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Council Building  
2 High Street  
Perth  
PH1 5PH

22 July 2020

A Meeting of the **Planning and Development Management Committee** will be held virtually via Microsoft Teams on **Wednesday, 29 July 2020 at 10:00**.

If you have any queries please contact Committee Services - [Committee@pkc.gov.uk](mailto:Committee@pkc.gov.uk).

**KAREN REID**  
Chief Executive

***Those attending the meeting are requested to ensure that all notifications are silent on their device and other devices are in silent mode.***

***Please note that the meeting will be broadcast via Microsoft Teams and recorded. The recording will be publicly available on the Council's website following the meeting.***

**Members:**

Councillor Roz McCall (Convener)  
Councillor Bob Brawn (Vice-Convener)  
Councillor Henry Anderson  
Councillor Michael Barnacle  
Councillor Eric Drysdale  
Councillor Tom Gray  
Councillor David Illingworth  
Councillor Ian James  
Councillor Callum Purves  
Councillor Crawford Reid  
Councillor Richard Watters  
Councillor Mike Williamson  
Councillor Willie Wilson



**Planning and Development Management Committee**

**Wednesday, 29 July 2020**

**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 DEPUTATIONS**
- 4 MINUTE OF MEETING OF 1 JULY 2020 FOR APPROVAL AND SIGNATURE**  
(copy to follow)
- 5 APPLICATIONS FOR DETERMINATION**
  - 5(1) LOCAL APPLICATION DEFERRED FROM MEETING OF 1 JULY 2020**
    - 5(1)(i) 20/00524/FLL - MARYBURGH - ERECTION OF 4 DWELLINGHOUSES AND ASSOCIATED WORKS, LAND SOUTH OF HILLCREST, MARYBURGH** **5 - 24**  
Report of Handling by Head of Planning and Development  
(Recommendation - Approve) (copy herewith 20/121)
  - 5(2) MAJOR APPLICATION**
    - 5(2)(i) 20/00169/AMM - SECTION 42 APPLICATION TO MODIFY CONDITION 15 (CONTAMINATED LAND) OF PERMISSION 16/00999/AMM, MORRIS LESLIE, ERROL AIRFIELD, GRANGE, ERROL** **25 - 44**  
Report of Handling by Head of Planning and Development  
(Recommendation - Approve) (copy herewith 20/122)
  - 5(3) LOCAL APPLICATION**

**5(3)(i) 20/00569/FLL - PERTH - ALTERATIONS AND FORMATION OF VEHICULAR ACCESS AND PARKING AREA, 171 GLASGOW ROAD, PERTH** **45 - 58**

Report of Handling by Head of Planning and Development  
(Recommendation - Approve) (copy herewith 20/123)

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Perth and Kinross Council  
Planning & Development Management Committee – 29 July 2020  
Report of Handling by Head of Planning & Development (Report No. 20/121)

**PROPOSAL:** Erection of 4 dwellinghouses and associated works

**LOCATION:** Land south of Hillcrest, Maryburgh

Ref. No: [20/00524/FLL](#)

Ward No: P8 - Kinross-shire

### **Summary**

This report recommends **approval** of the application as the development is considered to comply with the relevant provisions of the Development Plan and there are no material considerations apparent which outweigh the Development Plan.

## **BACKGROUND AND DESCRIPTION OF PROPOSAL**

- 1 The application site is on land south of Hillcrest, Maryburgh, Kelty. The application seeks detailed planning permission for the erection of 4 detached dwellinghouses and associated works. The majority of the site is located within the identified settlement of Maryburgh, with a small envelope of the site located outside the settlement boundary. The site previously benefitted from an in principle permission (15/01181/IPL) which was granted 31 August 2015. This permission was the renewal of a previous permission (12/00817/IPL) which was granted 16 July 2012.
- 2 With regards to recent site history, in 2017 an application was submitted for the erection of 5 dwellinghouses (17/02139/FLL). The site boundaries for that application extended beyond the settlement boundary and that of the site which was granted in principle. Consequently, the application was refused being contrary to the relevant provisions of the adopted Local Development Plan.
- 3 To address the refusal of that 2017 application, a reduced scheme was submitted in 2018 (18/01083/FLL). This proposal was reduced from 5 dwellinghouses to 4 dwellinghouses and amended the site boundaries to reflect the settlement boundary. Despite these changes, this application was also refused as it was considered that the character of the development did not respect the prevailing character of Maryburgh and there was insufficient amenity space for two of the plots. This decision was appealed to the Local Review Body who subsequently dismissed the appeal.
- 4 In 2019, a further application was submitted attempting to address the reasons for refusal on the 2018 application (19/01616/FLL). Concerns were raised with this application as the layout of the development was still considered not to be in keeping with the prevailing character of Maryburgh due to the cul-de-sac

style of development. However, prior to determination, this application was withdrawn and the current application forms its resubmission, with the layout of the development now facing the public road, a design that has been encouraged by the Planning Authority through discussions on the previous applications.

## **PRE-APPLICATION CONSULTATION**

- 5 Although no recent formal pre-application consultation has been undertaken, there has been significant discussions through the extensive site history and various previous planning applications.

## **NATIONAL POLICY AND GUIDANCE**

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

### **National Planning Framework**

- 7 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**

- 8 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.
- 9 The following sections of the SPP will be of particular importance in the assessment of this proposal:
  - Sustainability: paragraphs 24 – 35
  - Placemaking: paragraphs 36 – 57

## **Planning Advice Notes**

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

- PAN 40 Development Management
- PAN 51 Planning, Environmental Protection and Regulation
- PAN 61 Planning and Sustainable Urban Drainage Systems
- PAN 68 Design Statements
- PAN 75 Planning for Transport
- PAN 77 Designing Safer Places

## **Creating Places 2013**

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

## **Designing Streets 2010**

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

## **National Roads Development Guide 2014**

- 13 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**

- 14 The Development Plan for the area comprises the TAYplan Strategic Development Plan 2016-2036 and the Perth and Kinross Local Development Plan 2019.

## **TAYplan Strategic Development Plan 2016-2036**

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

*"By 2036 the TAYplan area will be sustainable, more attractive, competitive and vibrant without creating an unacceptable burden on our planet. The quality of*

*life will make it a place of first choice where more people choose to live, work, study and visit, and where businesses choose to invest and create jobs.”*

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

- Policy 1 – Location Priorities
- Policy 2 – Shaping Better Quality Places
- Policy 6 – Developer Contributions

### **Perth and Kinross Local Development Plan 2019**

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

- 18 The principal relevant policies are, in summary;

- 1A – Placemaking
- 1B – Placemaking
- 5 – Infrastructure Contributions
- 6 – Settlement Boundaries
- 17 – Residential Areas
- 39 – Landscape
- 41 – Biodiversity
- 52 – New Development and Flooding
- 56 – Noise Pollution
- 58A – Contaminated and Unstable Land: Contaminated Land
- 58B – Contaminated and Unstable Land: Unstable Land
- 60B – Transport Standards and Accessibility Requirements: New Development Proposals

### **SITE HISTORY**

- 19 [99/01733/OUT](#) - Erection of 2 houses (in outline) Decision Issued 2 March 2000: Application Approved
- 20 [03/00329/OUT](#) - Renewal of planning permission to erect 2 houses (in outline) Decision Issued 24 March 2005: Application Approved
- 21 [08/00019/OUT](#) - Erection of 4 dwellinghouses (in outline) Decision Issued 8 August 2008: Application Approved
- 22 [12/00817/IPL](#) - Residential development (in principle) Decision Issued 16 July 2012: Application Approved



- 23 [12/01668/AML](#) - Erection of 3 dwellinghouses (approval of matters specified in conditions) Decision Issued 28 January 2015: Application Withdrawn
- 24 [15/01181/IPL](#) - Renewal of existing permission 12/00817/IPL (residential development in principle) Decision Issued 31 August 2015: Application Approved
- 25 [17/02139/FLL](#) - Erection of 5 dwellinghouses and associated works Decision Issued 5 February 2018: Application Refused
- 26 [18/01083/FLL](#) - Erection of 4 dwellinghouses, 2no. garages and associated works Decision Issued 10 August 2018: Application Refused
- 27 [19/01616/FLL](#) - Erection of 4 dwellinghouses and associated works Decision Issued 3 December 2019: Application Withdrawn

## **CONSULTATIONS**

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

### **External**

- 29 **Cleish And Blairadam Community Council** – Object to the development as being out of character with the area, overdevelopment, visual impact, loss of rural identity, and concerns with the site boundaries in relation to the settlement boundary.
- 30 **Scottish Water** - No objection. There is currently sufficient capacity in the Glendevon Water Treatment Works to service the development. There is however no Scottish Water Waste Water Infrastructure available to service the development.
- 31 **The Coal Authority** - No objection, subject to the imposition of a planning condition in relation to site investigations.

### **Internal**

- 32 **Structures & Flooding** - The Structures and Flooding Team initially requested further information in relation to the drainage of the site. Having assessed this further information, they have no objection to the proposed development, subject to a condition requiring a survey of the existing drainage.
- 33 **Transport Planning** - Transport Planning initially requested some amendments. Having assessed the further information received Transport Planning now have no objection to the proposed development, subject to conditional control regarding vehicular access and turning facilities.
- 34 **Development Negotiations Officer** - No contributions required.

- 35 **Environmental Health (Contaminated Land)** - No objection subject to conditional control regarding ground contamination.
- 36 **Environmental Health (Noise Odour)** - No objection subject to an informative in relation to the operation of the proposed stoves.

## REPRESENTATIONS

- 37 13 letters of representation, including a letter from Cleish and Blairadam Community Council, were received objecting to the proposal with the following concerns:
- Increase in traffic and road safety concerns
  - Contrary to the Local Development Plan
  - Out of character with the area
  - Overdevelopment, inappropriate density, design, scale and land use
  - Adverse impact upon visual amenity and setting of Maryburgh
  - Flood risk and drainage (reference to septic tanks and soakaways)
  - Concerns with title deeds/ land ownership
  - Impact upon Cleish Primary School
  - Pollution to neighbouring burn
  - Loss of sunlight and daylight
  - Light and noise pollution
  - Loss of view
- 38 These issues will be addressed within the Policy Appraisal section of this report, except for loss of view and title deed concerns. Loss of view is not a material planning consideration and title deeds concerns are a civil matter.

