requirement for planning permission.

NATIONAL POLICY AND GUIDANCE

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

DEVELOPMENT PLAN

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

TAYplan Strategic Development Plan 2012 – 2032 - Approved June 2012

- 5 The overall vision of the Tay Plan states *“By 2032 the TAYplan region will be sustainable, more attractive, competitive and vibrant without creating an unacceptable burden on our planet. The quality of life will make it a place of first choice, where more people choose to live, work and visit and where businesses choose to invest and create jobs.”*

- 6 The principal policy, in summary is:

Policy 3: Managing Tayplan's Assets

- 7 Understanding and respecting the regional distinctiveness and scenic value of the TAYplan area through amongst other things:
- Safeguarding habitats, sensitive green spaces, forestry, wetlands, floodplains (in-line with the water framework directive), carbon sinks, species and wildlife corridors, geodiversity, landscapes, parks, townscapes, archaeology, historic buildings and monuments and allow development where it does not adversely impact upon or preferably enhances these assets.

Perth and Kinross Local Development Plan 2014

- 8 The Local Development Plan 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.
- 9 The site is located within the Aberfeldy settlement boundary. The principal policies are, in summary:

Policy PM1A - Placemaking

- 10 Development must contribute positively to the quality of the surrounding built and natural environment, respecting the character and amenity of the place. All development should be planned and designed with reference to climate change mitigation and adaption.

Policy PM1B - Placemaking

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

Policy PM2 - Design Statements

- 12 Design Statements should normally accompany a planning application if the development comprises 5 or more dwellings, is a non-residential use which exceeds 0.5 ha or if the development affects the character or appearance of a Conservation Area, Historic Garden, Designed Landscape or the setting of a Listed Building or Scheduled Monument.

Policy RC1 - Town and Neighbourhood Centres

- 13 Class 1 (retail) uses will be supported in identified town and neighbourhood centres commensurate with the role of the centre within the established retail hierarchy. Use Classes 2 & 3, leisure, entertainment, recreation, cultural and community facilities will also be encouraged in ground floor units provided they contribute to the character, vitality and viability of the retail core and satisfy the criteria set out. Use of pavement areas for restaurant/cafes/bars is acceptable

in the prime retail area. Housing and other complementary uses are encouraged on the upper floors.

Policy HE2 - Listed Buildings

- 14 There is a presumption in favour of the retention and sympathetic restoration, correct maintenance and sensitive management of listed buildings to enable them to remain in active use. The layout, design, materials, scale, siting and use of any development which will affect a listed building or its setting should be appropriate to the building's character, appearance and setting.

Policy HE3A - Conservation Areas

- 15 Development within a Conservation Area must preserve or enhance its character or appearance. The design, materials, scale and siting of a new development within a Conservation Area, and development outwith an area that will impact upon its special qualities should be appropriate to its appearance, character and setting. Where a Conservation Area Appraisal has been undertaken the details should be used to guide the form and design of new development proposals.

Policy EP8 - Noise Pollution

- 16 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.

OTHER POLICIES

- 17 Historic Environment Scotland - Policy Statement June 2016
Blairgowrie Conservation Area Appraisal

SITE HISTORY

- 18 10/00745/FLL Change of use from shop (Class 1) to Cafe (Class 3) including internal and external alterations. Application permitted under delegated powers in July 2010

10/00746/LBC Change of use from shop (class 1) to Cafe (Class 3) including internal and external alterations. Application permitted under delegated powers in July 2010

10/00747/ADV Display of signs. Application permitted under delegated powers in June 2010

CONSULTATIONS

EXTERNAL

- 19 None.

INTERNAL

- 20 **Transport Planning** has no objections subject to a condition requiring a 2 metre wide path between the building and seating area. The seating area is to be 1.5m from the edge of the carriageway, and a barrier is required between the carriageway and seating area.
- 21 **Environmental Health** has no adverse comments to make. This application has the potential to lead to noise complaints at nearby residential receptors from customers sitting outside. This is usually much more of an issue in the evening. It is noted that the café closes at 17.00 so Environmental Health has few concerns with this.

REPRESENTATIONS

- 22 A total of ten letters of representations have been received in respect of this application. Three of these letters of representations are in support of the proposal.
- 23 Blairgowrie and Rattray Community Council has expressed support for the application and comment that following the recently completed Blairgowrie and Rattray charrette, the results recommended that the town needed to become more pedestrian and cyclist friendly and become more people focused. This included the need to make much better use of public spaces to encourage more social interaction, and enhance the spaces that could be developed into informal meeting/gathering spaces. One such space identified was that outside the Catheran Café, where there is a pavement wide enough to accommodate this. The Community Council consider this small area of outside seating as an asset to the town as well as the business and are in full support of this application.
- 24 The representations in objection have raised the following issues: -
- Health and safety – lack of space, seating causes an obstruction that people have to walk round. Conflict with pedestrians and vehicles as not enough space on the pavement. Injury from hot drinks being carried across the pavement. Trip hazard from dog leads tied to tables. Danger to old, young, disabled, prams and pushchairs.
 - Road safety - danger from car doors opening close by. Space left over would be too small for a busy High Street. Not enough space to get past the tables and people are forced on to the road due to the small size of the area.
 - Litter and noise nuisance – detrimental effect on the surrounding area. Would encourage seagulls and vermin from unwanted food.

- 25 All the material planning issues which have been raised are covered in the Appraisal section of this report.

ADDITIONAL STATEMENTS

Environment Statement	Not required
Screening Opinion	Not required
Environmental Impact Assessment	Not required
Appropriate Assessment	Not required
Design Statement / Design and Access Statement	Not submitted
Reports on Impact or Potential Impact	Not required

APPRAISAL

Policy Appraisal

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

Principle

- 27 The site is located within the Blairgowrie Conservation Area in area designated under policy RC1 as a Town or Neighbourhood Centre. This supports town centre uses and in particular states that the use of pavement areas for restaurant/café/bars is acceptable in the prime retail area. Policy HE2 seeks to protect a listed building's setting. For reasons set out below I consider that the proposed development is acceptable and in accordance with the Development Plan.

Economic Impact

- 28 The proposal is associated with an existing café business and it is expected that it would generally add to the vitality and viability of the town centre. The Community Council comment that such a proposal would begin to create a more informal atmosphere in Blairgowrie, encouraging locals, tourists and others to spend more time in the town and to enjoy all it has to offer. Overall, therefore, the provision of such additional facilities has the potential to benefit the local economy and the well-being of the town centre by making it more attractive to residents and visitors alike.

Design/Layout

- 29 The proposed seating area is sited to the front of the CATERAN café, on an area of extended pavement, on the north side of the High Street. The seating area is separated from the café by the existing pavement and is close to an existing public seating area.
- 30 Transport Planning has commented on the proposals and has set out dimensions with regard to the positioning of the seating area that would provide sufficient separation between the seating area and the public road which would ensure that sufficient space is left for pedestrian access. The plans first submitted indicated that four sets of tables and chairs would be positioned on the site. Revised plans have since been submitted showing two sets of tables and chairs. This demonstrates that the operation of the seating area would be possible within the parameters set by Transport Planning. Tables and chairs were also set up on a temporary basis in this arrangement but have been removed pending the outcome of the planning application. It is clear that the café can operate in compliance with Transport Planning requirements. I recommend that a condition with regard to this is attached to any planning approval as requested by Transport Planning.

Residential Amenity

- 31 The site is within the centre of Blairgowrie where there are a mix of uses both commercial and residential. Environmental Health comments that there is the potential for noise generation from people seated at the tables but as the café is generally only open until 1700 this is unlikely to be an issue. I would also comment that the small scale of the proposal is unlikely to lead to any adverse impact on residential amenity. I recommend that conditions are attached with regard to times that the seating area can be used and that the chairs and tables are removed at the end of the day. The conditions suggested have been used in relation to similar proposals elsewhere in Perth and Kinross.

Traffic and Transport

- 32 The site is part of an existing pedestrian area adjacent to the High Street. There have been various objections submitted that express concern with the safety of pedestrians should the tables be placed on the existing pavement and that pedestrians will have to walk in the road to get around the tables. The Transport Planner notes these comments and also expresses some concern with the proposals in particular that there is no barrier shown between the seating area and roadway. In order to address this conditions have been requested by the Transport Planner to ensure that sufficient footway width (2m) is still available for free flow of pedestrian movement and also that the site be separated from the roadway by a barrier and that sufficient space (1.5 m) be left between the barrier and the roadway.

- 33 The Community Council highlight the fact that there has been a small area of outside seating operating at 5 High Street for a number of years firstly by the previous café, Bradberry's, and since then by the CATERAN Café. They comment that this has operated without trouble and in their view is an asset to the town.

Waste Collection

- 34 Existing arrangements will be utilised for waste and recycling storage and collection.

Drainage and flooding

- 35 There are no matters of concern with regard to drainage. The site is not in an area identified as being at risk of flooding.

Impact on the setting of the listed building and Conservation Area

- 36 5 High Street is a Category C listed tenement with commercial premises at ground floor level. The property is within the Blairgowrie Conservation Area. The proposal to use part of the pavement as an outdoor seating area would not detract from the historic character and interest of the listed building or its setting.

Developer Contributions

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

LEGAL AGREEMENTS

- 38 None required.

DIRECTION BY SCOTTISH MINISTERS

- 39 Under the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2008, 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

- 40 In conclusion, the application must be determined in accordance with the Development Plan unless material considerations indicate otherwise. In this respect, the proposal is considered to comply with the approved TAYplan 2012 and the adopted Local Development Plan 2014. I have taken account of material considerations and find none that would justify overriding the Development Plan. On that basis the application is recommended for approval subject to conditions.

RECOMMENDATION

A Approve the application subject to the following conditions:

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

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

- 2 Prior to the commencement of any works on site precise details of the extent of the seating area and barrier details shall be submitted for the approval in writing by the Council as Planning Authority. The details shall include a 2 metre wide path between the building and seating area, 1.5 metres between the seating area and the edge of the carriageway and a barrier between the seating area and carriageway. The approved details shall be adhered to at all times when the seating area is in use to the satisfaction of the Council as Planning Authority.

Reason - In the interests of pedestrian and traffic safety.

- 3 The tables, chairs and any other related items shall not be affixed to the footway surfaces.

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

- 4 The hours of operation of the outdoor seating area shall be restricted to between 0800 to 1900 hours Monday to Saturday and 0900 to 1800 hours on Sunday.

Reason - In order to safeguard the neighbouring residential amenity in the area.

- 5 All furniture associated with the pavement cafe including tables, chairs and screens shall not be laid out before 0800 hours and shall be removed each day by 2000 hours.

Reason - In order to safeguard the neighbouring residential amenity in the area.

- 6 No music, amplified or otherwise, shall be permitted in the outdoor seating area at any time.

Reason - In the interests of amenity and to prevent undue noise from the outdoor seating area.

B JUSTIFICATION

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

C PROCEDURAL NOTES

None.

D INFORMATIVES

- 1 This planning permission will last only for three years from the date of this decision notice, unless the development has been started within that period. (See section 58(1) of the Town and Country Planning (Scotland) Act 1997 (as amended).
- 2 Under section 27A of the Town and Country Planning (Scotland) Act 1997 (as amended) the person undertaking the development is required to give the planning authority prior written notification of the date on which it is intended to commence the development. A failure to comply with this statutory requirement would constitute a breach of planning control under section 123(1) of that Act, which may result in enforcement action being taken.
- 3 As soon as practicable after the development is complete, the person who completes the development is obliged by section 27B of the Town and Country Planning (Scotland) Act 1997 (as amended) to give the planning authority written notice of that position.
- 4 The applicant should be advised that in terms of Section 59 of the Roads (Scotland) Act 1984 he must obtain from the Council as Roads Authority consent to occupy a road or footway prior to the commencement of works. The applicant is therefore strongly advised to contact Transport Planning in order to obtain this consent.
- 5 This development will require the 'Display of notice while development is carried out', under Section 27C(1) of the Town and Country Planning Act 1997, as amended, and Regulation 41 of the Development Management Procedure (Scotland) Regulations 2013. The form of the notice is set out in Schedule 7 of the Regulations and a draft notice is included for your guidance. In accordance with Regulation 41 the notice must be:
 - 6 Displayed in a prominent place at or in the vicinity of the site of the development
 - Readily visible to the public
 - Printed on durable material.