## ADDITIONAL STATEMENTS

39	Screening Opinion	Not Required
	Environmental Impact Assessment (EIA): Environmental Report	Not applicable
	Appropriate Assessment	Not Required
	Design Statement or Design and Access Statement	Submitted (Supporting Statement)
	Report on Impact or Potential Impact eg Flood Risk Assessment	Submitted: Coal Mining Report Flood Risk Assessment Acoustic Report

## APPRAISAL

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

Development Plan 2019. The relevant policy considerations are outlined in the policy section above and are considered in more detail below. In terms of other material considerations, this involves considerations of the Council's other approved policies and supplementary guidance, namely the Council's Placemaking Guide 2020.

### **Principle**

- 41 The site boundaries for this current application extend beyond the identified settlement boundary of Maryburgh. However, the proposed area for development is located entirely within the settlement boundary including the garden ground for the four dwellinghouses. It is not proposed to develop any of the site which is located out-with the settlement boundary. The red-line boundary has only been drawn in this way to reflect current land ownership. A condition will be added to ensure that no development takes place out-with the settlement boundary (Condition 10).
- 42 Although comments were made within the letters of representation received regarding the site boundaries extending beyond the settlement boundary, due to the developable area of the site being located entirely within the settlement boundary, this is of limited concern. As the developable area of the site is located entirely within the settlement boundary of Maryburgh on undesignated land, the principle of residential development on this site is considered to comply with the Local Development Plan.

### **Design and Layout**

- 43 Each of the units is considered to be of a relatively high-quality design with an appropriate material palette which is suitable for the site. These materials include; grey tiled roof, smooth white render, timber horizontal cladding and grey upvc windows. The units incorporate large glazing features, a combination of materials and extruding chimney features which give them a high degree of character which is appropriate for this prominent site at the northern entrance to Maryburgh. Whilst some concerns have been raised in relation to the design through the letters of representations received, it is considered that the proposed designs would complement the diversity of designs that are currently in existence on the Maryburgh streetscene. With regards to massing and scale, whilst concerns have been received, the massing and scale is considered to be proportionate to neighbouring plots and thus is not considered to appear out of place or to dominate the streetscene.
- 44 With regards to layout, as mentioned above, the previous schemes for the site have not been supported by the Planning Authority due to the cul-de-sac style development and the lack of usable amenity space for each of the plots. This current application now aligns the development to face the street which is more consistent to the prevailing character of development within Maryburgh. The removal of the cul-de-sac element also allows for each of the plots to have an increased amount of garden ground. Whilst concerns have been raised regarding the building line, it is considered that the building line is appropriate for the site to respect the established character of the village as a whole.

- 45 Overall, it is considered that the design and layout of the proposed scheme will complement Maryburgh and will not be out of character with the surrounding development. It is also noted that the vacant site to the south is located within the settlement boundary of Maryburgh and may be developed in the future and affords a potential opportunity to link this development with the remainder of the village to the south.

### **Landscape and Trees**

- 46 The site slopes upwards from the public road in the east to the M90 Motorway in the west. The submitted site sections clarify that the proposal can be suitably accommodated with minimal re-contouring. Small retaining walls are proposed between each of the plots all below 1.2m in height. Conditional control will ensure that full details of the retaining walls will be agreed prior to the commencement of development (Condition 5).
- 47 There are a number of trees located along the southern and eastern boundaries of the site. The majority of these trees are to remain and this will help provide an element of screening for the development, contributing to the visual amenity of the proposed site. Conditional control will ensure their protection during construction (Condition 6).

### **Boundary Treatments**

- 48 During the assessments of the previous applications on the site, concerns were raised with regard to the proposed boundary treatments, particularly to the west of the site which will bound an agricultural field. The proposed development now shows that this boundary treatment will be new timber fencing and hedging. Conditional control will ensure that the hedging is implemented and the fencing is of an acceptable standard in this area (Condition 4). This will help to create a soft boundary treatment with the neighbouring field.

### **Residential Amenity**

- 49 With regards to the proposed dwellinghouses, the orientation of windows on each of the proposed units is considered to be appropriate, with no properties directly looking into each other. Overlooking was a concern on previous applications on the site. This is addressed through the current proposal in terms of how the houses have been orientated. The property at Plot 4 no longer looks directly into the grounds of Hillcrest. It is therefore considered that the siting of the units does not create any issues in relation to overshadowing.
- 50 With regards to Hillcrest to the north of the site, which is the property most affected by the proposed development, it is noted that the principal elevation of this property directly faces the proposed development site. The nearest unit to Hillcrest is Plot 4, which is sited approximately 13.8m from the principal elevation of Hillcrest and 5.3m from the site boundary. The elevation of Plot 4 facing Hillcrest is the gable end and the only windows proposed on the upper floor of this elevation are for a staircase and bathroom. There will therefore be minimal overlooking created from this plot and, as stated above, Hillcrest is the

only existing property affected by the proposed development. Due to the height of the proposed buildings and the gradient of the land, it is considered that there will be no adverse overlooking created from Hillcrest to the proposed new dwellinghouses. There is a proposed intervening land use between Plot 4 and Hillcrest in the form of a field access. This was encouraged by the Planning Authority during the assessment of the previous applications to ensure separation and prevent overlooking and overshadowing.

### **Roads and Access**

- 51 Each of the 4 plots has private parking facilities with Plots 1 and 4 having integrated single garages. All plots will be accessed from the public road and have suitable turning facilities within the site to allow for all vehicles to exit the site in a forward gear. The Council's Transport Planning team initially requested some amendments to the overall arrangement, including the provision of a footpath along the site frontage. These amendments were made and Transport Planning now have no objection to the proposed development, subject to conditional control regarding vehicular access & turning spaces (Conditions 8 & 9). Whilst I note the comments received in letters of representation regarding road safety and traffic generation, I along with Transport Planning am satisfied the proposed arrangements are sufficient for the scale of the development and raise no adverse concerns.

### **M90 Motorway Noise**

- 52 The site boundary is approximately 90 metres from the M90 motorway with an agricultural field separating the two. An Acoustic Report was submitted accompanying the application to demonstrate the acceptability of the site for residential development. The Acoustic Report has been reviewed by the Council's Environmental Health team who have raised no objection. It is therefore considered that the noise associated with the M90 will be at an acceptable level for future occupiers of the proposed development.

### **Coal Mining**

- 53 The site lies within an area where coal mining once existed. This creates the potential for ground instability through unused and unmapped mines. Through the previous applications for the site, the Coal Authority objected to the proposals, however this was addressed through the submission of additional information and conditional control. The Coal Authority has responded to this consultation and again has no objection to the proposed development subject to conditional control (Condition 7).

### **Contaminated Land**

- 54 Given the history of the previous coal mining activity in the area there is a potential ground gas issue at the proposed development site which should be considered in order to determine the suitability of the site for the proposed use. Environmental Health, in their consultation response have therefore recommended a condition, requiring a Desk 1 study to be undertaken prior to

the commencement of works. This will ensure that any ground contamination is dealt with accordingly (Condition 2).

### **Natural Heritage and Biodiversity**

- 55 There are no records of protected species on the development site and the current state of the site as an agricultural field does not provide a high quality habitat opportunity for protected species. It is therefore considered unlikely that there are protected species present on the site and therefore, in agreement with the Council's Biodiversity Officer, no biodiversity surveys were requested.

### **Drainage and Flooding**

- 56 A drainage plan has been submitted which shows that the development will be connected to the existing drainage culvert in place which runs underneath the road to the east. Whilst the letters of representation are noted which raises the drainage of the site as a cause for concern, this is considered to be appropriate for the scale of the development. A drainage report was submitted with the application to demonstrate the effect of the development during a 1 in 200-year flood simulation. This drainage report concludes that there will be no adverse impact from the development compared to the existing situation.
- 57 The Structures & Flooding team originally objected to the proposed development due to a lack of information regarding the drainage of the site. This information was subsequently submitted in the form of an amended drainage report and Structures & Flooding have now removed their objection, subject to conditional control (Condition 3)

### **Waste Collection**

- 58 Each of the plots has sufficient storage for the required number of waste bins. An informative is proposed in relation to waste collection (Informative 12).

### **Conservation Considerations**

- 59 The site is not in a designated Conservation Area or in close proximity to any Listed Building or any other designated site of historical interest. It is therefore considered that the development will have no adverse impact upon the cultural heritage of the area.

### **Developer Contributions**

#### Affordable Housing

- 60 The Council's Affordable Housing Policy requires that 25% of the total number of houses, above a threshold of 5 units, for which planning consent is being sought is to be in the form of affordable housing.
- 61 This application is for four units only and therefore no contribution is required in respect of Affordable Housing.

## Primary Education

- 62 The Council's Developer Contributions Supplementary Guidance requires a financial contribution towards increased primary school capacity in areas where a primary school capacity constraint has been identified. A capacity constraint is defined as where a primary school is operating at over 80% and is likely to be operating following completion of the proposed development, extant planning permissions and Local Development Plan allocations, at or above 100% of total capacity.
- 63 This proposal is within the catchment of Cleish Primary School. Education & Children's Services have no capacity concerns in this catchment area at this time, therefore no education contribution is required.

## **Economic Impact**

- 64 The development of this site would account for short term economic investment through the construction period and indirect economic investment of future occupiers of the associated development.

## **LEGAL AGREEMENTS**

- 65 None required.

## **DIRECTION BY SCOTTISH MINISTERS**

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

## **CONCLUSION AND REASONS FOR RECOMMENDATION**

- 67 To conclude, the application must be determined in accordance with the adopted Development Plan unless material considerations indicate otherwise. In this respect, I have taken account of the Local Development Plan and material considerations and in this case, I am content that the development proposed does not conflict with the Development Plan.
- 68 Accordingly the proposal is recommended for approval subject to the following conditions.

## **RECOMMENDATION**

**Approve the application.**

## **Conditions and Reasons for Recommendation**

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

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

- 2 Development shall not commence on site until an evaluation for the potential of the site to be affected by contamination by a previous use has been undertaken and, as a minimum, a Preliminary Risk Assessment (Phase 1 Desk Study) has been submitted for consideration and accepted by the Council as Planning Authority. If the preliminary risk assessment identifies the need for further assessment, an intrusive investigation shall be undertaken to identify;
  - I. the nature, extent and type(s) of contamination on the site
  - II. measures to treat/remove contamination to ensure the site is fit for the use proposed
  - III. measures to deal with contamination during construction works
  - IV. condition of the site on completion of decontamination measures.

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

Reason - In order to deal with any potential contamination of the site as a result of its former use.

- 3 Prior to the commencement of development, a CCTV survey of the existing culvert downstream of the site (under the road) shall be carried out, and a report on its condition and any remedial works required shall be submitted to the Council as Planning Authority for approval. Thereafter, any remedial works agreed shall be undertaken prior to the construction of the dwellinghouses, to the satisfaction of the Council as Planning Authority.

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

- 4 Prior to the commencement of the development hereby approved, details of the proposed boundary treatments for the site shall be submitted for the written agreement of the Council as Planning Authority. The scheme as subsequently agreed shall be implemented prior to the completion or bringing into use of the development, whichever is the earlier.

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

- 5 Prior to the commencement of development, full details of the retaining walls shall be submitted to the Council as Planning Authority for approval. Thereafter, the agreed scheme shall be implemented prior to the completion or bringing into use of the development, whichever is the earlier.



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

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

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

- 7 The recommendations in the Coal Mining Surveys hereby approved (20/00524/9), shall be fully adhered to during the construction period and shall be in full consultation with The Coal Authority, all to the satisfaction of the Council as Planning Authority.

Reason - To take account of the coal mining risk associated with the development site.

- 8 Prior to the development hereby approved being completed or brought into use, each vehicular access shall be formed in accordance with Perth & Kinross Council's Road Development Guide Type B Figure 5.6 access detail, of Type B Road construction detail.

Reason - In the interests of road safety; to ensure an acceptable standard of construction within the public road boundary.

- 9 Prior to the development hereby approved being completed or brought into use, the turning facilities shown on the approved drawings shall be implemented and thereafter maintained.

Reason - In the interests of road safety; to ensure the provision of acceptable manoeuvring space within the curtilage of the site to enable a vehicle to enter and leave the site in forward gear.

- 10 For the avoidance of doubt, the area of land located out-with the settlement boundary of Maryburgh shall not be developed as part of this planning permission.

Reason - In order to clarify the terms of the permission.

## **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 No work shall be commenced until an application for building warrant has been submitted and approved.
- 5 The applicant is advised that in terms of Sections 56 of the Roads (Scotland) Act 1984 he/she/they must obtain from the Council as Roads Authority consent to open an existing road or footway prior to the commencement of works. Advice on the disposal of surface water must be sought at the initial stages of design from Scottish Water and the Scottish Environment Protection Agency.
- 6 The applicant is advised to refer to Perth & Kinross Council's Supplementary Guidance on Flood Risk and Flood Risk Assessments 2014 as it contains advice relevant to your development.  
<http://www.pkc.gov.uk/article/15061/Supplementary-guidance-Flood-risk-and-flood-risk-assessments>
- 7 The proposed development lies within an area that has been defined by the Coal Authority as containing potential hazards arising from former coal mining activity. These hazards can include: mine entries (shafts and adits); shallow coal workings; geological features (fissures and break lines); mine gas and previous surface mining sites. Although such hazards are seldom readily visible, they can often be present and problems can occur in the future, particularly as a result of development taking place.

It is recommended that information outlining how the former mining activities affect the proposed development, along with any mitigation measures required (for example the need for gas protection measures within the foundations), be

submitted alongside any subsequent application for Building Warrant approval (if relevant).

Any form of development over or within the influencing distance of a mine entry can be dangerous and raises significant safety and engineering risks and exposes all parties to potential financial liabilities. As a general precautionary principle, the Coal Authority considers that the building over or within the influencing distance of a mine entry should wherever possible be avoided. In exceptional circumstance where this is unavoidable, expert advice must be sought to ensure that a suitable engineering design is developed and agreed with regulatory bodies which takes into account of all the relevant safety and environmental risk factors, including gas and mine-water. Your attention is drawn to the Coal Authority Policy in relation to new development and mine entries available at:

[www.gov.uk/government/publications/building-on-or-within-the-influencing-distance-of-mine-entries](http://www.gov.uk/government/publications/building-on-or-within-the-influencing-distance-of-mine-entries)

Any intrusive activities which disturb or enter any coal seams, coal mine workings or coal mine entries (shafts and adits) requires a Coal Authority Permit. Such activities could include site investigation boreholes, digging of foundations, piling activities, other ground works and any subsequent treatment of coal mine workings and coal mine entries for ground stability purposes. Failure to obtain a Coal Authority Permit for such activities is trespass, with the potential for court action.

Property-specific summary information on past, current and future coal mining activity can be obtained from: [www.groundstability.com](http://www.groundstability.com) or a similar service provider.

If any coal mining features are unexpectedly encountered during development, this should be reported immediately to the Coal Authority on 0345 762 6848. Further information is available on the Coal Authority website at:

[www.gov.uk/government/organisations/the-coal-authority](http://www.gov.uk/government/organisations/the-coal-authority)

- 8 The stoves shall be installed, operated and maintained in full accordance with the manufacturer's instructions and shall not be used to burn fuel other than that approved for use by the manufacturer of the appliance as detailed in the information supporting this permission.
- 9 Trees and scrub are likely to contain nesting birds between 1st March and 31st August inclusive. Trees and scrub are present on the application site and are to be assumed to contain nesting birds between the above dates. The applicant is reminded that, under the Wildlife and Countryside Act 1981, as amended (section 1), it is an offence to remove, damage or destroy the nest of any wild bird while that nest is in use or being built. Planning permission for a development does not provide a defence against prosecution under this Act.
- 10 The applicant is advised that the granting of planning permission 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 Application for a new postal address should be made via the Street Naming and Numbering page on the Perth & Kinross Council website at [www.pkc.gov.uk/snn](http://www.pkc.gov.uk/snn).
- 12 The applicant should be aware of the requirements of the Council's Environment and Regulatory Services in relation to waste collection from the site and should ensure adequate measures are provided on site to allow for the collection of waste.
- 13 This planning permission is granted subject to conditions, some of which require further information to be submitted to Development Management either before works can start on site or at a certain time. Please send the required information to us at [developmentmanagement@pkc.gov.uk](mailto:developmentmanagement@pkc.gov.uk) . Please be aware that the Council has two months to consider the information (or four months in the case of a Major planning permission). You should therefore submit the required information more than two months (or four months) before your permission expires. We cannot guarantee that submissions made within two months (or four months) of the expiry date of your permission will be able to be dealt with before your permission lapses.

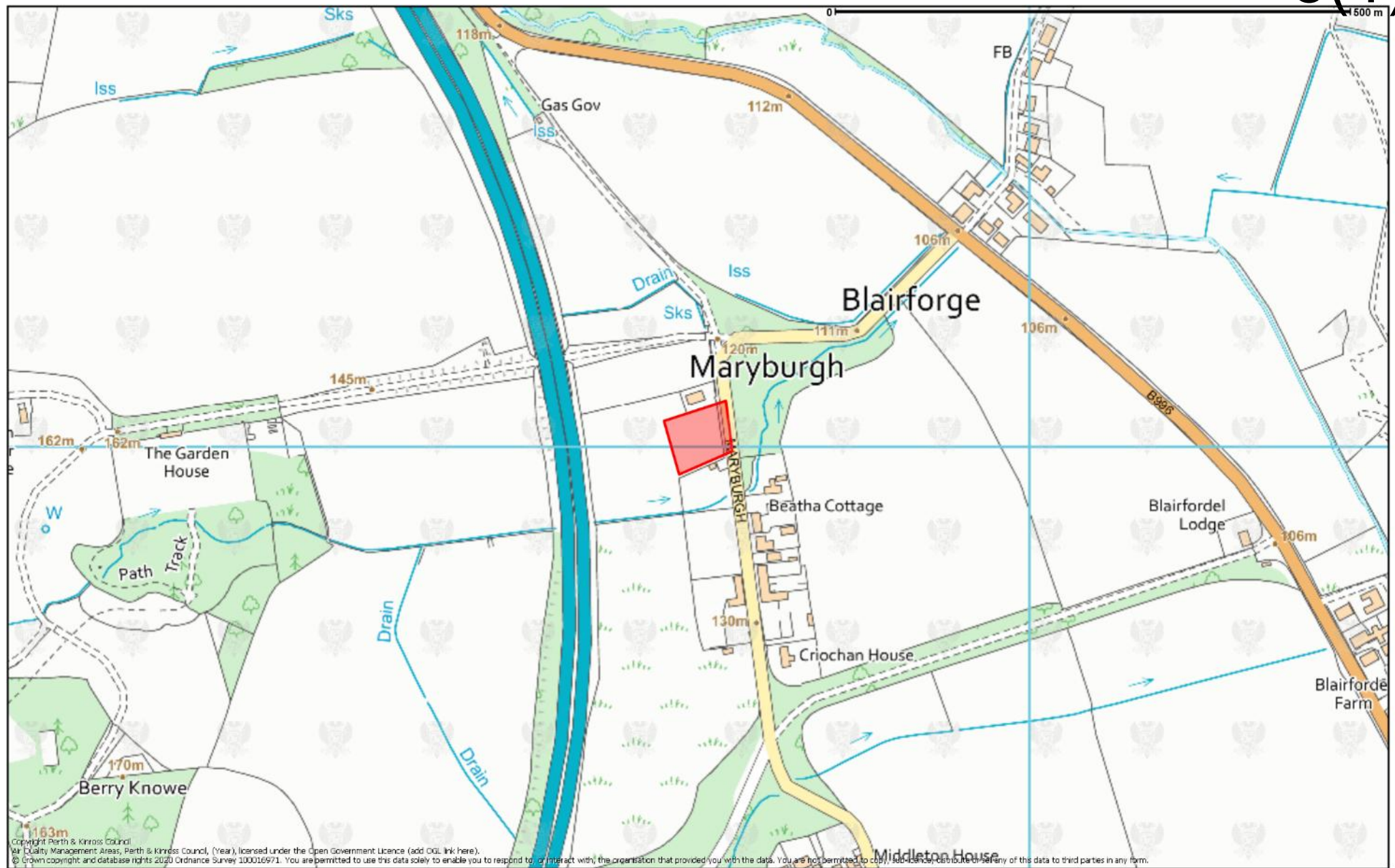
Background Papers: 13 letters of representation  
Contact Officer: Sean Panton  
Date: 16 July 2020

**DAVID LITTLEJOHN  
HEAD OF PLANNING & DEVELOPMENT**

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You can also send us a text message on 07824 498145.
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All Council Services can offer a telephone translation facility.
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Scale 1:5000