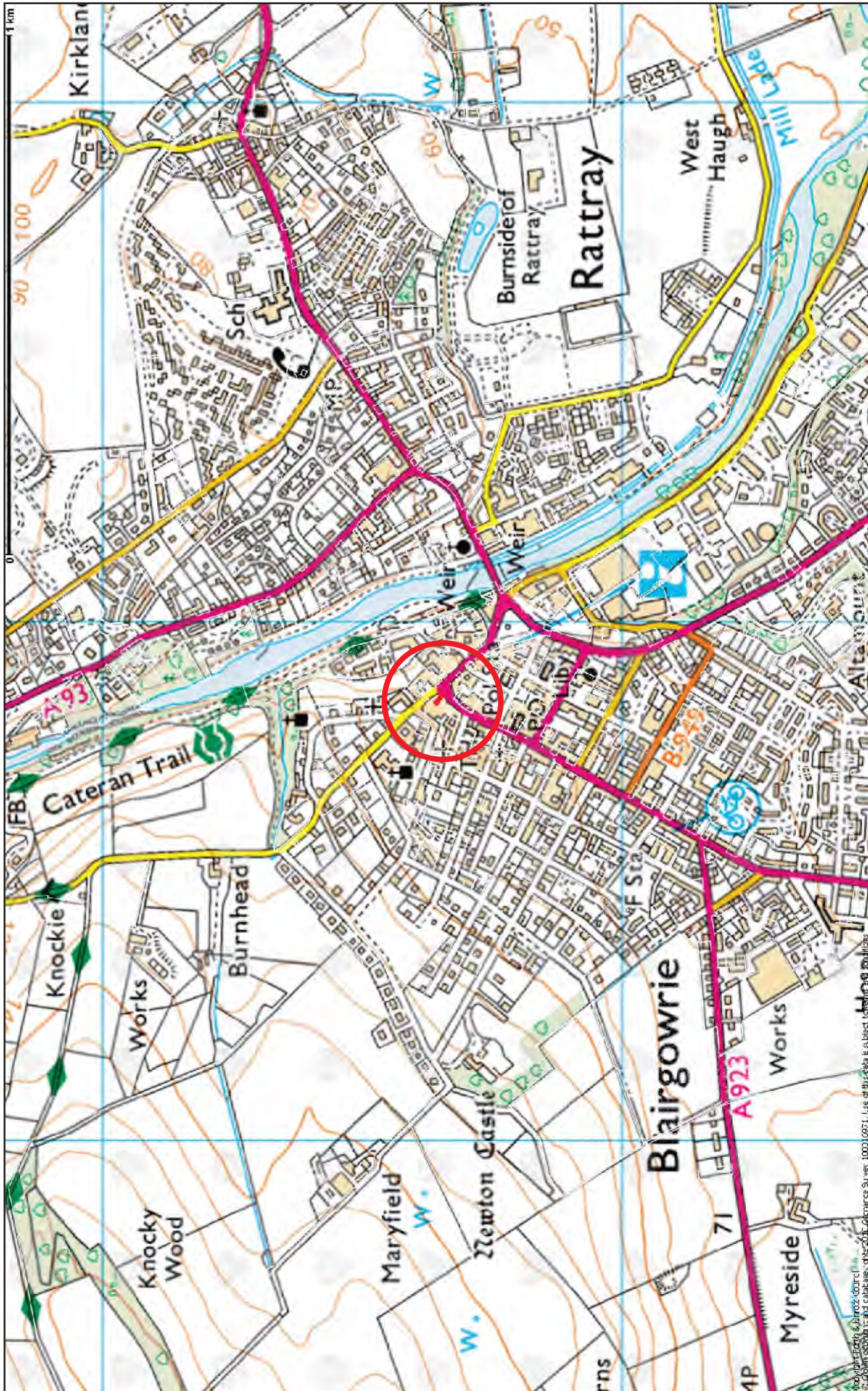
Background Papers: 10 letters of representation
Contact Officer: Persephone Beer – Ext 75354
Date: 23 June 2016

Nick Brian
Development Quality Manager

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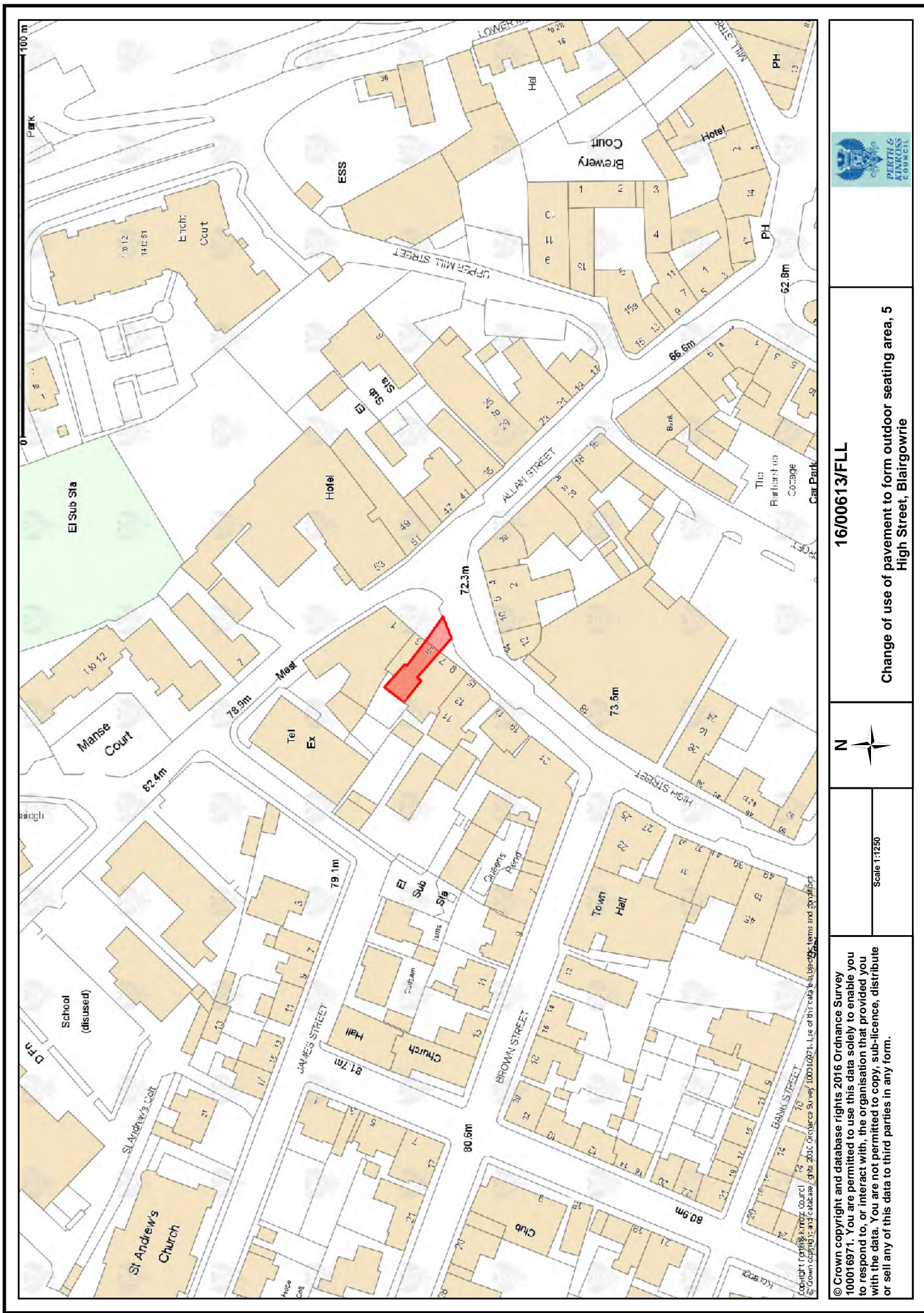
16/00613/FLL

Change of use of pavement to form outdoor seating area, 5
High Street, Blairgowrie



Scale 1:10000

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16/00613/FLL

Change of use of pavement to form outdoor seating area, 5
High Street, Blairgowrie



Scale 1:1250

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Perth and Kinross Council
Development Management Committee – 13 July 2016
Report of Handling by Development Quality Manager

Erection of a shop and flat (increase size of building and re-position condensing unit fans) (in retrospect) at the Former Bewlands Quarry, Inchtute

Ref. No: 16/00622/FLL
Ward No: N1 - Carse

Summary

This report recommends approval of a retrospective, detailed planning application for the erection of new village shop (with a flat above) in the centre of the Inchtute as the development is considered to comply with the relevant provisions of the Development Plan, and there are no material considerations apparent which would outweigh the Development Plan.

BACKGROUND AND DESCRIPTION

- 1 This planning application seeks to regulate various unauthorised works which relate to an under construction development in the centre of Inchtute, on Main Street. Detailed planning consent was initially granted on the site by this Committee in 2014 for the erection of a new village shop with a private flat above, and that consent was later amended in 2015. However, despite these previous approvals being in place the applicant advanced with the development not in accordance with the approved plans with the principal variations being a revised location of air condensers, a small increase in the footprint of the building and an increase in the finished floor level. At the present time, the building is essentially completed from a structural point of view, with some minor internal works yet to be completed.
- 2 The change in the finished floor level has resulted in the building becoming higher than the previously approved building, and also higher than the neighbouring dwelling in terms of both its ridge line and eaves level.
- 3 In addition to the aforementioned variations, the applicant has not yet incorporated a formal public path through the site and onwards into the open space area to the rear which was a specific requirement on previous planning permissions. The term of the previous planning permissions was that the path was required to be implemented prior to the opening of the shop or the habitation of the flat. As neither of these triggers have been reached, the applicant is not currently in breach with regards to the path. The current plans continue to show a path running through the site into the open space area to the rear of the site.

NATIONAL POLICY AND GUIDANCE

- 4 The Scottish Government expresses its planning policies through the National Planning Frameworks, the Scottish Planning Policy (SPP) and Planning Advice Notes (PAN). Of specific relevance to this planning application is,

Scottish Planning Policy 2014

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

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

- 6 Of relevance to this application are:

- Paragraphs 109 – 134: Enabling Delivery of New Homes
- Paragraphs 92 – 108: Supporting Business & Employment
- Paragraphs 135 – 151: Valuing the Historic Environment

DEVELOPMENT PLAN

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

TAYplan Strategic Development Plan 2012

- 8 Whilst there are no specific strategies directly relevant to this proposal the overall vision of the Tay Plan should be noted. The vision states *“By 2032 the TAYplan region will be sustainable, more attractive, competitive and vibrant without creating an unacceptable burden on our planet. The quality of life will make it a place of first choice, where more people choose to live, work and visit and where businesses choose to invest and create jobs.”*
- 9 **Policy 3** (Managing Tay Plan's Assets) seeks to ensure that our cultural heritage assets are protected from inappropriate new developments.

Perth and Kinross Local Development Plan 2014

- 10 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.

- 11 Within the LDP, the site lies within the settlement boundary of Inchtute, within the village's Conservation Area where the following policies are directly applicable.

Policy RD1 - Residential Areas

- 12 In identified areas, residential amenity will be protected and, where possible, improved. Small areas of private open space will be retained and changes of use away from ancillary uses such as local shops will be resisted unless supported by market evidence that the existing use is non-viable. Proposals will be encouraged where they satisfy the criteria set out and are compatible with the amenity and character of an area.

Policy PM1A - Placemaking

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

Policy PM3 – Contributions

- 14 Where the cumulative impact of new developments will exacerbate a current or generate a future 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 HE2 - Listed Buildings

- 15 The layout, design, materials, scale, siting and use of any development which will affect a listed building or its setting should be appropriate to the building's character, appearance and setting.

Policy HE3A - Conservation Areas

- 16 Development within a Conservation Area must preserve or enhance its character or appearance. The design, materials, scale and siting of a new development within a Conservation Area, and development outwith an area that will impact upon its special qualities should be appropriate to its appearance, character and setting.

Policy CF3 - Public Access

- 17 Development proposals that would have an adverse impact upon the integrity of any (proposed) core path, disused railway line, asserted right of way or other well used route will be refused. Development proposals that would affect unreasonably public access rights to these features will be refused unless these adverse impacts are adequately addressed in the plans and suitable alternative provision is made.

Policy EP8 – Noise Pollution

- 18 There will be a presumption against the siting of development proposals which will generate high levels of noise in the locality of existing or proposed noise sensitive land uses and similarly against the locating of noise sensitive uses near to sources of noise generation.

OTHER COUNCIL POLICIES

Developer Contributions and Affordable Housing, April 2016

- 19 This supplementary guidance is about facilitating development. It sets out the basis on which the Council will seek developer contributions and affordable housing provision for new developments. This Supplementary Guidance should be read in conjunction with LDP Policy PM3: Infrastructure Contributions and the Developer Contributions Supplementary Guidance.

OTHER LEGISLATION

Planning (Listed Buildings & Conservation Areas) (Scotland) Act 1997 (PLBCA)

- 20 *Section 64* of the PLBCA requires the Council, when considering applications that affect the character and appearance of Conservation Areas, to have special attention to the desirability of preserving or enhancing the character or appearance of the Conservation Area, whilst *section 59* requires the Council, when considering applications which potentially affect the setting of a listed building, to have special regard to the desirability of preserving the setting of the affected listed building.

SITE HISTORY

- 21 The most relevant planning history on the site is the approval of a detailed planning application in 2014 (14/00844/FLL) which related to the erection of a new village shop with a flat above. A further planning permission to encompass approved non-material variations made to the 2014 permission, and the installation of additional solar panels was subsequently approved in 2015 (15/01398/FLL).
- 22 After inspections by the Council in early 2016, it became clear that the building on site was not being built as per the approved plans. To this end, the applicant was invited to lodge a further planning application to accurately reflect what was actually under construction. It should be noted that once the discrepancy between the approved plans / what was being built on site was established, the applicant was made aware that any further works to the near completed building would be at his own personal risk.

CONSULTATIONS

EXTERNAL

- 23 **Scottish Water** – Made no specific comment.

INTERNAL

- 24 **Environmental Health** - In terms of the proposed relocation of the air condensing units they have raised no concerns regarding noise or odours subject to appropriate conditions being attached to any permission.
- 25 **Education and Children Services** - Indicated that the local primary school is operating at over 80% capacity.
- 26 **Transport Planning** - In terms of the proposed parking provision and also the vehicular access have raised no objections.
- 27 **Contributions Officer** –Confirmed that there is no additional Developer Contributions required.
- 28 **Community Greenspace** - Have indicated that once a path on the land outwith the side has been formed, a path through the site should be opened up for public use.

REPRESENTATIONS

- 29 Three letters of representations have been received from local residents, all of which are objecting to the proposal. The main issues raised by the objectors are,
- Visual impact
 - Impact on residential amenity, in terms of noise nuisance
 - Impact on existing trees
 - Non-implementation of the public path
 - Implementation of the public path
 - Road safety issues, in terms of an increase in on-street parking.
 - Impact on the existing shop, in terms of loss of business
- 30 These issues are addressed in the Appraisal section of this report.

ADDITIONAL STATEMENTS

Environment Statement	Not required
Screening Opinion	Not required
Environmental Impact Assessment	Not required
Appropriate Assessment	Not required
Design Statement / Design and Access Statement	None
Report on Impact or Potential Impact	None

APPRAISAL

- 31 Sections 25 and 37(2) of the Town & Country Planning (Scotland) Act 1997 (as amended) requires the determination of the application to be made in accordance with the provisions of the Development Plan, unless material considerations indicate otherwise. The Development Plan for the area comprises the approved Tay Plan 2012 and the adopted LDP. In terms of other material considerations, this involves considerations of the Councils other approved policies, namely those which relate to developer contributions, the site previous planning history and also consideration of the PLBCA Act.

Policy

- 32 In terms of the Development Plan, the key land use policies are contained within the LDP. Whilst this application is essentially for a change of design of an already approved land use, there are nevertheless still policies which are applicable to this proposal. Within the LDP, the site lies within the settlement boundary of Inchtute where *Polies RD1 and PM1A* seek similar objectives insofar as they look to ensure that residential and visual amenity is not adversely affected by inappropriate new developments. *Policy EP5* of the LDP also seeks to protect existing residential amenity by ensuring that new sources of noise are suitably controlled so that they do not affect residential amenity.
- 33 In addition, both the Tay Plan (*Policy 3*) and the LDP (*Policies HE2 and HE3*) seek to protect our cultural assets from inappropriate new developments.
- 34 For reasons stated elsewhere, I consider the change of building design to be in accordance with the aforementioned policies.

Land Use

- 35 In terms of land use issues, detailed planning permission already exists on the site for a new shop with a residential flat above. I therefore consider the land uses proposed to be firmly established, and the principle of these uses does not require to be revisited in terms of a policy assessment. The key issues for this proposal is therefore ultimately whether or not the revised building design (including the relocated condensers) is acceptable in terms of its visual impact and its impact on existing residential amenity.

Design, Visual Amenity and Impact on Listed Buildings/Conservation Area

- 36 In terms of design issues, and the impact that the development would have on the visual amenity of the area and on the historic setting of the area, I have no concerns.
- 37 Whilst the overall size and height of the building has increased slightly from what was previously approved, the overall design and appearance of the building is still of a high quality - which is what you would expect to see on a site within a prominent location within an historic setting. I do note the concerns which have been raised within some of the representations that the design of the proposed building is (now) out of keeping with the surrounding area, and that the building has an negative impact on the character of the Conservation Area/setting of the listed buildings, however I do not agree with these views. I do fully accept that the raised floor level of the building does visually change the initially approved symmetrical appearance of the building (in relation to the adjacent property), but this alone does not render the proposal unacceptable. There are a number of varying heights of buildings within the centre of Inchtute, and I do not consider the proposal (as built) to be particularly incongruous or out of keeping with the character of the streetscene. I'm also conscious of the fact that the site is not flanked by buildings on either side which does reduce the impact of a higher ridge to some degree.
- 38 In terms of the visual impact of the condensers in their revised location, whilst these are visual from the rear, I do not consider them to have an adverse impact on the visual amenity of the area. To this end, I have no issues over the design of the 'as built' building, and consider the proposal not to have an adverse impact on the visual amenity of the area, or on the character of the Conservation Area or on the setting of the adjacent listed building (Inchtute Hotel).

Road Related Issues

- 39 In terms of roads related matters I have no concerns, and I note that the road matters which are subject to this retrospective application correlate closely to those previously considered in relation to onsite parking provisions etc. In any event, it remains the case that the proposal meets with the Council's standards in terms of onsite parking provision which is required for a local shop of this size, and the presence of a pavement along the sites frontage to ensure that good visibility can be achieved when leaving the site without the need to remove more trees than are already approved. It is noted that the required formal parking spaces have not yet been marked out by the applicant on site (with the exception of a disabled bay), but this informal arrangement on a neatly gravelled surface is considered to be acceptable.

Residential Amenity

- 40 In terms of the impact on existing residential amenity, as planning consent exists on the site already for a shop and flat above, the key issue in terms of residential amenity issues is whether or not the relocation of the air condensing units would adversely impact on the residential amenity of existing properties. Whilst representations have been received from some interested parties, it is the view of Environmental Health that subject to standard conditions the revised location of the condensing units should not adversely affect existing residential amenity to an unacceptable degree. In relation to other matters (which remain unaltered from previous permissions) I intend to attach similar conditions on any consent in relation to hours of operation, delivery times and also sound insulations to ensure that the commercial aspect of this proposal does not result in any unacceptable impact on residential amenity.

Drainage

- 41 The proposal raises no issues in terms of either surface water or foul drainage.

Trees

- 42 As the construction phase is almost complete, there are no additional trees under threat by this development. It is however intended to place a restrictive condition on any consent to this permission to ensure that all existing trees along the sites frontage are retained, unless otherwise agreed in writing by the Council as Planning Authority.

Public Path / Asserted Right of Way

- 43 There is an asserted right of way and historic pedestrian linkage through the site, connecting Main Street to Quarryknowe Crescent. As part of previous planning approvals, there has been a constant requirement for the applicant to formally reinstate this route prior to the opening of the shop and / or occupation of the flat above. However, despite this path being clearly shown on all the previous plans (and on the plans now submitted), the applicant has now openly indicated his reluctance to formalise a route through this site until such time as a suitable path on the adjacent land has been formalised.
- 44 It has now been established that the land to the south of the site is partly within the ownership control of the Council and an unknown third party. It is also the case that to formalise the route outwith the planning site, a set of steps would most likely be required to connect the path from the application site to the lower lying land below to allow for a safe and reasonable access. Ultimately it would be desirable to have improved pedestrian links from the residential area to the rear into Main Street, however as there does remain some uncertainty about when such a path outwith the application site will be formalised, I propose to slightly amend the wording of the condition so that it now only requires the formalisation of the path through the application site when there is a suitable path to join up to. This position has been agreed with my colleagues in

Community Greenspace as being a reasonable position to take, particularly bearing in mind that there does appear to be some differing views in the Community regarding whether or not the path link should be promoted.

Impact on Existing Shop

- 45 As detailed planning consent already exists on the site for a new shop with flat above, the impact on the commercial interests of the existing shop is not relevant to this current proposal which only relates to a revised design of building.

Retrospective Nature of the Application

- 46 Whilst unfortunate, retrospective applications are not uncommon and it is not reasonable to refuse them because the applicant/developer involved has not adhered to a previous planning permission or has advanced without further consents being granted. Consideration of a retrospect application must be made on its own merits (with consideration of the sites history) and an assessment thereafter made on the grounds of whether or not what is proposed is acceptable or not. In this case, the building on site is considered to be acceptable and the fact that it is now at an advanced stage has had little bearing on the final recommendation.

DEVELOPER CONTRIBUTIONS

Primary Education

- 47 The applicant has previously paid a Primary Education Contribution. As no additional residential units are proposed, there is no requirement for any further developer contributions in relation to Primary Education.

Transport Infrastructure

- 48 The applicant has previously paid a Transport Contribution, and as this proposal is only creating a minor extension to the retail area there is no requirement for any additional Developer Contribution in relation to Transport Infrastructure.

ECOMONIC IMPACT

- 49 There will be a limited economic impact from the development, and any impact associated with the shop element of the proposal will be extremely localised.

LEGAL AGREEMENTS

- 50 None required.

DIRECTION BY SCOTTISH MINISTERS

- 51 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

- 52 The proposal is in accordance with the relevant land use policies contained in the Local Development Plan 2014. I do acknowledge the retrospective nature of the proposal and the concerns which have been raised within the representations, but it is nevertheless my view that what has been built (and what is now subject to the current planning application) is ultimately acceptable and on this basis, the application is recommended for a conditional approval.

RECOMMENDATION

A Approve the application subject to the following conditions:

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

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

- 2 All plant or equipment including any ventilation system associated with operation of the commercial areas be so enclosed, attenuated and/or maintained such that any noise therefrom shall not exceed Noise Rating 35 between 0700 and 2300 hours daily, or Noise Rating 20 between 2300 and 0700 hours daily, within any neighbouring residential premises, with all windows slightly open, when measured and/ or calculated and plotted on a rating curve chart, all to the satisfaction of the Council as Planning Authority.

Reason – In the interest of protecting existing residential amenity

- 3 The Hours of operation of the shop are limited to 07:00 to 19:00hrs Monday to Sunday, to the satisfaction of the Council as Planning Authority.

Reason – In the interest of protecting existing residential amenity

- 4 All deliveries shall be between the hours of 07:00 to 17:00hrs Monday to Saturday no deliveries on a Sunday, to the satisfaction of the Council as Planning Authority.

Reason – In the interest of protecting existing residential amenity

- 5 The sound installation and sound transmission properties of the structure and finishes shall be such that no airborne noise from the operations within the premises is perceptible in the flatted property above, to the satisfaction of the Council as Planning Authority.

Reason – In the interest of protecting existing residential amenity

- 6 A public path through the site must be made available for public use within 1 month of a suitable connection being achievable to the land to the south, all to the satisfaction of the Council as Planning Authority.

Reason – In order to ensure that a public walk way is proposed between Main Street and Quarryknowe Crescent is achieved when a suitable connection is achievable.

- 7 All trees as shown on plan 16/00622/2 as being retained, must be retained and adequately protected during the remainder of construction and thereafter retained, to the satisfaction of the Council as Planning Authority.

Reason – In the interest of the visual amenity of the area.

- 8 The vehicular access to the shop must be retained in accordance with specification Type B, Fig 5.6 access detail to the satisfaction of the Council as Planning Authority.

Reason - In the interests of pedestrian and traffic safety and in the interests of free traffic flow.

- 9 Turning facilities must be retained within the site to enable all vehicles to enter and leave in a forward gear, all to the satisfaction of the Council as Planning Authority.

Reason - In the interests of pedestrian and traffic safety and in the interests of free traffic flow.

- 10 A minimum of 5 No. car parking spaces shall be retained within the site, all to the satisfaction of the Council as Planning Authority.

Reason - In the interests of pedestrian and traffic safety and in the interests of free traffic flow.

- 11 For the avoidance of doubt, no signage is approved as part of this permission.

Reason – In order to clarify the terms of this permission.

B JUSTIFICATION

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

C PROCEDURAL NOTES

None

D INFORMATIVES

- 1 As soon as practicable after the development is complete, the person who completes the development is obliged by section 27B of the Town and Country Planning (Scotland) Act 1997 (as amended) to give the planning authority written notice of that position.
- 2 An application for Building Warrant will be required, and the necessary completion certificates must be issued prior to a) the occupation of the flat and / or b) the opening of the shop.
- 3 Prior to the opening of the shop all the appropriate trading licences must be obtained from the Council.
- 4 The applicant is advised that any signage would require a formal planning for Advertisement Consent.