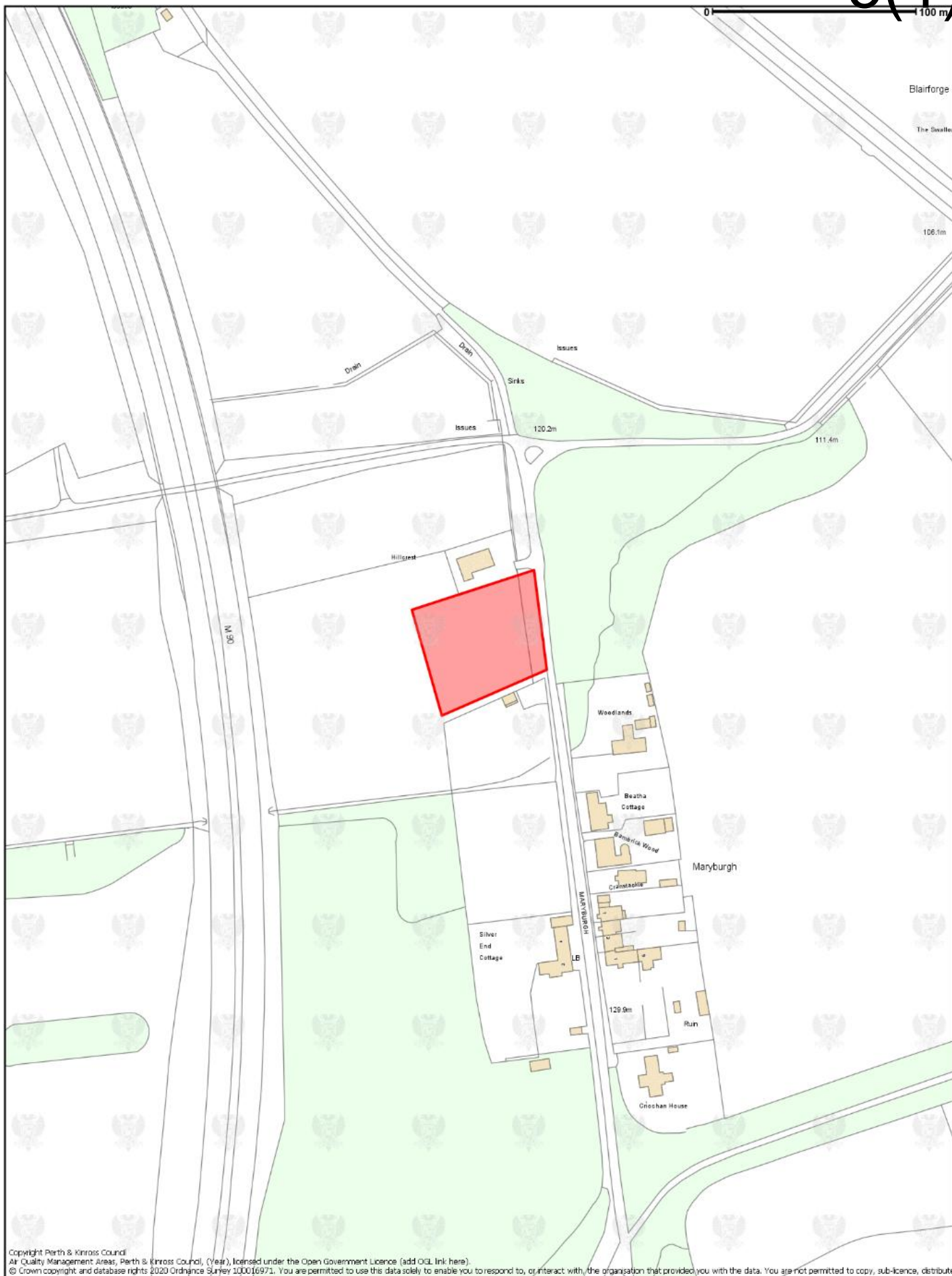
20/00524/FLL

Erection of 4 dwellinghouses and associated works on land 45 Metres South of Hillcrest, Maryburgh









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Scale 1:2500

20/00524/FLL

Erection of 4 dwellinghouses and associated works on land 45 Metres South of Hillcrest, Maryburgh







Perth and Kinross Council  
Planning & Development Management Committee – 29 July 2020  
Report of Handling by Head of Planning & Development (Report No. 20/122)

**PROPOSAL:** Section 42 application to modify Condition 15 (Contaminated Land) of permission 16/00999/AMM

**LOCATION:** Morris Leslie, Errol Airfield, Grange, Errol, PH2 7TB

Ref. No: [20/00169/AMM](#)

Ward No: P1 - Carse Of Gowrie

### Summary

This report recommends approval of the application as the development is considered to comply with the relevant provisions of the Development Plan and there are no material considerations apparent which outweigh the Development Plan.

## BACKGROUND AND DESCRIPTION OF PROPOSAL

- 1 This application seeks a further Approval of Matters Specified in Conditions (AMSC), subject to the same proposal approved in 16/00999/AMM for 240 dwellings, a local centre, sports pitch and play area. The applicant is requesting to formally amend Condition 15 (Contaminated Land) of that permission, which currently reads as follows:

*Prior to the commencement of works on site, an evaluation for the potential of the site to be affected by contamination by a previous use should be undertaken. An intrusive investigation should be undertaken to identify:*

- I. The nature, extent and type(s) of contamination on the site*
- II. Measures to treat/remove contamination to ensure the site is fit for the use proposed*
- III. Measures to deal with contamination during construction works*
- IV. Condition of the site on completion of decontamination measures.*

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

*Reason: To prevent harm to human health and pollution of the environment in accordance with the aims and objectives of the Development Plan.*

- 2 The applicant has proposed the following modification of Condition 15 to ensure the contaminated land assessment for the dwelling site area approved under 16/00999/AMM is acceptable and that future assessments will still be required to be submitted for any future development proposals within the remainder of the PPP site:

*Prior to the commencement of works on site in relation to Phases 1 to 5, as approved by Application for Matters Specified Application ref: 16/00999/AMM, an evaluation for the potential of the site to be affected by contamination by a previous use should be undertaken. An intrusive investigation should be undertaken to identify.*

- I. The nature, extent and type(s) of contamination on the site;*
- II. Measures to treat/remove contamination to ensure the site is fit for the use proposed;*
- III. Measures to deal with contamination during construction works;*
- IV. Condition of the site on completion of decontamination measures.*

*Prior to the completion or bringing into use 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 be submitted to the Council as Planning Authority.*

*For the avoidance of doubt, no further development will be permitted within the red line area approved for development under Planning Permission in Principle ref: 05/02418/IPM, as amended by Planning Permission in Principle ref: 13/01823/IPM, without a separate intrusive investigation being undertaken in compliance with the requirements of this condition.*

*Reason: To prevent harm to human health and pollution of the environment in accordance with the aims and objectives of the Development Plan.*

- 3 The site is located within the settlement boundary of Grange/Errol Airfield in the Perth and Kinross Local Development Plan 2 2019 (LDP2) and is recorded as having planning permission for housing. The predominantly flat site extends to approximately 58.3 hectares, 0.75km north east of Errol village. It forms part of the disused Errol Airfield facility which provides buildings for small businesses and there are some residential properties to the north of the site.
- 4 The site is bound to the north by the C484 Errol to Grange road, to the east by the remaining airfield area and to the west by a burn and farmland. The south of the site is contained by reed beds and the River Tay which is a designated Special Protection Area (SPA) is a further 300 metres away. Access to the site will be via a new main access road to the west that was also approved under 16/01491/FLL in July 2017. Development of the road has commenced and now provides access to a new temporary medical centre approved under 18/00628/FLL.
- 5 Planning Permission in Principle (PPP) was approved in October 2010 (05/02418/IPM) and extended in January 2014 (13/01823/FLM). Detailed permission was granted in July 2017 for 240 dwellings, a local centre, sports

pitch and play area within the northern half of the PPP site (16/00999/AMM). Development of this site has commenced with the establishment of the approved acoustic bund along the northern boundary of the site with existing commercial businesses, including Tayside Granary and some residential properties.

- 6 A Contaminated Land Assessment was carried out by the applicant in 2019 and submitted to the Council in March 2019 with a Remediation Strategy submitted in July 2019. The Assessment and Remediation Strategy, whilst considered acceptable, was however only performed for the housing development area shown in 16/00999/AMM and does not cover the entire red line site boundary of said application site or the PPP site boundary. The overall site area is much larger than the proposed housing because the PPP restricts the applicant to a maximum of 240 dwelling units. The submitted details 16/00999/AMM shows large areas of land to the south of the approved dwellings still within the red line boundary and highlighted as future development areas. It is the future development areas that have not been subjected to a Contaminated Land Assessment.
- 7 In the event that applications for development are submitted for the remainder of the PPP site, further contaminated land assessments will be required to be undertaken, as the initial assessment showed high levels of lead due to its previous use as a firing range during World War II. The agreed remediation is that the lead is removed and placed at the base of the approved acoustic bund along the northern boundary.

#### **ENVIRONMENTAL IMPACT ASSESSMENT (EIA)**

- 8 An EIA Report was not required to be submitted with the proposal as the nature and type of proposal falls below the EIA thresholds.

#### **PRE-APPLICATION CONSULTATION**

- 9 Not required for S42 applications.

#### **NATIONAL POLICY AND GUIDANCE**

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

#### **National Planning Framework**

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

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

### **Scottish Planning Policy 2014**

- 12 The Scottish Planning Policy (SPP) was published in June 2014 and sets out national planning policies which reflect Scottish Ministers' priorities for operation of the planning system and for the development and use of land. The SPP promotes consistency in the application of policy across Scotland whilst allowing sufficient flexibility to reflect local circumstances. It directly relates to:
- The preparation of development plans;
  - The design of development, from initial concept through to delivery; and
  - The determination of planning applications and appeals.
- 13 The following sections of the SPP will be of particular importance in the assessment of this proposal:
- Sustainability: paragraphs 24 – 35
  - Placemaking: paragraphs 36 – 57
  - Valuing the Natural Environment : paragraphs 193 – 218

### **Planning Advice Notes**

- 14 The following Scottish Government Planning Advice Notes (PANs) and Guidance Documents are of relevance to the proposal:
- PAN 40 Development Management
  - PAN 51 Planning, Environmental Protection and Regulation

### **DEVELOPMENT PLAN**

- 15 The Development Plan for the area comprises the TAYplan Strategic Development Plan 2016-2036 and the Perth and Kinross Local Development Plan 2019.

### **TAYPlan Strategic Development Plan 2016-2036**

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

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

- 17 There are no sections of TAYplan 2016 of particular importance in the assessment of this application.