Background Papers: Three letters of representation

Contact Officer: Andy Baxter – Ext 5339

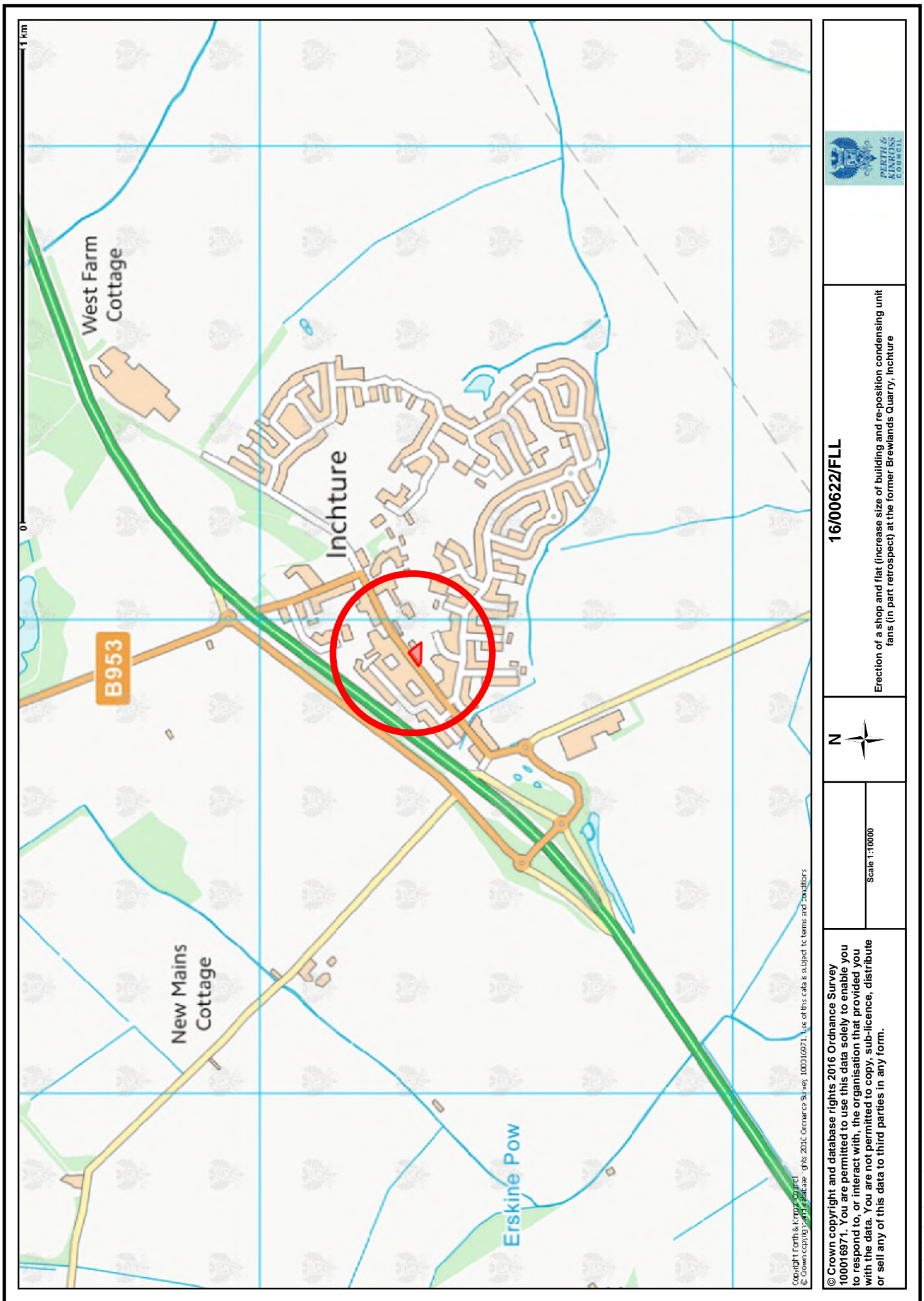
Date: 29 June 2016

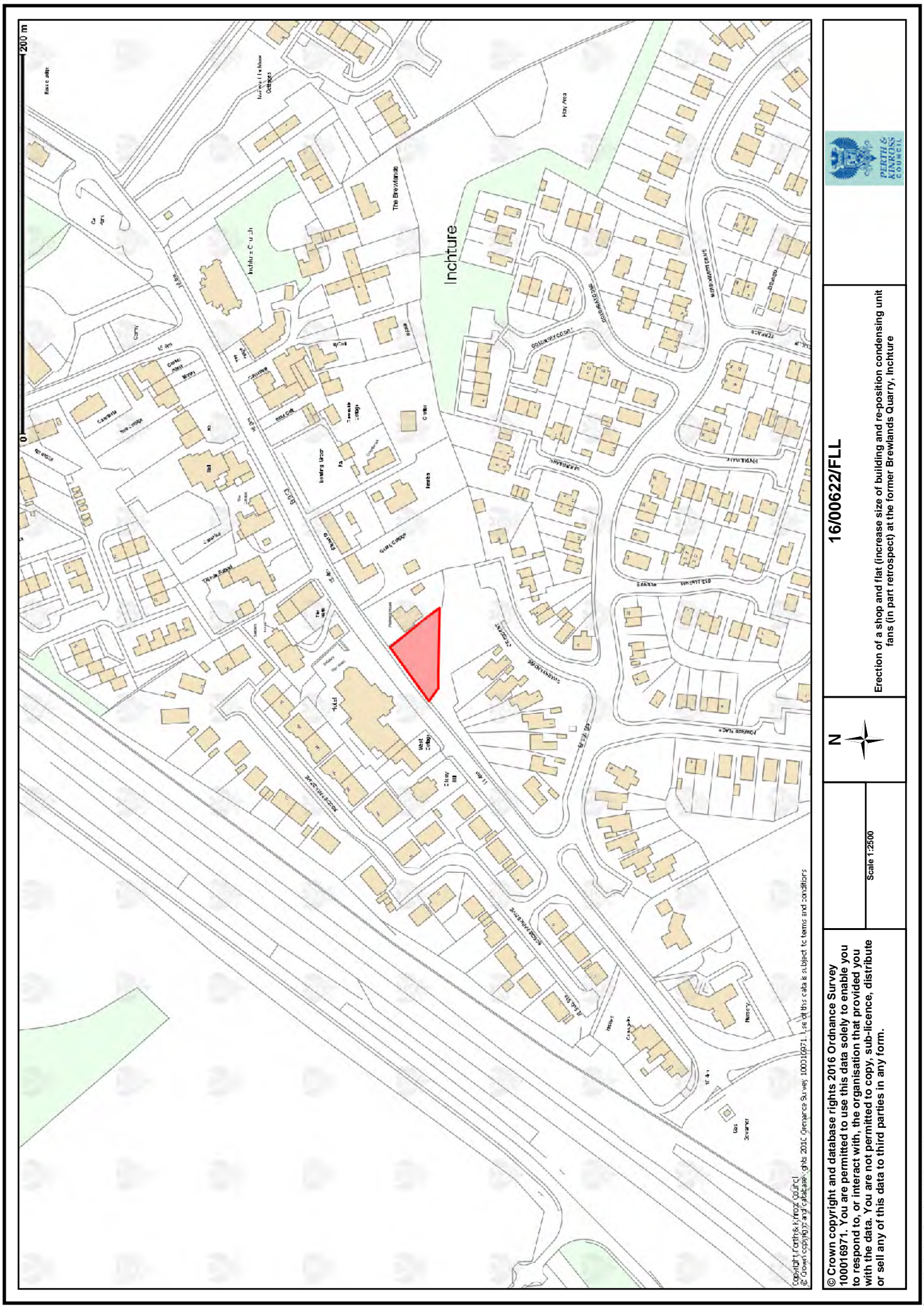
Nick Brian
Development Quality Manager

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Perth and Kinross Council
Development Management Committee – 13 July 2016
Pre-Application Report by Development Quality Manager

Proposed residential development with associated access, landscaping and engineering works at former Perth Agricultural Centre, East Huntingtower, Perth

Ref. No: 16/00004/PAN
Ward No: N9 Almond and Earn

Summary

This report is to inform the Committee of a potential forthcoming planning application in respect of a major development for residential development with associated access, landscape treatment and engineering works at the former Perth Agricultural Centre, East Huntingtower, and Perth. The report also aims to highlight the key planning policies, the likely stakeholders who would be involved in the decision making process and to offer a brief overview of the key planning issues which are likely to be relevant to the proposal.

BACKGROUND AND DESCRIPTION

- 1 In accordance with the provisions of the Town & Country Planning (Scotland) Act 1997 as amended, the applicants submitted a Proposal of Application Notice (PAN) on 29 April 2016. The purpose of this report is to inform the Development Management Committee of a likely forthcoming planning application in respect of a major development for residential development with associated access, landscape treatment and engineering works at the former Perth Agricultural Centre, East Huntingtower, and Perth. Pre-application reports give the Committee an opportunity to raise issues which it would like to see addressed in the planning application.
- 2 The site extends to some 6.0 hectares and is located on the footprint of the former United Action Mart and Car Auction facility, to the west of the Dobbie's Garden Centre at East Huntingtower. It is currently accessed from the A85 along with other existing businesses.
- 3 There are a number of houses located on the northern side of the A85 known as East Huntingtower, located opposite the access into the site and extending some 160 metres along the roadside. To the east of the A9 lie established residential areas with the closest housing being approximately 120 metres from the site.
- 4 The site is not allocated for any particular use within the adopted Perth and Kinross Local Development Plan (LDP) 2014 but is a brownfield site within the city boundary.
- 5 This PAN seeks to formally establish the principle of residential development with associated access, landscaping and engineering works. An indicative number of 230 dwellings is being proposed. The exact scale and mix of the

dwelling types would be arrived at through the submission of a planning application with associated background supporting information.

ENVIRONMENTAL IMPACT ASSESSMENT

- 6 The 09/02126/FLM application for retail development required an Environmental Impact Assessment (EIA) under the EIA regulations to be submitted with the planning application. The proposal will require to be re-screened as to whether the proposal is an EIA development under the EIA 2011 regulations. The applicant is yet to request a new screening opinion.

PRE-APPLICATION PROCESS

- 7 The PAN (reference 16/00004/PAN) outlined a public exhibition was held locally on 18th May. The ward Councillors (Henry Anderson and Alan Livingstone) and Methven Community Council, Tulloch Residents Association, Letham Residents Association were notified. The results of the community consultation will be submitted with the renewal application as part of the required Pre-Application Consultation (PAC) Report.

NATIONAL POLICY AND GUIDANCE

- 8 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

- 9 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

- 10 The SPP is a statement of Scottish Government policy on land use planning. The following sections of the SPP will be of particular importance in the assessment of this proposal:-
 - Sustainability : paragraphs 24 - 35
 - Placemaking : paragraphs 36 – 57
 - Valuing the Natural Environment : paragraphs 193 – 218
 - Maximising the Benefits of Green Infrastructure: paragraphs 219 – 233
 - Managing Flood Risk and Drainage: paragraphs 254 – 268
 - Promoting Sustainable Transport and Active Travel : paragraphs 269 - 291

- Annex B – Parking Policies and Standards
- 11 The following Scottish Government Planning Advice Notes (PAN) and Guidance Documents are likely to be of relevance to the proposal,
- PAN 3/2010 Community Engagement
 - PAN 1/2011 Planning and Noise
 - PAN 40 Development Management
 - PAN 51 Planning, Environmental Protection and Regulation
 - PAN 61 Planning and Sustainable Urban Drainage Systems
 - PAN 69 **Planning Advice on Flooding**
 - PAN 75 Planning for Transport
 - Designing Places 2001
 - Designing Streets 2010
 - National Roads Development Guide 2014

LOCAL POLICY AND GUIDANCE

TAYPlan Strategic Development Plan 2012-2032

- 12 TAYPlan sets out a vision for how the region will be in 2032 and what must occur to bring about change to achieve this vision. The vision for the area as set out in the plans states that:

“By 2032 the TAYplan region will be sustainable, more attractive, competitive and vibrant without creating an unacceptable burden on our planet. The quality of life will make it a place of first choice where more people choose to live, work, study and visit, and where businesses choose to invest and create jobs”

- 13 The following sections of the TAYplan 2012 are of particular importance in the assessment of this application.
- Policy 1 – Location Priorities
 - Policy 2 – Shaping better quality places
 - Policy 3 – Managing TAYPlans Assets
 - Policy 6 – Energy and Waste

Perth and Kinross Local Development Plan 2014

- 14 The LDP was adopted by Perth and Kinross Council on 3 February 2014. It is the most recent statement of Council policy and is augmented by Supplementary Guidance.
- 15 The LDP sets out a vision statement for the area and states that:
“Our vision is of a Perth and Kinross which is dynamic, attractive and effective which protects its assets whilst welcoming population and economic growth.”
- 16 Under the LDP, the following policies are of particular importance in the assessment of this application.

- PM1 – Placemaking
- PM2 – Design Statements
- PM3 – Infrastructure Contributions
- PM4 – Settlement Boundaries
- RD1 – Residential Areas
- RD4 – Affordable Housing
- TA1 – Transport Standards and Accessibility Requirements
- CF1 – Open Space Retention and Provision
- CF2 – Public Access
- CF3 – Social and Community Facilities
- HE2 – Listed Buildings
- NE3 – Biodiversity
- EP1 – Climate Change, Carbon Reduction and Public Safety
- EP2 – New Development and Flooding
- EP3 – Water Environment and Drainage
- EP5 – Nuisance from Artificial light and Light Pollution
- EP8 – Noise Pollution
- EP11 – Air Quality Management Areas
- EP12 – Contaminated Land

OTHER POLICIES

- 17 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
 - Open Space Standards Guidance(2001)
 - Perth and Kinross Council Corporate Plan 2013-2018
 - Perth and Kinross Community Plan 2013/2023
 - The Perth City Plan 2015-2035

PLANNING SITE HISTORY

- 18 The following planning history is of particular importance.
- **00/01747/OUT:** Relocation of existing car auction mart and erection of health and fitness centre, hotel with restaurant facilities and class 4 business premises. Application was withdrawn by applicant December 2004.
 - **08/01513/IPM:** In Principle Permission sought for a Mixed Use Development. Application appealed due to non-determination but withdrawn by the applicant in October 2010 prior to determination by Directorate of Planning and Environmental Appeals (DPEA).

- **09/02126/FLM:** Detailed planning permission for erection of Class 1 retail superstore and petrol filling station with associated landscaping and engineering works at former Auction Mart site, East Huntingtower, Perth. Application approved by the Development Management Committee 19 April 2013 and remains live with submission of planning application 16/00696/FLM.
- **13/01795/MPO:** Modification of Planning Obligation associated with 09/02126/FLM to amend Clause 1.1, 2.1 and 3.1 and delete Clause 6. Application approved by Development Management Committee November 2013
- **16/00696/FLM** Renewal of 09/02126/FLM for erection of Class 1 retail superstore and petrol filling station with associated landscaping and engineering works at former Auction Mart site, East Huntingtower, Perth. Currently under consideration.

CONSULTATIONS

- 19 As part of the planning application process the following would be consulted;

EXTERNAL

- Scottish Environmental Protection Agency (SEPA)
- Scottish Natural Heritage (SNH)
- Scottish Water
- Transport Scotland
- Historic Environment Scotland
- Methven Community Council

INTERNAL

- Environmental Health
- Biodiversity Officer
- Strategic Planning and Policy
- Developer Negotiations Officer
- Affordable Housing Enabling Officer
- Education and Children's Services
- Community Greenspace including Access
- Transport Planning
- Structures and Flooding
- Waste Services
- Economic Development

KEY ISSUES AGAINST WHICH A FUTURE APPLICATION WILL BE ASSESSED

- 20 The key considerations against which the eventual application will be assessed includes:
- Visual impact
 - Scale, design and layout
 - Relationship to nearby land uses
 - Natural heritage and ecology
 - Landscape
 - Water resources and soils
 - Noise
 - Air quality
 - Dust
 - Transport implications
 - Economy
 - Affordable housing
 - Education provision
 - Open space

ADDITIONAL STATEMENTS WHICH WILL BE REQUIRED

- 21 Should an EIA not be required in this instance the following supporting documents will need to be submitted with any application:
- Supporting Planning Statement
 - Design and Access Statement
 - Transport Assessment
 - Flood Risk and Drainage Assessment
 - Air Quality Assessment
 - Noise Assessment
 - Habitat Survey
 - Site Investigation Report
 - Sustainability Checklist and Assessment
 - Pre-Application Consultation Report
 - Indicative Phasing Plan
 - Indicative landscaping plan including open space provision

CONCLUSION AND RECOMMENDATION

- 22 This report summarises the key issues which should be considered as part of the appraisal of any subsequent planning application which may be lodged in respect of this development and members are recommended to note these key issues and advise officers of any other issues which they consider should be included as part of the application and assessment.