## Perth and Kinross Local Development Plan 2019

- 18 The Local Development Plan 2 (2019) (LDP2) was adopted by Perth and Kinross Council on 29 November 2019. The LDP2 sets out a vision statement for the area and states that, *“Our vision is of a Perth and Kinross which is dynamic, attractive and effective which protects its assets whilst welcoming population and economic growth.”* It is the most recent statement of Council policy and is augmented by Supplementary Guidance.
- 19 The principal relevant policies are, in summary;
- Policy 1A: Placemaking  
Policy 17: Residential Areas  
Policy 58A: Contaminated and Unstable Land: Contaminated Land

## SITE HISTORY

- 20 [05/02418/IPM](#) Development of sustainable village. Approved against recommendation by Development Control Committee November 2008 with decision issued after the signing of a Legal Agreement October 2010.
- 21 [13/01823/FLM](#) Variation of condition no 1 of planning consent 05/02418/IPM to extend the time limit for a further 3 years. Approved by Development Management Committee January 2014.
- 22 [16/00999/AMM](#) Mixed use development comprising the erection of 240 dwellinghouses/garages, erection of commercial elements, provision of open space/play provision, associated infrastructure and other associated works (approval of matters specified in conditions 13/01823/FLM). Approved by Planning & Development Management Committee July 2017.
- 23 [16/01491/FLL](#) Formation of access, landscaping and associated works in association with 16/00999/AMM. Approved by Planning & Development Management Committee July 2017.

## CONSULTATIONS

- 24 As part of the planning application process the following was consulted:  
**Internal**
- 25 **Land Quality (Contaminated Land)** – No objection to the proposed modification as it ensures further assessments will be carried out should development proposals be submitted.
- 26 **Structures and Flooding** – No objection to the proposed modification, subject to clarification through conditions in respect of surface water drainage and floor levels of properties.

## REPRESENTATIONS

- 27 The following points were raised in the one representation received from the adjoining granary business:
- Proximity of new housing with the granary and potential for friction; and
  - Safety concerns with increased pedestrians, residential traffic and cyclists.
- 28 These issues were addressed in the 16/00999/AMM application. The principle of development has been established, with these matters addressed in the extant approval and, as such, they are not material to the assessment of the S42 application.

## ADDITIONAL STATEMENTS

29	Screening Opinion	Not Required
	Environmental Impact Assessment (EIA): Environmental Report	Not Required
	Appropriate Assessment	Not Required
	Design Statement or Design and Access Statement	Not Required
	Report on Impact or Potential Impact	Supporting Statement Submitted

## APPRAISAL

- 30 Sections 25 and 37(2) of the Town & Country Planning (Scotland) Act 1997 (as amended) require the determination of the proposal to be made in accordance with the provisions of the Development Plan, unless material considerations indicate otherwise. The adopted Development Plan comprises the TAYplan Strategic Development Plan 2016–2036 and the Perth and Kinross Local Development Plan 2019. The relevant policy considerations are outlined in the policy section above and are considered in more detail below.

### Principle

- 31 Since the approval of the 16/00999/AMM application in July 2017 there has been a Development Plan change from the Perth and Kinross LDP 2014 to the adoption of LDP2. Notwithstanding this change, the principle of development at this location is still maintained with the site being included within the settlement boundary for Grange/Errol Airfield in LDP 2 and, further, development has commenced on site through the now extant permission 16/00999/AMM with formation of the acoustic bund and site access.
- 32 The proposed modification of Condition 15 (Contaminated Land), to require further contaminated land assessments be undertaken should further applications for development be submitted within the overall site, must be assessed to ascertain if there is any adverse impact on the area or a risk that required assessments will not be completed.

## **Contaminated Land Assessment**

- 33 The Contaminated Land Assessment carried out in 2019 by the applicant showed areas within the approved housing layout to have higher levels of lead contamination than expected. The lead is from the former airfields previous use during World War II as a practice firing range for the military. It was agreed by the Council's Land Quality Officer that remediation of the lead was required as it could not be left in place within future housing plots.
- 34 A Remediation Strategy, which was submitted in July 2019, identified that lead contamination be stripped from the approved development area and placed and capped at the base of the approved acoustic landscape bund along the northern perimeter of the site. The Land Quality Officer agreed with this assessment and conclusion. The acoustic bund, construction of which has already commenced, is required to ensure there will be no noise issues for the residential properties arising from activities in the adjacent commercial units including the granary business.
- 35 Whilst the Contaminated Land Assessment and agreed Remediation Strategy deals with the approved housing development area covered by 16/00999/AMM, it does not include the wider undeveloped area covered by both the red line of 16/00999/AMM or the PPP. Concern was expressed by the Land Quality Officer that there are areas within the red line boundary that have not been surveyed and as a consequence, there is a risk of unknown contamination within the remainder of the overall site.
- 36 The assessment undertaken covers the approved housing development area but Condition 15, as worded, cannot be fully discharged without the entire site area being surveyed for potential contamination. The proposed modification to Condition 15 acknowledges the surveys for the approved housing development are acceptable. The proposed additional wording will ensure that, should development proposals come forward within the remainder of the site, further contaminated land assessments will be carried out and submitted to the Planning Authority. The Land Quality Officer is content with the proposed modification and that it will continue to comply with LDP2 Policy 58A - Contaminated and Unstable Land: Contaminated Land. The proposed modification to Condition 15 is therefore considered to be acceptable.

## **Design and Layout**

- 37 The proposed modification to Condition 15 will have no impact on the approved (16/00999/AMM) and under construction layout as no physical changes are being proposed.

## **Landscape**

- 38 The proposed modification to Condition 15 will have no impact on the local landscape as no physical changes are being proposed.

### **Visual Amenity**

- 39 The proposed modification to Condition 15 will have no impact on the visual amenity of the area as this will remain unaltered.

### **Roads and Access**

- 40 The proposed modification to Condition 15 will have no impact on the road network.

### **Drainage and Flooding**

- 41 The proposed modification to Condition 15 will have no impact on any drainage infrastructure or result in increased flood risk. This is subject to further clarification being sought in amended conditions for Sustainable Urban Drainage System (SUDS) and specification of the proposed Finished Floor Levels (FLL) of the properties in the interest of flood prevention (Conditions 7 and 8 respectively).

### **Natural Heritage and Biodiversity**

- 42 The proposed modification to Condition 15 will have no impact on the biodiversity of the area.

### **Developer Contributions**

- 43 No contributions are required by this S42 application.

### **Economic Impact**

- 44 The proposed modification will not have an impact on the local economy.

### **Other Matters**

- 45 The 16/00999/AMM permission had a number of pre-commencement planning conditions or elements of conditions that are no longer relevant as they have since been approved in advance of construction commencing in 2019. It is good practice, when approving a S42 application, to update the conditions to meet current regulations and requirements. Similarly, any conditions that still require to be addressed or adhered to should remain and reference should be made to detail or specification approved as part of the condition approval process for the existing AMSC. Several conditions as set out in the recommendation section below have been amended to accord with practice.

### **LEGAL AGREEMENTS**

- 46 None required. A Section 75 Legal Agreement is already in place for affordable housing provision, education contributions, transport infrastructure contributions, open space, play area, sports pitch provision and maintenance. It



is future-proofed for S42 applications so will not require modification in light of this proposal.

## **DIRECTION BY SCOTTISH MINISTERS**

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

## **CONCLUSION AND REASONS FOR RECOMMENDATION**

- 48 To conclude, the application must be determined in accordance with the adopted Development Plan unless material considerations indicate otherwise. In this respect, I have taken account of the Local Development Plan and material considerations and in this case, I am content that the development proposed does not conflict with the Development Plan.
- 49 Accordingly, the proposal is recommended for approval subject to the following conditions.

## **RECOMMENDATION**

### **Approve the application**

### **Conditions and Reasons for Recommendation**

- 1 The 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 and to the satisfaction of the Planning Authority.

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

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

Reason: In the interest of pedestrian and cycle safety.

- 4 The detailed landscaping and planting scheme, including the sports pitch as approved (Drawing References: 20/00169/55; 20/00169/56; 20/00169/57; 20/00169/58), 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.

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 Development Plan.

- 5 The approved children's play area(s) (Drawing Reference: 20/00169/62) shall be laid out and equipped in accordance with the Planning Authority's current criteria for play area provision within six months of the commencement of development of the site. The play area and its facilities/equipment shall thereafter be maintained to the satisfaction of the Council as Planning Authority.

For the avoidance of doubt only one equipped play area for 4-8 & 8-14 years which complies with the Council's Play Standards shall be provided within the site. All other proposed play areas should be unequipped.

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

- 6 The approved delivery and phasing plan (Drawing References: 20/00169/39 and 20/00169/66) shall be fully implemented to the satisfaction of the Council as Planning Authority throughout the course of the development.

For the avoidance of doubt the location of the commercial area as shown on the masterplan is in general acceptable but is not fully approved by this permission as they are still indicative at this stage. Further detailed application(s) will be required for the exact scale and design of the structures.

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.

- 7 Notwithstanding the submitted plans, 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 risk to public safety and flood risk.

- 8 The Finished Floor Level of all properties shall be a minimum of 11.2 metres Above Ordnance Datum (AOD) and no property shall be occupied unless this is achieved.

Reason: To reduce the risk of flooding.

- 9 All existing trees and hedging within the site and on the boundaries shall be retained. 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 protecting environmental quality and of biodiversity.

- 10 The mitigation measures as described by the Energised Environments Noise Impact Assessment dated 22 December 2016 (Drawing Reference: 20/00169/59) shall be put in place prior to the occupation of any dwellinghouse.

Reason: To ensure a satisfactory standard of local environmental quality.

- 11 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.

Reason: To ensure a satisfactory standard of local environmental quality.

- 12 Servicing of and deliveries to any commercial premises shall be carried out between 0700 and 1900 Monday to Sunday and at no other time to the satisfaction of the Council as Planning Authority.

Reason: To ensure a satisfactory standard of local environmental quality.

- 13 The approved Construction Traffic Management Scheme (CTMS) (Plan ref: 20/00169/63) shall be fully implemented and adhered to during construction. Restrictions of construction traffic to approved routes and the measures shall be put in place to avoid other routes being used. Heavy construction traffic should avoid the use of Murie, Inchcoonans, Errol, Grange and Inchtute Level Crossings.

Reason: In the interest of road safety.

- 14 The agreed level and location of recycling facilities (Plan ref: 20/00169/65) shall be implemented in full prior to the occupation of the first dwelling.

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

- 15 Prior to the commencement of works on site in relation to Phases 1 to 5, as approved by Application for Matters Specified Permission ref: 16/00999/AMM, an evaluation for the potential of the site to be affected by contamination by a previous use should be undertaken. An intrusive investigation should be undertaken to identify.