Background Papers: None

Contact Officer: Steve Callan – Ext 75337

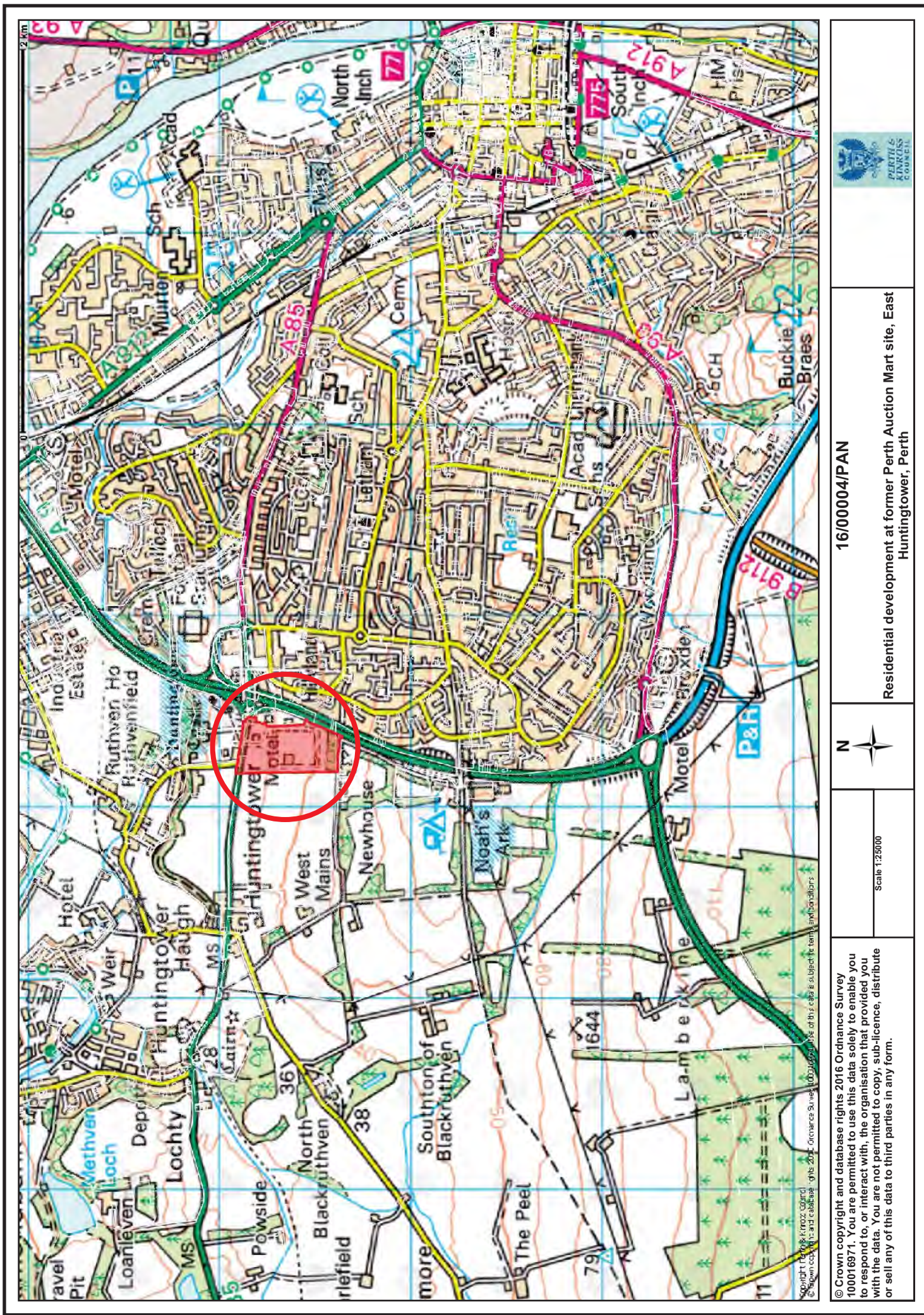
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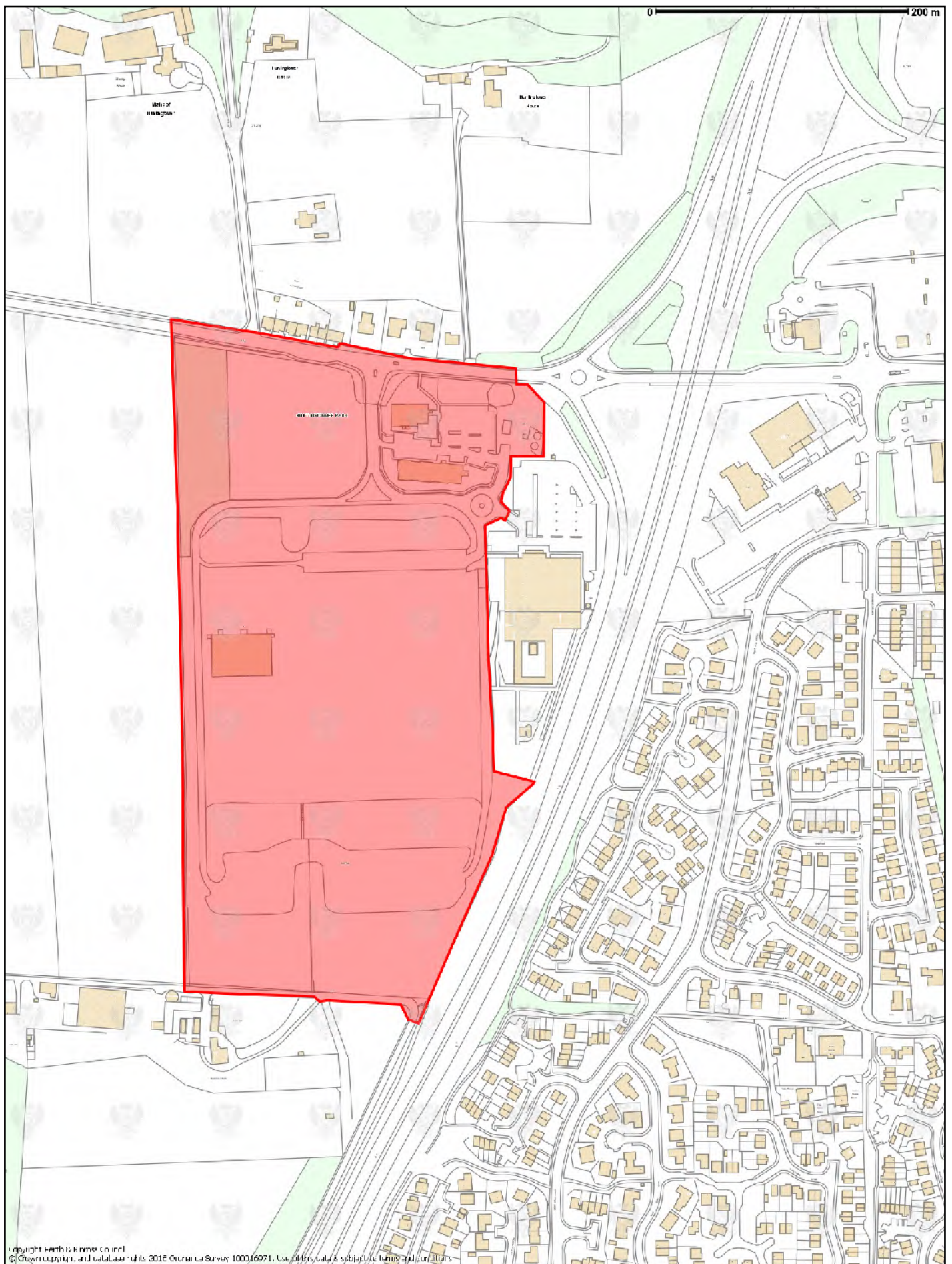
Nick Brian
Development Quality Manager

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Scale 1:4000

16/0004/PAN

Residential development at former Perth Auction Mart site, East Huntingtower, Perth



Perth and Kinross Council
Development Management Committee – 13 July 2016

Pre-Application Report by Development Quality Manager

Mixed use (residential and employment) development at Perth Airport, Scone.

Ref. No: 16/00007/PAN
Ward No: N2- Strathmore

Summary

This report is to inform the Committee of a potential forthcoming planning application in respect of a proposed major mixed use (residential and employment) development at Perth Airport, Scone. The report also aims to highlight key planning policies, the likely stakeholders who would be involved in the decision making process and to offer a brief overview of any key planning issues which are likely to be relevant to the proposal.

BACKGROUND AND DESCRIPTION

- 1 In accordance with the provisions of the Town & Country Planning (Scotland) Act 1997 as amended, the applicants submitted a Proposal of Application Notice (PAN) on 13th May 2016. The purpose of this report is to inform the Development Management Committee of a likely forthcoming planning application in respect of a major mixed use (residential and employment) development at Perth Airport, Scone. Pre-application reports give the Committee an opportunity to raise issues, which it would like to see addressed in the planning application.

- 2 The site which extends to over 5.2 Ha is located on the eastern boundary of Perth Airport. The northern boundary is defined by the runway associated with the airport. Immediately west of the site are dwellings, buildings and businesses contained within the boundary of Perth Airport. To the east, the site is bounded by agricultural land. The site fronts onto the A94 and beyond this to the south is agricultural land. Vehicular access to the site is currently taken off the A94 and an adopted core path passes along the west and southern boundary of the site.

- 3 This PAN relates to the development of a mixed use (residential and employment) facility with associated infrastructure, access, landscaping, SUDS and open space on the site. The exact layout, scale and mix of the dwelling types, employment buildings, access including path link provision and landscape framework provision will be arrived at through the submission of a detailed planning application or applications, with associated background supporting information. The site is allocated in the Local Development Plan (LDP) (Site MU3) for 50 dwellings and 50% of site for employment use.

ENVIRONMENTAL IMPACT ASSESSMENT

- 4 Due to the scale of the proposal it will require to be screened to establish if an Environmental Impact Assessment (EIA) is required under the EIA (2011) regulations. A formal screening exercise is in the process of being undertaken for the site at this stage.

PRE-APPLICATION PROCESS

- 5 The PAN (reference 16/00007/PAN) outlines the intention to undertake a public exhibition locally on 28th July 2016. The wards Councillors (Alan Grant, Dennis Melloy, Ian Miller and Lewis Simpson) and Scone and District and Burrelton and District Community Councils have all been notified. The results of the community consultation will be submitted with the application as part of the Pre-Application Consultation (PAC) Report.

NATIONAL POLICY AND GUIDANCE

- 6 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

- 7 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

- 8 The SPP is a statement of Scottish Government policy on land use planning. The following sections of the SPP will be of particular importance in the assessment of this proposal:
 - Sustainability : paragraphs 24 – 35
 - Placemaking : paragraphs 36 – 57
 - Valuing the Natural Environment : paragraphs 193 – 218
 - Maximising the Benefits of Green Infrastructure: paragraphs 219 – 233
 - Managing Flood Risk and Drainage: paragraphs 254 – 268
 - Promoting Sustainable Transport and Active Travel : paragraphs 269 – 291
 - Annex B – Parking Policies and Standards

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

- PAN 3/2010 Community Engagement
- PAN 1/2011 Planning and Noise
- PAN 40 Development Management
- PAN 51 Planning, Environmental Protection and Regulation
- PAN 61 Planning and Sustainable Urban Drainage Systems
- PAN 67 Housing Quality
- PAN 68 Design Statements
- PAN 69 Planning and Building standards Advice on Flooding
- PAN 75 Planning for Transport
- PAN 77 Designing Safer Places
- Designing Places (2001)
- Designing Streets (2010)
- Creating Places (2013)
- National Roads Development Guide (2014)

LOCAL POLICY AND GUIDANCE

TAYPlan Strategic Development Plan 2012-2032

- 10 TAYPlan sets out a vision for how the region will be in 2032 and what must occur to bring about change to achieve this vision. The vision for the area as set out in the plans states that:

“By 2032 the TAYplan region will be sustainable, more attractive, competitive and vibrant without creating an unacceptable burden on our planet. The quality of life will make it a place of first choice where more people choose to live, work, study and visit, and where businesses choose to invest and create jobs”

- 11 The following sections of the TAYplan 2012 are of particular importance in the assessment of this application:

- Policy 1 – Location Priorities
- Policy 2 – Shaping better quality places
- Policy 3 – Managing TAYPlans Assets
- Policy 5 – Housing
- Policy 6 – Energy and Waste

Perth and Kinross Local Development Plan 2014

- 12 The LDP was adopted by Perth and Kinross Council on 3 February 2014. It is the most recent statement of Council policy and is augmented by Supplementary Guidance.
- 13 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.”*

14 Under the LDP, the following policies are of particular importance in the assessment of this application:

- PM1 – Placemaking
- PM2 – Design Statements
- PM3 – Infrastructure Contributions
- PM4 – Settlement Boundaries
- ED1 – Employment and Mixed Use Areas
- RD1 – Residential Areas
- RD4 – Affordable Housing
- TA1 – Transport Standards and Accessibility Requirements
- CF1 – Open Space Retention and Provision
- CF2 – Public Access
- CF3 – Social and Community Facilities
- NE3 – Biodiversity
- NE4 – Green Infrastructure
- ER6 - Managing Future Landscape Change
- EP1 – Climate Change, Carbon Reduction and Sustainable Construction
- EP2 – New Development and Flooding
- EP3 – Water Environment and Drainage
- EP5 – Nuisance from Artificial light and Light Pollution
- EP8 – Noise Pollution
- EP13 – Airfield Safeguarding

OTHER POLICIES

15 The following supplementary guidance and documents are of particular importance in the assessment of this application:

- Developer Contributions and Affordable Housing Supplementary Guidance April 2016
- Flood Risk and Flood Risk Assessments – Developer Guidance June 2014
- Sustainable Design and Zero Carbon Development Supplementary Guidance May 2014
- Green Infrastructure Supplementary Guidance November 2014
- Open Space Standards 2001
- Perth and Kinross Council Corporate Plan 2013-2018
- Perth and Kinross Community Plan 2013/2023
- The Perth City Plan 2015-2035

PLANNING SITE HISTORY

16 **16/00657/SCRN** EIA Screening Request submitted May 2016. Currently undergoing screening.

CONSULTATIONS

- 17 As part of the planning application process the following would be consulted:

EXTERNAL

- Scottish Environmental Protection Agency (SEPA)
- Scottish Natural Heritage (SNH)
- Scottish Water
- Transport Scotland
- Scone and District Community Council
- Burrelton and District Community Council

INTERNAL

- Environmental Health
- Biodiversity Officer
- Strategic Planning and Policy
- Developer Negotiations Officer
- Affordable Housing Enabling Officer
- Community Greenspace including Access
- Transport Planning
- Structures and Flooding
- Community Waste Advisor
- Education and Children's Services
- Economic Development

KEY ISSUES AGAINST WHICH A FUTURE APPLICATION WILL BE ASSESSED

- 18 The key considerations against which the eventual application will be assessed include:

- Visual impact
- Scale, design and layout
- Relationship to nearby land uses
- Compatibility with Perth Airport
- Natural heritage and ecology
- Landscape
- Water resources and soils
- Flooding and water storage
- Noise
- Air Quality
- Lighting
- Waste
- Transport implications
- Education provision
- Affordable housing

- Economy
- Open space provision
- Access provision

ADDITIONAL STATEMENTS WHICH WILL BE REQUIRED

19 Should an EIA not be required in this instance the following supporting documents will need to be submitted with any application:

- Supporting Planning Statement
- Design and Access Statement
- Transport Assessment/Statement
- Flood Risk and Drainage Assessment
- Noise and Light Pollution Assessment
- Habitat Survey
- Sustainability Checklist and Assessment
- Indicative Phasing Plan
- Indicative Landscaping Plan including open space provision
- Pre-Application Consultation Report

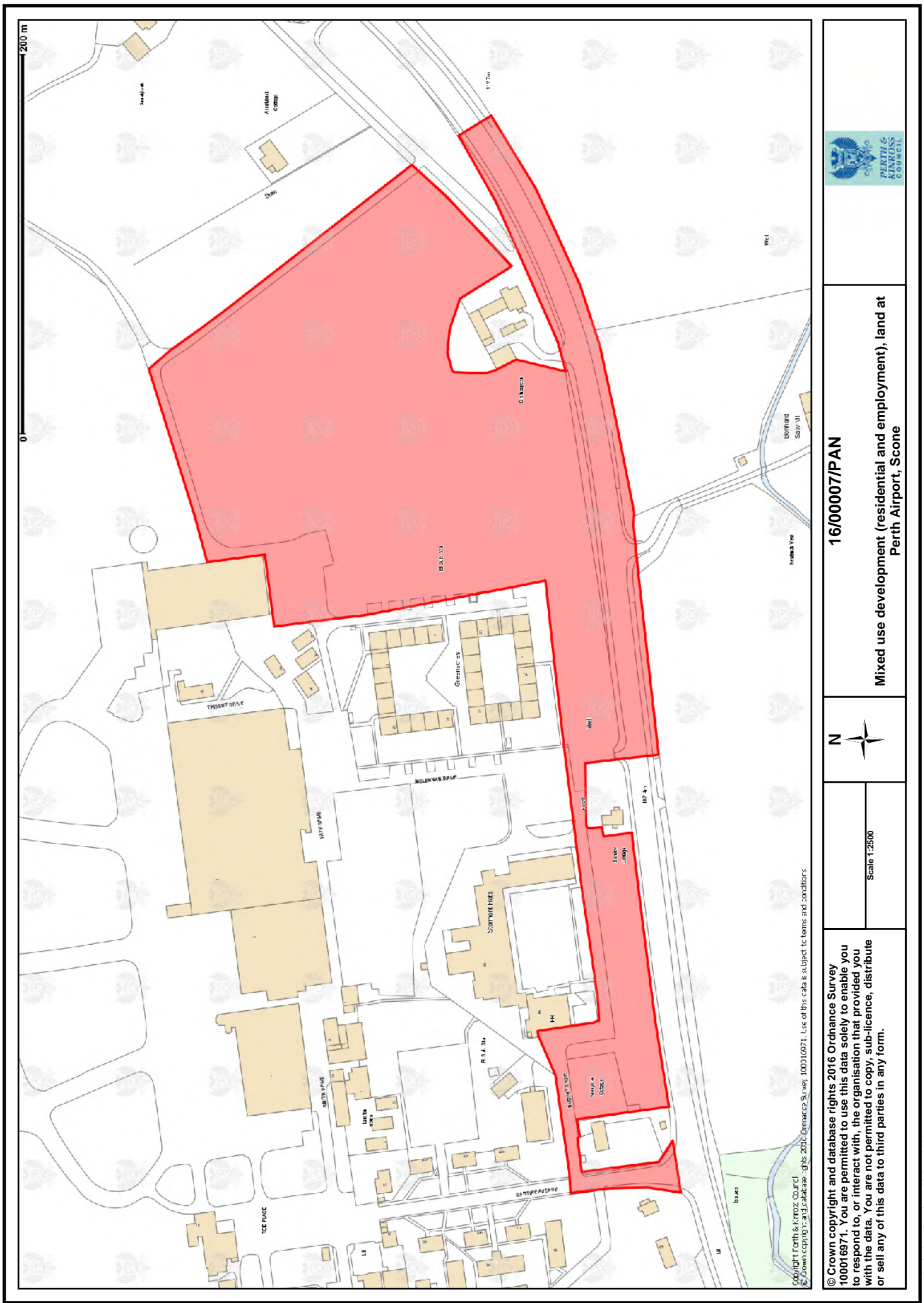
CONCLUSION AND RECOMMENDATION

20 This report summarises the key issues which should be considered as part of the appraisal of any subsequent planning application, which may be lodged in respect of this development and members are recommended to note these key issues and advise officers of any other issues which they consider should be included as part of the application and assessment.

Background Papers: None
 Contact Officer: Steve Callan – Ext 75337
 Date: 29 June 2016

Nick Brian
 Development Quality Manager

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16/00007/PAN

Mixed use development (residential and employment), land at
Perth Airport, Score



Scale 1:2500

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Perth and Kinross Council
Development Management Committee – 13 July 2016

Pre-Application Report by Development Quality Manager

Residential development with associated roads, SUDs and landscaping at land north of Linden Park Road, Milnathort.

Ref. No: 16/00008/PAN
 Ward No: N8 – Kinross-shire

Summary

This report is to inform the Committee of a forthcoming planning application in respect of a proposed major residential development within the settlement boundary of Milnathort. The report also aims to highlight key planning policies, the likely stakeholders who would be involved in the decision making process and to offer a brief overview of any key planning issues, which are likely to be relevant to the proposal.

BACKGROUND AND DESCRIPTION

- 1 In accordance with the provisions of the Town & Country Planning (Scotland) Act 1997 as amended, the applicants submitted a Proposal of Application Notice (PAN) on 16th May 2016. The purpose of this report is to inform the Development Management Committee of a likely forthcoming planning application in respect of a major residential development at Milnathort. Pre-application reports give the Committee an opportunity to raise issues, which it would like to see addressed in the planning application.

- 2 The site, which extends to 3.5 Ha is bounded to the south by existing residential development of Linden Park Road, north by the M90 motorway, North Street to the west and a tree belt to the east. The site comprises agricultural land, sloping gradually down from south to north and then beyond the site boundaries dropping steeply to the M90. The site undulates across sections from east to west.

- 3 This PAN relates to proposed residential development with associated infrastructure, access, landscaping, SUDs and open space across the site. The exact layout, scale and mix of the dwelling types, path link provision and landscape framework provision including woodland screen planting on the northern boundaries, would be arrived at through the submission of a detailed planning application or applications, with associated background supporting information. The site is allocated in the Local Development Plan (LDP) (site H49) for residential use, allocated for 50 dwellings with associated developer requirements.

ENVIRONMENTAL IMPACT ASSESSMENT

- 4 Due to the scale of the proposal it will require to be screened to establish if an Environmental Impact Assessment (EIA) is required under the EIA (2011) regulations. A screening request has not been submitted at this stage.

PRE-APPLICATION PROCESS

- 5 The PAN outlines the intention to undertake a public exhibition on Friday 10th June 2016 at Milnathort Town Hall. The wards Councillors (Joe Giacobazzi, Michael Barnacle, Dave Cuthbert and Willie Robertson), Milnathort Community Council and immediate neighbours have all been notified. The results of the community consultation will be submitted with the application as part of the Pre-Application Consultation (PAC) Report.

NATIONAL POLICY AND GUIDANCE

- 6 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

- 7 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 National Roads Development Guide 2014

- 8 This document is an online publication (accessed via the link www.pkc.gov.uk/roadsdevguide), a Scotland wide document, which provides roads technical guidance to local authorities, developers, agents and other interested parties. This document dovetails with Designing Streets and expands on its principles to clarify the circumstances in which it can be used.

The Scottish Planning Policy 2014

- 9 The SPP is a statement of Scottish Government policy on land use planning. The following sections of the SPP will be of particular importance in the assessment of this proposal:
 - Sustainability : paragraphs 24 – 35
 - Placemaking : paragraphs 36 – 57
 - 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
- Annex B – Parking Policies and Standards

10 The following Scottish Government PAN's are likely to be of relevance to the proposal:

- PAN 3/2010 Community Engagement
- PAN 1/2011 Planning and Noise
- PAN 2/2011 Planning and Archaeology
- PAN 40 Development Management
- PAN 51 Planning, Environmental Protection and Regulation
- PAN 61 Planning and Sustainable Urban Drainage Systems
- PAN 67 Housing Quality
- PAN 68 Design Statements
- PAN 69 Planning and Building Standards Advice on Flooding
- PAN 75 Planning for Transport
- PAN 77 Designing Safer Places

Designing Places (2001), Designing Streets (2010), Creating Places (2013) and National Roads Development Guide (2014)

11 National policy statement's setting out the Scottish Government's determination to raise standards of urban and rural development.

LOCAL POLICY AND GUIDANCE

TAYPlan Strategic Development Plan 2012-2032

12 TAYPlan sets out a vision for how the region will be in 2032 and what must occur to bring about change to achieve this vision. The vision for the area as set out in the plans states that:

"By 2032 the TAYplan region will be sustainable, more attractive, competitive and vibrant without creating an unacceptable burden on our planet. The quality of life will make it a place of first choice where more people choose to live, work, study and visit, and where businesses choose to invest and create jobs"

13 The following sections of the TAYplan 2012 are of particular importance in the assessment of this application:

- Policy 1 – Location Priorities
- Policy 2 – Shaping better quality places
- Policy 3 – Managing TAYPlans Assets
- Policy 5 – Housing
- Policy 6 – Energy and Waste/Resource Management Infrastructure

Perth and Kinross Local Development Plan 2014

- 14 The LDP was adopted by Perth and Kinross Council on 3 February 2014. It is the most recent statement of Council policy and is augmented by Supplementary Guidance.
- 15 The LDP sets out a vision statement for the area and states that: *“Our vision is of a Perth and Kinross which is dynamic, attractive and effective which protects its assets whilst welcoming population and economic growth.”*
- 16 Under the LDP, the following policies are of particular importance in the assessment of this application:
 - PM1 – Placemaking
 - PM2 – Design Statements
 - PM3 – Infrastructure Contributions
 - RD1 – Residential Areas
 - RD4 – Affordable Housing
 - TA1 – Transport Standards and Accessibility Requirements
 - CF1 – Open Space Retention and Provision
 - CF2 – Public Access
 - CF3 – Social and Community Facilities
 - HE1 – Scheduled Monuments and Non-Designated Archaeology
 - NE3 – Biodiversity
 - NE4 – Green Infrastructure
 - ER6 - Managing Future Landscape Change
 - EP1 – Climate Change, Carbon Reduction and Sustainable Construction
 - EP2 – New Development and Drainage
 - EP3 – Water Environment and Drainage
 - EP5 – Nuisance from Artificial light and Light Pollution
 - EP8 – Noise Pollution
 - EP11 – Contaminated Land

OTHER POLICIES

- 17 The following supplementary guidance and documents are of particular importance in the assessment of this application:
 - Developer Contributions and Affordable Housing Supplementary Guidance April 2016
 - Flood Risk and Flood Risk Assessments – Developer Guidance June 2014
 - Sustainable Design and Zero Carbon Development Supplementary Guidance May 2014
 - Green Infrastructure Supplementary Guidance November 2014
 - Perth and Kinross Council Corporate Plan 2013-2018
 - Perth and Kinross Community Plan 2013/2023

PLANNING SITE HISTORY

- 18 08/01101/OUT Erection of residential development with associated landscaping, car parking, sustainable urban drainage system and community woodland with footpath links (in outline) 30 October 2008 – delegated decision (Application Permitted).