- I. The nature, extent and type(s) of contamination on the site;
- II. Measures to treat/remove contamination to ensure the site is fit for the use proposed;
- III. Measures to deal with contamination during construction works;
- IV. Condition of the site on completion of decontamination measures.

Prior to the completion or bringing into use 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 be submitted to the Council as Planning Authority.

For the avoidance of doubt, no further development will be permitted within the red line area approved for development under Planning Permission in Principle ref: 05/02418/IPM, as amended by Planning Permission in Principle ref: 13/01823/IPM, without a separate intrusive investigation being undertaken in compliance with the requirements of this condition.

Reason: To prevent harm to human health and pollution of the environment in accordance with the aims and objectives of the Development Plan.

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

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

- 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.

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

- 18 If the development hereby approved having commenced in 2019, is suspended for more than 12 months within 2 years from the date of the planning decision notice, the approved ecological measures secured through the applicants Biodiversity Study of April 2016 (Plan ref: 20/00169/70) shall be reviewed and,

where necessary, amended and updated. The review shall be informed by further ecological surveys commissioned to

- i) establish if there have been any changes in the presence and/or abundance of protected species and
- ii) identify any likely new ecological impacts that might arise from any changes.

Where the survey results indicate that changes have occurred that will result in ecological impacts not previously addressed in the approved scheme, the original approved ecological measures will be revised and new or amended measures, and a timetable for their implementation, will be submitted to and approved in writing by the local planning authority prior to the commencement of development. Works will then be carried out in accordance with the proposed new approved ecological measures and timetable.

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

- 19 Where the approved development is to proceed in a series of phases, further supplementary ecological surveys for protected species shall be undertaken to inform the preparation and implementation of corresponding phases of ecological measures required through the applicants Biodiversity Study of April 2016 (Drawing Reference: 20/00169/70). The supplementary surveys shall be of an appropriate type for the above habitats and/or species and survey methods shall follow national good practice guidelines.

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

- 20 Prior to the occupation and use of the approved development the applicant shall, at his own expense, promote a Traffic Regulation Order (TRO) from the site entrance to the existing 30mph zone to the West of the site, on the Station Road approach to Errol.

Reason: In the interest of road safety.

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

Reason: In the interest of promoting sustainable travel.

- 22 The approved external lighting plan (Drawing References: 20/00169/67; 20/00169/68; 20/00169/69) shall be fully implemented and adhered to during both the construction and operational phases to minimise any light pollution.

Reason: To minimise any light pollution.

- 23 The developer shall ensure that a restriction is to be placed within the title deeds to all residential property confirming the provision of a voluntary agreement to the restriction on access between April – August in sensitive areas adjacent to the reedbeds. Evidence of this restriction has been approved by the Planning Authority and Natural Scotland (formerly SNH) prior to the commencement of the development on site.

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

- 24 The approved details relating to the location, design and maintenance of signage (Drawing References: 20/00169/60; 20/00169/61) by the developer in respect of access to the sensitive areas of reedbeds shall be fully implemented prior to the occupation of any of the units on the site.

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

- 25 The approved details of the preparation, content and publicity through leaflets relating to the restriction of access to the sensitive areas of reedbeds (Drawing Reference: 20/00169/45) shall be distributed to the approved dwellings in accordance with agreed timescale.

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

- 26 No development shall be occupied on any phase of the site until the local access road network improvements approved under planning permission 16/01491/FLL has been implemented and made operational to mitigate the traffic implications of the development, to the satisfaction of the Council as Planning Authority.

Reason: In the Interest of vehicle and pedestrian safety.

- 27 Prior to the completion of any residential plot, details of the bus stops shown in the Site Layout Plan shall be submitted to the Council as Planning Authority in consultation with the Council's Public Transport Unit for approval. The agreed detail shall thereafter be implemented prior to the completion of the 50th dwelling.

Reason: In order to ensure that associated local sustainable infrastructure improvements are undertaken to adequately accommodate the impact of the development proposed.

- 28 Agreed details relating to the location, design and maintenance of the priority signage at the Inchmichael Cutting (Plan ref: 20/00169/36) shall be fully implemented prior to the occupation of any units on the site.

Reason: In the Interest of vehicle and pedestrian safety.

## **B JUSTIFICATION**

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

## **C PROCEDURAL NOTES**

None.

## **D INFORMATIVES**

- 1 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 This development requires 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.
- 3 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.
  - 4 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.
  - 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, Pullar House, Kinnoull Street, Perth.
  - 6 The applicant is advised that the granting of planning consent does not guarantee a connection to Scottish Water's assets. The applicant must make a separate application to Scottish Water Planning & Development Services team

for permission to connect to the public wastewater system and/or water network and all their requirements must be fully adhered to.

- 7 The applicant is advised that the works may need a license under the Water (Controlled Activities) Regulations 2005 (CAR). The applicant should contact SEPA's Perth Environmental Protection and Improvement Team (Tel: 01738 627989) in regard to this. The applicant should ensure that all works on site comply with the best practice guidelines laid out in SEPA's published Pollution Prevention Guidance, found at [www.sepa.org.uk](http://www.sepa.org.uk).
- 8 The Council's Public Transport Unit in the Environment Service should be contacted to clarify the bus service requirements for the development.
- 9 Any further applications should take into account the possible increase of traffic over all Level Crossings in the area and the impacts this may have on the reliability and frequency of the rail service.
- 10 The presence or absence of protected species, and the extent to which they could be affected by the proposed development, should be established before determination of a planning application in accordance with part 204 of the Scottish Planning Policy.
- 11 The applicant is reminded that, under the Wildlife and Countryside Act 1981, as amended, it is an offence to remove, damage or destroy the nest of any wild birds while that nest is in use or being built. Planning consent for a development does not provide a defence against prosecution under this act.
- 12 The applicant is reminded that this site is still subject to a Section 75 Legal Agreement, securing Developer Contribution requirements and other matters, as secured as part of planning permission 16/00999/AMM. This permission continues to be tied by this legal agreement and the associated requirements will continue to apply

Background Papers: 1 letter of representation  
Contact Officer: Steve Callan 01738 475337  
Date: 16 July 2020