CONSULTATIONS

- 19 As part of the planning application process the following would be consulted:

External

- Scottish Environmental Protection Agency (SEPA)
- Scottish Natural Heritage (SNH)
- Scottish Water
- Royal Society for the Protection of Birds (RSPB)
- Milnathort Community Council
- Perth and Kinross Heritage Trust

Internal

- Environmental Health
- Biodiversity Officer
- Strategic Planning and Policy
- Developer Negotiations Officer
- Affordable Housing Enabling Officer
- Community Greenspace
- Transport Planning
- Structures and Flooding
- Community Waste Advisor
- Education and Children's Services

KEY ISSUES AGAINST WHICH A FUTURE APPLICATION WILL BE ASSESSED

- 20 The key considerations against which the eventual application will be assessed include:
- Visual impact
 - Scale, design and layout
 - Relationship with surrounding land uses
 - Landscape, including appropriate woodland planting to north
 - Natural heritage and ecology
 - Water resources and soils
 - Flooding and water storage
 - Noise
 - Waste

- Transport implications
- Education provision
- Affordable housing
- Economy
- Open space provision
- Access provision

ADDITIONAL STATEMENTS WHICH WILL BE REQUIRED

- 21 In order to support the planning application, the following supporting documents and addressed topic headings should be submitted for consideration:

- Planning Statement, including a section on Socio-Economic Impact
- Landscape and Visual Impact Assessment
- Detailed Landscaping Plan
- Design and Access Statement
- Noise Assessment
- Ground Conditions and Water Resources
- Flood Risk and Drainage Assessment
- Transport Assessment
- Ecology and Biodiversity Assessment
- Tree Survey
- Waste Management and Minimisation Plan
- Construction and Environmental Management Plan (CEMP) including Construction Method Statement (CMS)
- Sustainability Assessment (pre and post construction)
- Pre-Application Consultation Report

CONCLUSION AND RECOMMENDATION

- 22 This report summarises the key issues which should be considered as part of the appraisal of any subsequent planning application, which may be lodged in respect of this development and Members are recommended to note these key issues and advise officers of any other issues, which they consider should be included as part of the application and assessment.

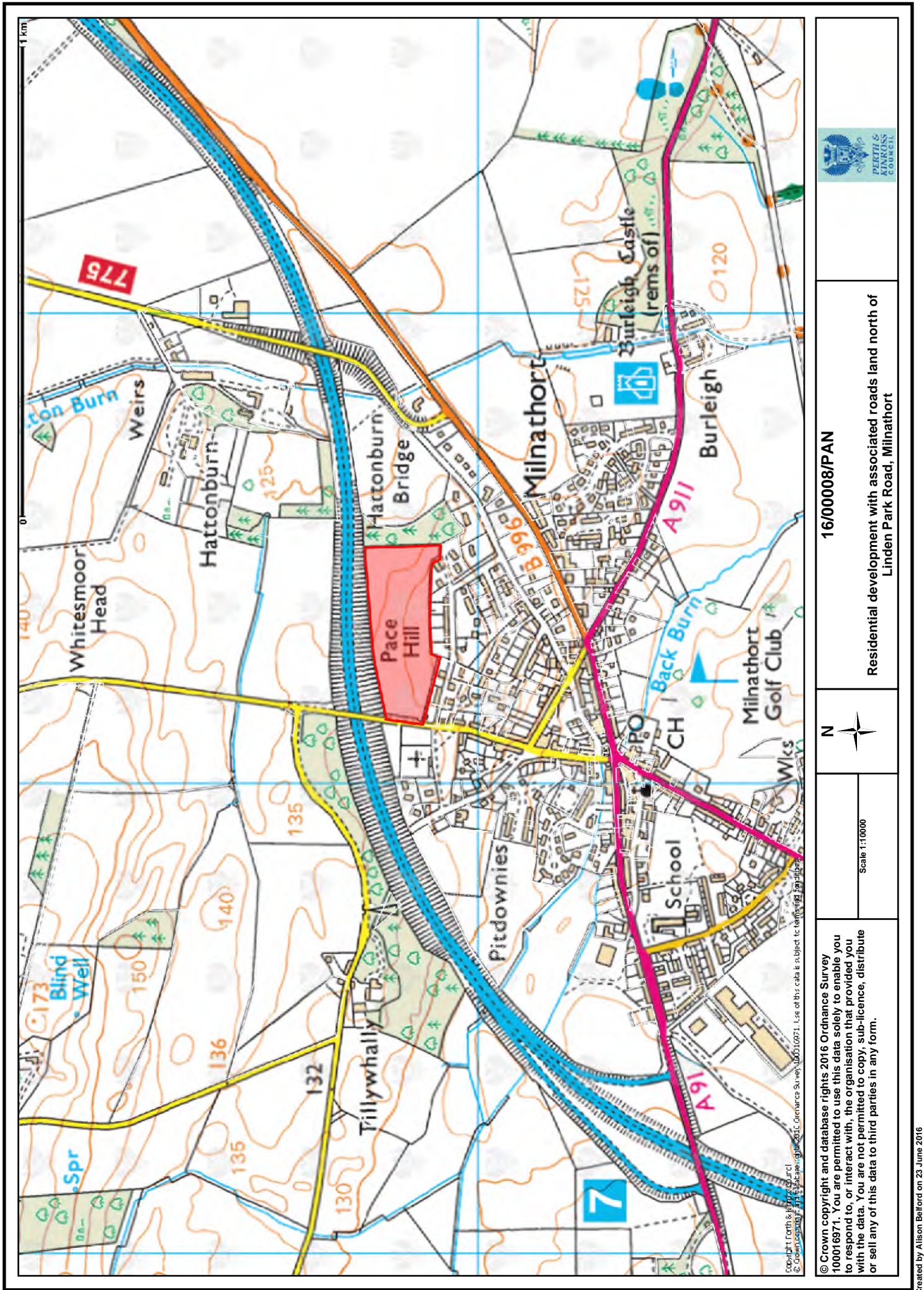
Background Papers: None
 Contact Officer: Callum Petrie – Ext 75353
 Date: 29 June 2016

Nick Brian
 Development Quality Manager

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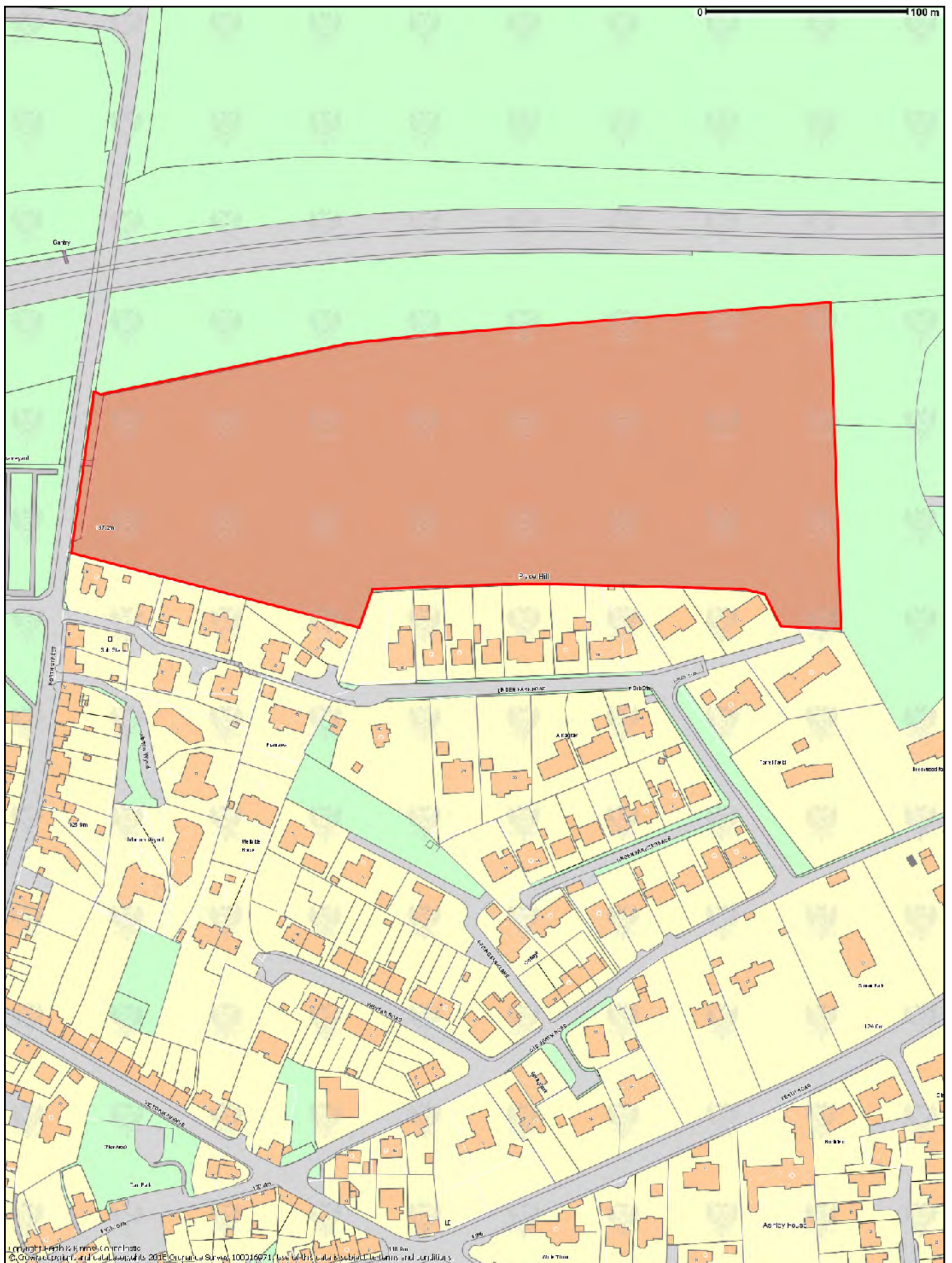
16/000008/PAN

Residential development with associated roads land north of
Linden Park Road, Milnathort



Scale 1:10000

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Scale 1:2500

16/0008/PAN

Residential development with associated roads land north of Linden Park Road, Milnathort



Perth and Kinross Council
Development Management Committee – 13 July 2016

Pre-Application Report by Development Quality Manager

Residential development, landscaping, open space and associated infrastructure at land 200 metres north east of Lindale, Glenalmond Road, Rattray.

Ref. No: 16/00009/PAN
Ward No: N3 – Blairgowrie and Glens

Summary

This report is to inform the Committee of a potential forthcoming planning application in respect of a proposed major residential development within the settlement boundary of Rattray. The report also aims to highlight key planning policies, the likely stakeholders who would be involved in the decision making process and to offer a brief overview of any key planning issues which are likely to be relevant to the proposal.

BACKGROUND AND DESCRIPTION

- 1 In accordance with the provisions of the Town & Country Planning (Scotland) Act 1997 as amended, the applicants submitted a Proposal of Application Notice (PAN) on 16th May 2016. The purpose of this report is to inform the Development Management Committee of a likely forthcoming planning application in respect of a major residential development at Rattray. Pre-application reports give the Committee an opportunity to raise issues, which it would like to see addressed in the planning application.
- 2 The site, extends to 11.59 Ha, is bounded to the south by Glenalmond Road and by Blairgowrie Holiday Park to the west, within the settlement boundary of Rattray. The site comprises agricultural land with vegetation along the southern and western boundaries, sloping gradually from north to south towards Glenalmond Road.
- 3 This PAN relates to proposed residential development with associated infrastructure, access, landscaping, SUDS and open space on the site. The exact layout, scale and mix of the dwelling types, path link provision and landscape framework provision would be arrived at through the submission of a detailed planning application or applications, with associated background supporting information. The site is allocated in the Local Development Plan (LDP) (site H63) for residential use, allocated for 160 dwellings with associated developer requirements.

ENVIRONMENTAL IMPACT ASSESSMENT

- 4 Due to the scale of the proposal it will require to be screened to establish if an Environmental Impact Assessment (EIA) is required under the EIA (2011) regulations. A formal screening exercise has been completed for the site at this stage, with a screening opinion that an EIA is not required to be undertaken in this context.

PRE-APPLICATION PROCESS

- 5 The PAN outlines the intention to undertake a public exhibition on 15th June 2016 at Rattray Community Facility. The wards Councillors (Liz Grant (Provost), Bob Ellis, and Caroline Shiers) and Blairgowrie and Rattray Community Council have all been notified. The results of the community consultation will be submitted with the application as part of the Pre-Application Consultation (PAC) Report.

NATIONAL POLICY AND GUIDANCE

- 6 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

- 7 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 National Roads Development Guide 2014

- 8 This document is an online publication (accessed via the link www.pkc.gov.uk/roadsdevguide), a Scotland wide document, which provides roads technical guidance to local authorities, developers, agents and other interested parties. This document dovetails with Designing Streets and expands on its principles to clarify the circumstances in which it can be used.