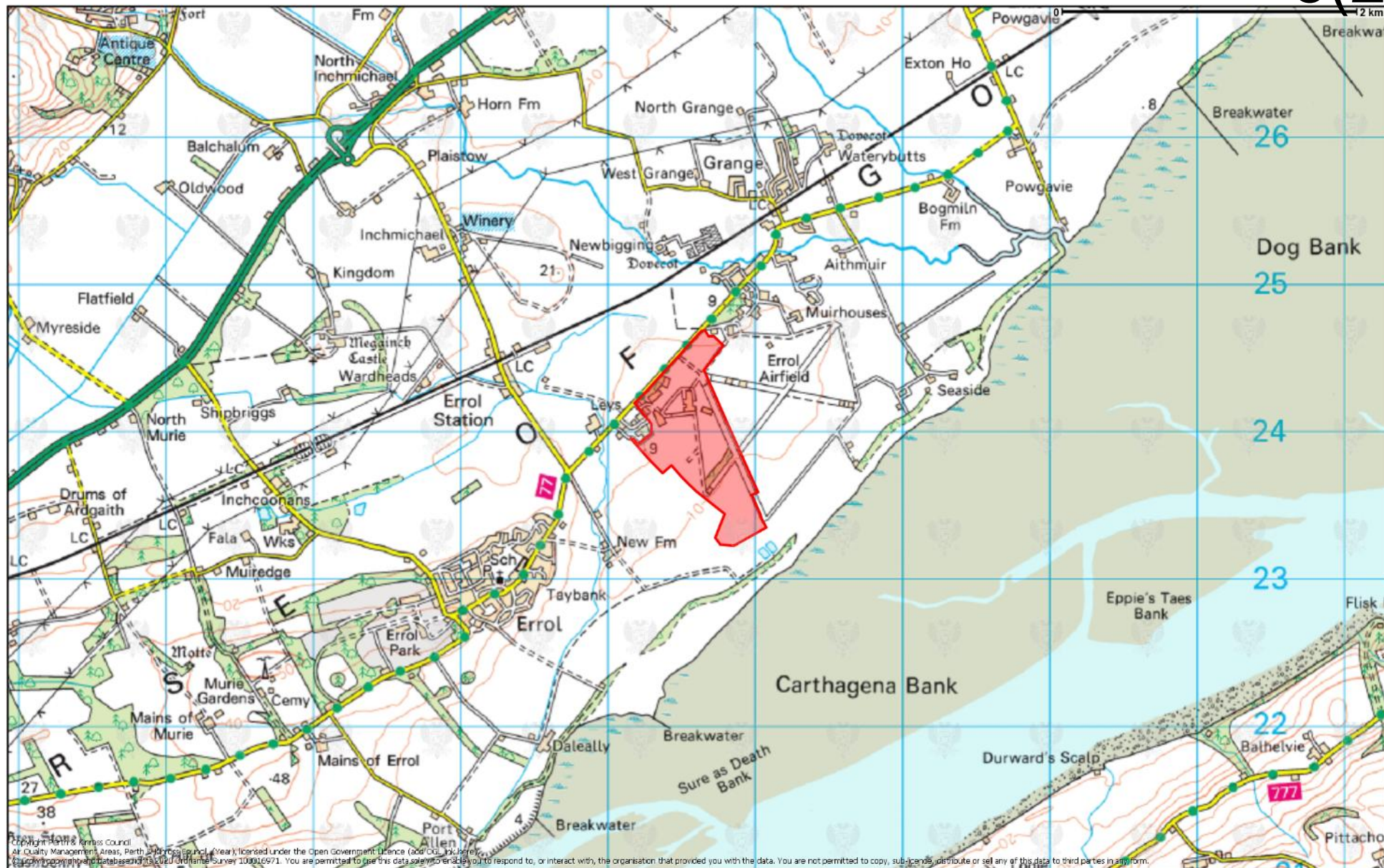
**DAVID LITTLEJOHN**  
**HEAD OF PLANNING & DEVELOPMENT**

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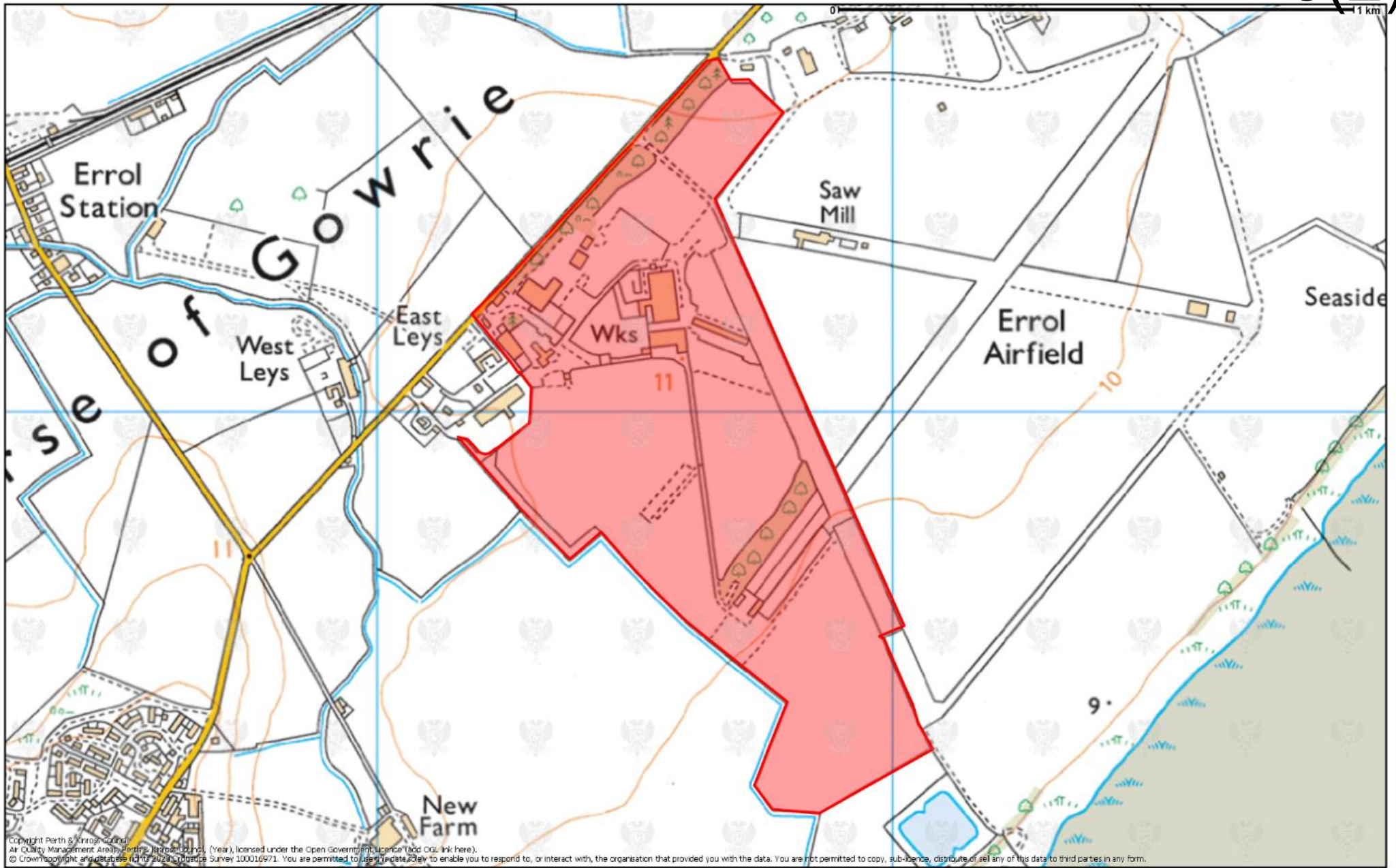
20/00169/AMM

Mixed use development incorporating residential and commercial uses, landscaping and associated works (S42 to modify condition 15 (contamination) of permission 16/00999/AMM) at Errol Airfield, Grange, Errol









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20/00169/AMM

Mixed use development incorporating residential and commercial uses, landscaping and associated works (S42 to modify condition 15 (contamination) of permission 16/00999/AMM) at Errol Airfield, Grange, Errol





Perth and Kinross Council  
Planning & Development Management Committee – 29 July 2020  
Report of Handling by Head of Planning & Development (Report No. 20/123)

**PROPOSAL:** Alterations and formation of vehicular access and parking area

**LOCATION:** 171 Glasgow Road, Perth PH2 0LY

Ref. No: [20/00569/FLL](#)

Ward No: P10 – Perth City South

### **Summary**

This report recommends approval of the application for alterations and formation of vehicular access and parking area as the development is considered to comply with the relevant provisions of the Development Plan and there are no material considerations apparent which outweigh the Development Plan.

### **BACKGROUND AND DESCRIPTION**

- 1 Planning permission is sought for the formation of a vehicular access and parking area within the front garden of 171 Glasgow Road, Perth. The site contains a traditional Victorian villa which forms part of a row of semi-detached houses on the north west side of Glasgow Road between Viewlands Terrace and Murray Place. A garage is located within the rear of the property, accessed from Viewlands Terrace, no further off-street parking is provided.
- 2 The dwellinghouse sits at a higher level than the public road, with the front garden sloping down towards it. The front boundary to the public road is a low-level wall with a pedestrian gate, shared fencing separates the plot from the adjoining properties to the north and south. The front wall historically had finished metal railings atop, however, there now remain only small sections, particularly either side of the similarly designed gate, with more recent wire fencing along the remainder of the frontage. These railings and wire are to be removed, to reduce visual obstruction, with sections of the wall beyond the widened opening retained. The existing front garden has trees and other planting along the roadside part, a small area of lawn and gravel areas/paths leading from the gate to the front door of the house. The proposal is to increase the width of the pedestrian opening to 3.3m, providing a vehicular access, and to excavate some of the front garden to reduce the gradient allowing the parking, access and egress of two vehicles.

### **NATIONAL POLICY AND GUIDANCE**

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

## **National Planning Framework**

- 4 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**

- 5 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.
- 6 The following sections of the SPP will be of particular importance in the assessment of this proposal:
  - Sustainability: paragraphs 24 – 35
  - Placemaking: paragraphs 36 – 57

## **Planning Advice Notes**

- 7 The following Scottish Government Planning Advice Notes (PANs) and Guidance Documents are of relevance to the proposal:
  - PAN 40 Development Management
  - PAN 75 Planning for Transport
  - PAN 77 Designing Safer Places

## **DEVELOPMENT PLAN**

- 8 The Development Plan for the area comprises the TAYplan Strategic Development Plan 2016-2036 and the Perth and Kinross Local Development Plan 2019.

## **TAYplan Strategic Development Plan 2016-2036**

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

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

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

- 2 – Shaping Better Quality Places

### **Perth and Kinross Local Development Plan 2019**

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

- 12 The principal relevant policies are, in summary;

- 1A – Placemaking
- 1B – Placemaking
- 5 – Infrastructure Contributions
- 17 – Residential Areas
- 60B – Transport Standards and Accessibility Requirements: New Development Proposals

### **SITE HISTORY**

- 13 None.

### **CONSULTATIONS**

#### **Internal**

- 14 **Transport Planning** – No objection. Initially requested amendments, which have since been made. Conditions relating to the access's gradient, retention of the turning area and the standard of the access are recommended.
- 15 **Development Negotiations Officer** – Advises no contributions are required.

### **REPRESENTATIONS**

- 16 8 representations were received, raising the following concerns:

- Proximity to bus shelter resulting in restricted sight lines
- Visibility splay not adequate
- Safety concerns regarding access and egress by vehicles

- Potential danger to cyclists and pedestrians due to crossing pavement/cycle route
- Impact on school children who use this safe route
- Out of character, as other properties in the row do not have front driveways
- Property has existing garage/parking to the rear
- Visual amenity
- Impact on streetscene
- Loss of trees
- Business use of property
- Increase in air pollution
- Noise pollution
- Precedent would be set allowing for other driveways
- Impact on value of other properties in the row
- Impact on structural integrity of 171 and 173 Glasgow Road

- 17 A material consideration is a matter relevant to the planning considerations which is taken into account in assessing a planning application. With the exception of the last 3 points all others above are material considerations and as such are addressed in the Appraisal section of the report. The last 3 points above are issues that are not relevant to the decision and are, therefore, not material considerations.

## **ADDITIONAL STATEMENTS**

18	Screening Opinion	No EIA Required
	Environmental Impact Assessment (EIA): Environmental Report	Not Required
	Appropriate Assessment	Not Required
	Design Statement or Design and Access Statement	Not Required
	Report on Impact or Potential Impact eg Flood Risk Assessment	Not Required

## **APPRAISAL**

- 19 Sections 25 and 37(2) of the Town & Country Planning (Scotland) Act 1997 (as amended) require the determination of the proposal to be made in accordance with the provisions of the Development Plan, unless material considerations indicate otherwise. The adopted Development Plan comprises the TAYplan Strategic Development Plan 2016–2036 and the Perth and Kinross Local Development Plan 2019. The relevant policy considerations are outlined in the policy section above and are considered in more detail below. In terms of other material considerations, this involves considerations of the Council's other approved policies and supplementary guidance, namely the Council's Placemaking Guide 2020.



## **Principle**

- 20 The determining factors in the assessment of this application are ultimately whether the principle of the development is acceptable and if the detail of the proposed scheme accords with the relevant provisions of the Local Development Plan. The main purpose of Policy 60B: Transport Standards and Accessibility Requirements: New Development Proposals is to guide access and road safety arrangements relating to new build development, however, the contents of the policy are relevant to consideration of this application. Generally, there is a presumption in favour of reducing the number of vehicles parked on the public road providing solutions are designed for the safety and convenience of all potential users. The details of the proposed scheme are considered against the relevant policies below.

## **Traffic and Pedestrian Safety**

- 21 Concerns have been raised in representations regarding the location of the access, the level of visibility/sight lines and potential impact it may have on road and pedestrian safety. Further concerns were also raised in respect of the close proximity of the bus stop and the use of the street by school children. In considering the proposals an additional plan was sought by Transport Planning, setting out the position of street furniture and pedestrian refuge island in the immediate vicinity of the site. A swept path analysis was also requested detailing arrangements for two vehicles to access or egress in a forward facing gear.
- 22 However, the swept path analysis only indicates that one vehicle could enter and leave in a forward gear. In response the applicant's stated intention is that only one vehicle would be parked at the front, although plans show two. It is also clear that several manoeuvres within the site may be required to allow entry/exit in a forward gear, particularly for larger vehicles. However, it is considered that the provision proposed would provide a facility of a reasonable standard and allow many types of vehicle to enter and exit in a forward gear. There is however potential that larger vehicles would not have sufficient space to turn.
- 23 It is important to note that there are numerous driveways/accesses associated to properties within the immediate area where turning is not provided within the site, where visibility is restricted, and roadside infrastructure is closer than is the case here. All such that the standard of these existing arrangements is below that proposed in this application.
- 24 Policy 60B, as stated above, seeks to ensure that an access is designed to ensure the safety of all users. In this regard the Council's Transport Planning team is satisfied initial concerns have been addressed and raise no objection to the final proposals.
- 25 Standard visibility splays relating to a 30mph road are 2.4m x 70m. Views to the north show a good line of sight, however to the south there is a cantilevered bus shelter within the extent of the visibility splay. The shelter being approximately half way between the applicant's vehicular access and Viewlands Terrace.