The Scottish Planning Policy 2014

- 9 The SPP is a statement of Scottish Government policy on land use planning. The following sections of the SPP will be of particular importance in the assessment of this proposal:
 - Sustainability : paragraphs 24 – 35
 - Placemaking : paragraphs 36 – 57
 - Archaeology and other Historic Environment Assets: paragraphs 150 – 151
 - 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
 - Annex B – Parking Policies and Standards

- 10 The following Scottish Government PAN's are likely to be of relevance to the proposal:

- PAN 3/2010 Community Engagement
- PAN 1/2011 Planning and Noise
- PAN 2/2011 Planning and Archaeology
- PAN 40 Development Management
- PAN 51 Planning, Environmental Protection and Regulation
- PAN 61 Planning and Sustainable Urban Drainage Systems
- PAN 67 Housing Quality
- PAN 68 Design Statements
- PAN 69 Planning and Building standards Advice on Flooding
- PAN 75 Planning for Transport
- PAN 77 Designing Safer Places

Designing Places (2001), Designing Streets (2010), Creating Places (2013) and National Roads Development Guide (2014)

- 11 National policy statement's setting out the Scottish Government's determination to raise standards of urban and rural development.

LOCAL POLICY AND GUIDANCE

TAYPlan Strategic Development Plan 2012-2032

- 12 TAYPlan sets out a vision for how the region will be in 2032 and what must occur to bring about change to achieve this vision. The vision for the area as set out in the plans states that:

"By 2032 the TAYplan region will be sustainable, more attractive, competitive and vibrant without creating an unacceptable burden on our planet. The quality of life will make it a place of first choice where more people choose to live, work, study and visit, and where businesses choose to invest and create jobs"

- 13 The following sections of the TAYplan 2012 are of particular importance in the assessment of this application:

- Policy 1 – Location Priorities
- Policy 2 – Shaping better quality places
- Policy 3 – Managing TAYPlans Assets
- Policy 5 – Housing
- Policy 6 – Energy and Waste/Resource Management Infrastructure

Perth and Kinross Local Development Plan 2014

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

- 15 The LDP sets out a vision statement for the area and states that: *“Our vision is of a Perth and Kinross which is dynamic, attractive and effective which protects its assets whilst welcoming population and economic growth.”*
- 16 Under the LDP, the following policies are of particular importance in the assessment of this application:
- PM1 – Placemaking
 - PM2 – Design Statements
 - PM3 – Infrastructure Contributions
 - RD1 – Residential Areas
 - RD4 – Affordable Housing
 - TA1 – Transport Standards and Accessibility Requirements
 - CF1 – Open Space Retention and Provision
 - CF2 – Public Access
 - CF3 – Social and Community Facilities
 - HE1 – Scheduled Monuments and Non-Designated Archaeology
 - NE3 – Biodiversity
 - NE4 – Green Infrastructure
 - ER6 - Managing Future Landscape Change
 - EP1 – Climate Change, Carbon Reduction and Sustainable Construction
 - EP2 – New Development and Drainage
 - EP3 – Water Environment and Drainage
 - EP5 – Nuisance from Artificial light and Light Pollution
 - EP8 – Noise Pollution
 - EP11 – Contaminated Land

OTHER POLICIES

- 17 The following supplementary guidance and documents are of particular importance in the assessment of this application:
- Developer Contributions and Affordable Housing Supplementary Guidance April 2016
 - Flood Risk and Flood Risk Assessments – Developer Guidance June 2014
 - Sustainable Design and Zero Carbon Development Supplementary Guidance May 2014
 - Green Infrastructure Supplementary Guidance November 2014
 - Perth and Kinross Council Corporate Plan 2013-2018
 - Perth and Kinross Community Plan 2013/2023

PLANNING SITE HISTORY

- 18 None.

CONSULTATIONS

- 19 As part of the planning application process the following would be consulted:

External

- Scottish Environmental Protection Agency (SEPA)
- Scottish Natural Heritage (SNH)
- Scottish Water
- Royal Society for the Protection of Birds (RSPB)
- Blairgowrie and Rattray Community Council
- Perth and Kinross Heritage Trust

Internal

- Environmental Health
- Biodiversity Officer
- Strategic Planning and Policy
- Developer Negotiations Officer
- Affordable Housing Enabling Officer
- Community Greenspace
- Transport Planning
- Structures and Flooding
- Community Waste Advisor
- Education and Children's Services

KEY ISSUES AGAINST WHICH A FUTURE APPLICATION WILL BE ASSESSED

- 20 The key considerations against which the eventual application will be assessed include:

- Visual impact
- Scale, design and layout
- Relationship with surrounding land uses
- Archaeology
- Natural heritage and ecology
- Landscape
- Water resources and soils
- Flooding and water storage
- Noise
- Air quality
- Waste
- Transport implications
- Education provision
- Affordable housing
- Economy
- Open space provision
- Access provision

ADDITIONAL STATEMENTS WHICH WILL BE REQUIRED

- 21 In order to support the planning application, the following supporting documents and addressed topic headings should be submitted for consideration:
- Planning Statement, including a section on Socio-Economic Impact
 - Landscape and Visual Impact Assessment
 - Detailed Landscaping Plan
 - Design and Access Statement
 - Cultural Heritage and Archaeology Assessment
 - Ground Conditions and Water Resources
 - Flood Risk and Drainage Assessment
 - Transport Assessment
 - Ecology and Biodiversity Assessment
 - Tree Survey
 - Waste Management and Minimisation Plan
 - Construction and Environmental Management Plan (CEMP) including Construction Method Statement (CMS)
 - Sustainability Assessment (pre and post construction)
 - Pre-Application Consultation Report

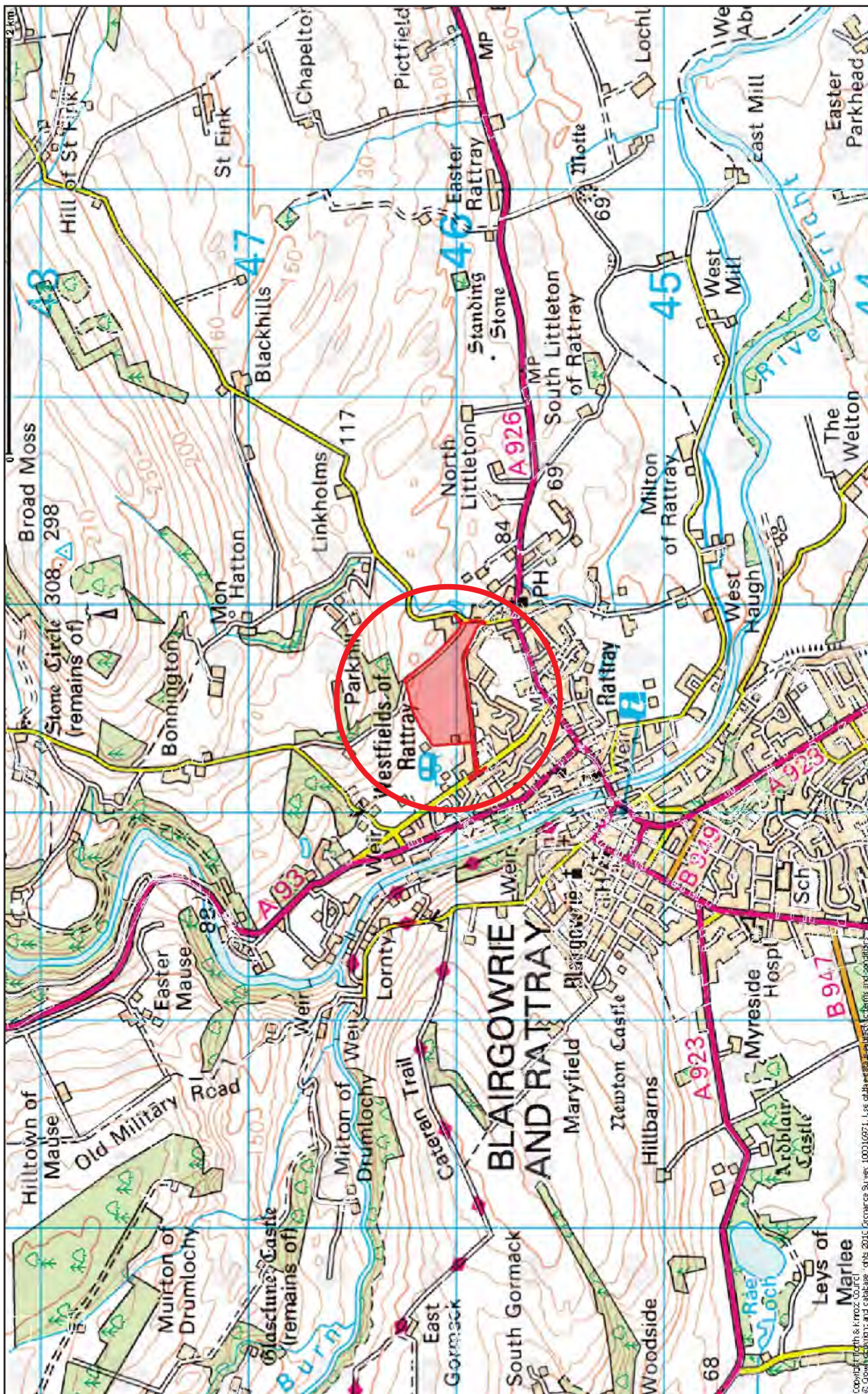
CONCLUSION AND RECOMMENDATION

- 22 This report summarises the key issues which should be considered as part of the appraisal of any subsequent planning application, which may be lodged in respect of this development and Members are recommended to note these key issues and advise officers of any other issues which they consider should be included as part of the application and assessment.

Background Papers: None
Contact Officer: Callum Petrie – Ext 75353
Date: 29 June 2016

Nick Brian
Development Quality Manager

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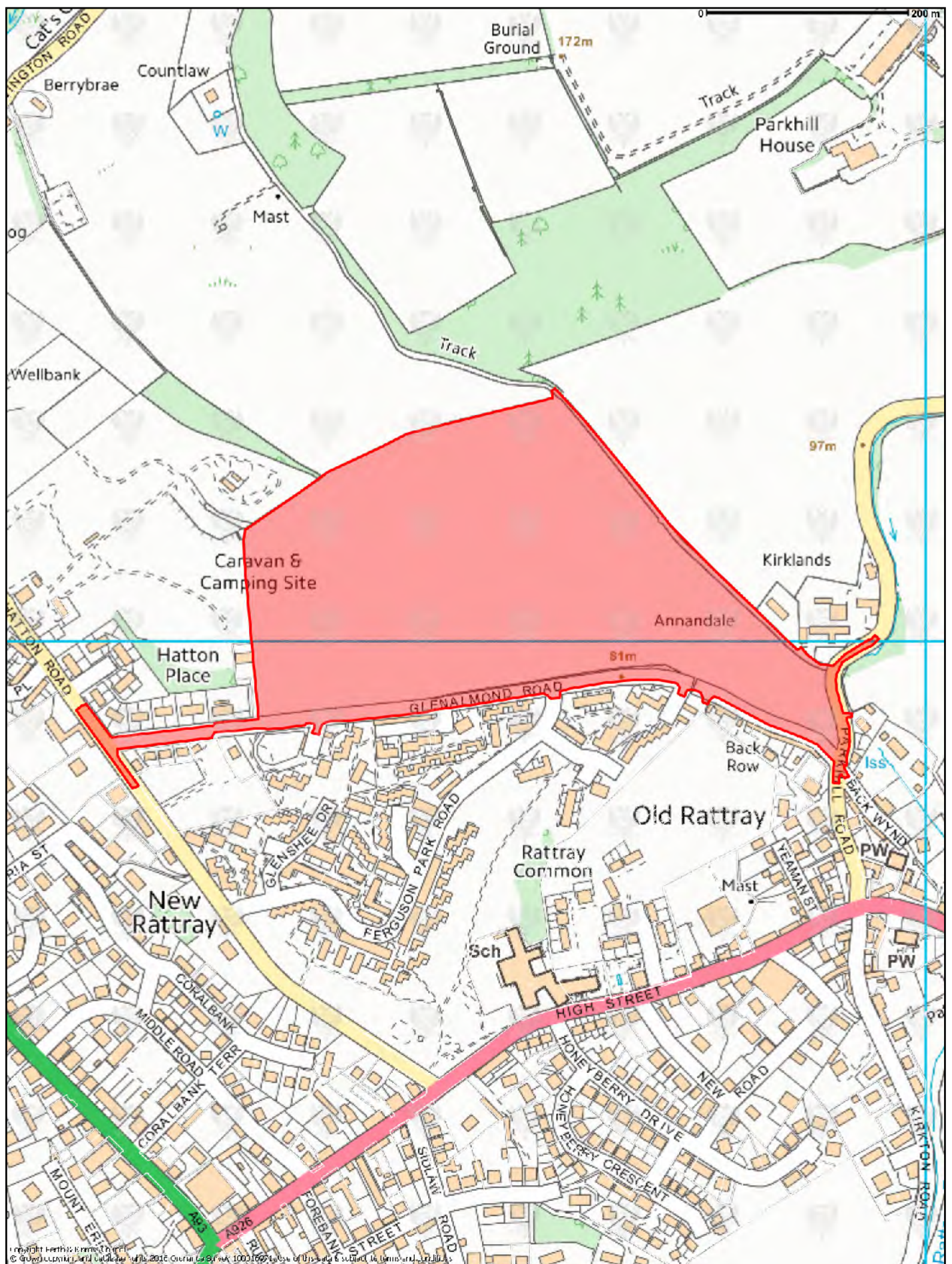
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Residential development, landscaping, open space and associated infrastructure on land NE of Lindale, Glenalmond Road, Rattray



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