- 26 Concerns were raised in representations about the close proximity of the bus shelter to the proposed vehicular access and that pedestrians might block the line of sight further. However, Transport Planning have considered this issue and do not object. It should also be noted that Glasgow Road is not a trunk road, as has been suggested in some representations, and sees a 30mph speed limit. It is noted that Intervention 15 of Perth & Kinross Council's "Spaces for People" programme identifies temporary cycle lanes/segregation for the Glasgow Road, but does not seek speed reductions.
- 27 As a consequence, and subject to conditions, the access gradient, visibility splay provision and access standards are considered appropriate in road and pedestrian safety terms and comply with Policy 60B of LDP2. Conditions 2, 3 and 4 control the detail of these matters.

### **Design/Visual Amenity**

- 28 The development will require the removal of part of a stone wall and excavation of garden ground, both of which will have some impact on visual amenity in the local area.
- 29 It is accepted that these works will have a visual impact on the streetscene. Although whilst representations raise concerns in this regard, and also in terms of disrupting the architectural continuity of the roadside boundary wall in this row of residential properties, this impact will be minimised by the retention of part of the existing boundary wall and that existing raised planting is to be added to with supplementary planting. Further the parking area will sit behind the stone wall and back from the street, reducing the visual impact. As such, the proposal is not considered to result in an unacceptable impact on visual amenity and is considered to be in accordance with LPD2 Policies PM1A and B which relate to placemaking and seek to ensure development contributes to and respects the character of the place.

### **Landscape**

- 30 In terms of impact on the visual landscape, the proposals are considered to be such that they would integrate successfully to their surroundings, in reflection that there are numerous accesses elsewhere on both sides of Glasgow Road. Whilst it is acknowledged a degree of excavation is required in the front garden, cognisance has been taken of existing parking within front gardens where their gradient differs between road and house. The retention of much of the boundary wall and the proposed planting will also reduce the potential impact. As such the proposal is not considered to have an adverse impact on the wider landscape. The impact on trees is discussed below.

### **Residential Amenity**

- 31 The proposed access and parking area will serve an existing dwellinghouse and whilst there will be vehicles turning into and out of the site close to residential properties, the level of movements will not have a severe detrimental impact on the residential amenity of neighbouring properties, particularly given the closeness to Glasgow Road. The development is therefore not considered

to result in a significant increase in traffic generation or associated noise. As such the proposal is considered to be acceptable in terms of impact on residential amenity and in accordance with LDP2 Policy 17: Residential Amenity.

### **Setting a precedent for further development**

- 32 Any approval of this application is not considered to have any bearing on any future proposals for development in the immediate vicinity. Any new proposals for vehicular accesses or for other types of development would be assessed on their own merits against the Development Plan policy applicable at that time.

### **Business Use**

- 33 Concerns have been raised in representations that the applicants' intentions may be to operate a business from the property and the proposal would facilitate this. However, there is no evidence to suggest this property will be used for business purposes. Indeed it may be that a further planning permission may be required should a business be operated from the site, dependant on the nature and extent of that use. This is therefore not a material consideration to this application.

### **Requirement for vehicular access/parking**

- 34 Representations contend that there is no requirement for a new access in this location, as parking is provided to the rear for this property. The agent has clarified that parking to the rear is problematic and whilst there is a garage, it is too small for modern cars. Enlarging it would be difficult to access due to the volume of cars parked on that street. Furthermore, due to the level drop from that road to the rear of the house and requirements for an increased parking area, significant upbuild would be required and a reduction in the size of the more private back garden. Whilst justification of the need for the development is not required by the applicable policies, it is considered that the proposal for a vehicular access and parking within the front garden would help alleviate parking pressures to the rear.

### **Impact on Trees**

- 35 The drawings indicate removal of some small trees/shrubs, with the larger of the trees being retained. Whilst it would have been ideal for such established landscaping to be retained, their removal is necessary to allow for visibility splays. However, compensatory planting is proposed, therefore there will be no unacceptable and long-term significant impact on the character or amenity of the area. As such the proposal is considered in accordance with Policy 17: Residential Amenity and Placemaking policies PM1A and PM1B.

### **Drainage and Flooding**

- 36 In terms of drainage and flooding matters there are no concerns.

### **Developer Contributions**

- 37 No developer contributions are required.

### **Economic Impact**

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

### **LEGAL AGREEMENTS**

- 39 None required.

### **DIRECTION BY SCOTTISH MINISTERS**

- 40 None.

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

- 41 To conclude, the application must be determined in accordance with the adopted Development Plan unless material considerations indicate otherwise. In this respect, account has been taken of the Local Development Plan and material considerations and in this case, officers are content that the development proposed does not conflict with the Development Plan and there are no material considerations which indicate otherwise.
- 42 Accordingly the proposal is recommended for approval subject to the following conditions.

### **RECOMMENDATION**

**Approve the application.**

#### **Conditions and Reasons for Recommendation**

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

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

- 2 Prior to the development hereby approved being completed or brought into use, the gradient of the access shall be constructed so as not to exceed 3% for the first 2.4 metres into the curtilage of the property measured back from the rear of the footway and the access shall be constructed so that no surface water or aggregate is discharged to the public road or footway network.

Reason - In the interests of road safety; to ensure the provision of an adequate gradient of the access.

- 3 Prior to the development hereby approved being completed or brought into use, the turning facilities shown on the approved drawings shall be implemented and thereafter maintained.

Reason - In the interests of pedestrian and traffic safety.

- 4 Prior to the development hereby approved being completed or brought into use, the vehicular access shall be formed in accordance with Perth & Kinross Council's Road Development Guide Type B Figure 5.6 access detail, of Type B Road construction detail.

Reason - In the interests of road safety; to ensure an acceptable standard of construction within the public road boundary.

## **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 56 of the Roads (Scotland) Act 1984 he must obtain from the Council as Roads Authority consent to open an existing road or footway prior to the commencement of works. Advice on the disposal of surface water must be sought at the initial stages of design from Scottish Water and the Scottish Environmental Protection Agency.

- 5 The applicant is advised to contact the Street Lighting Partnership to obtain the location of plant. Contact Mark Gorrie at Perth & Kinross Council Street Lighting Department for further details.

Background Papers: 8 letters of representation  
Contact Officer: Gillian Peebles 01738 475330  
Date: 16 July 2020

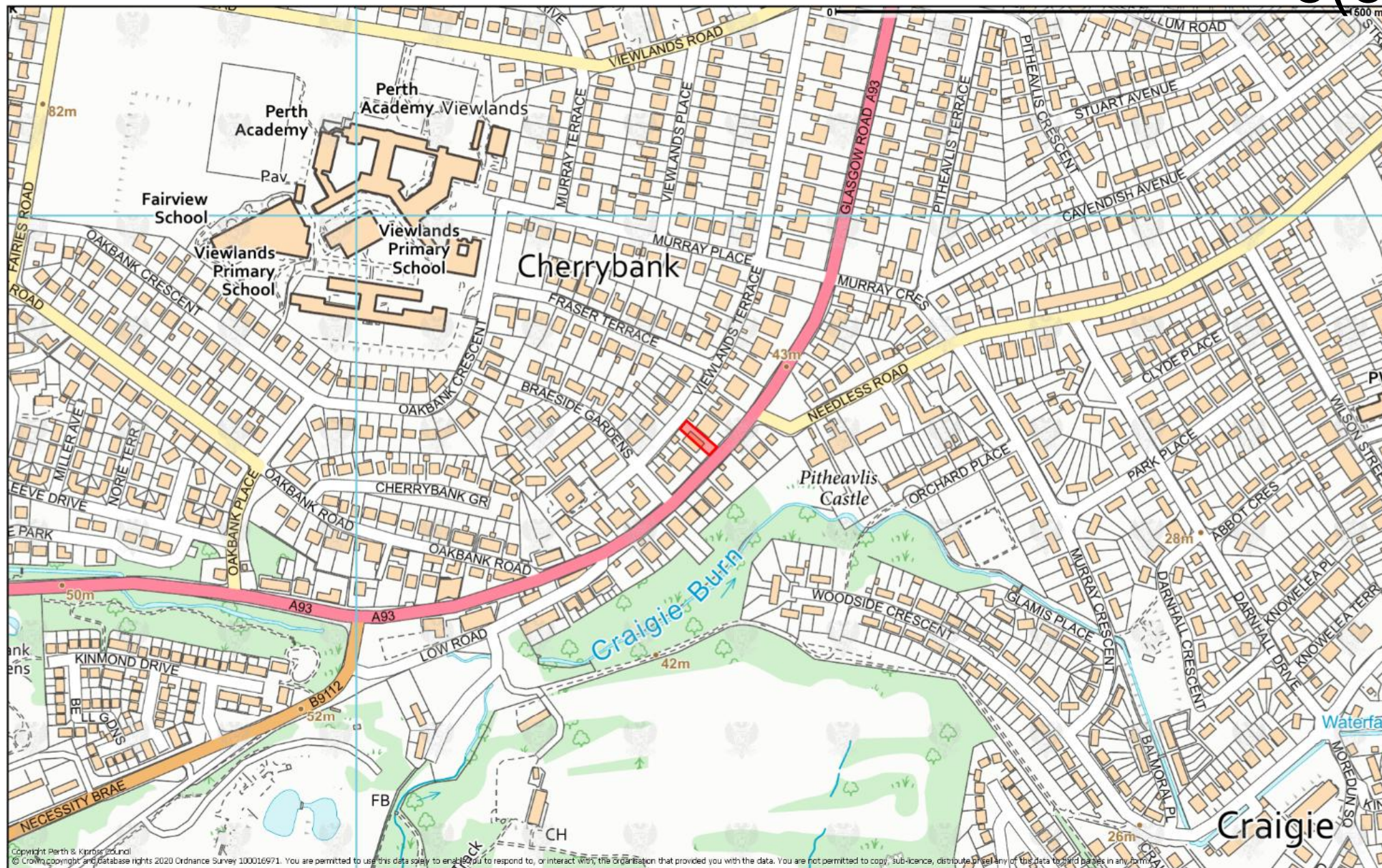
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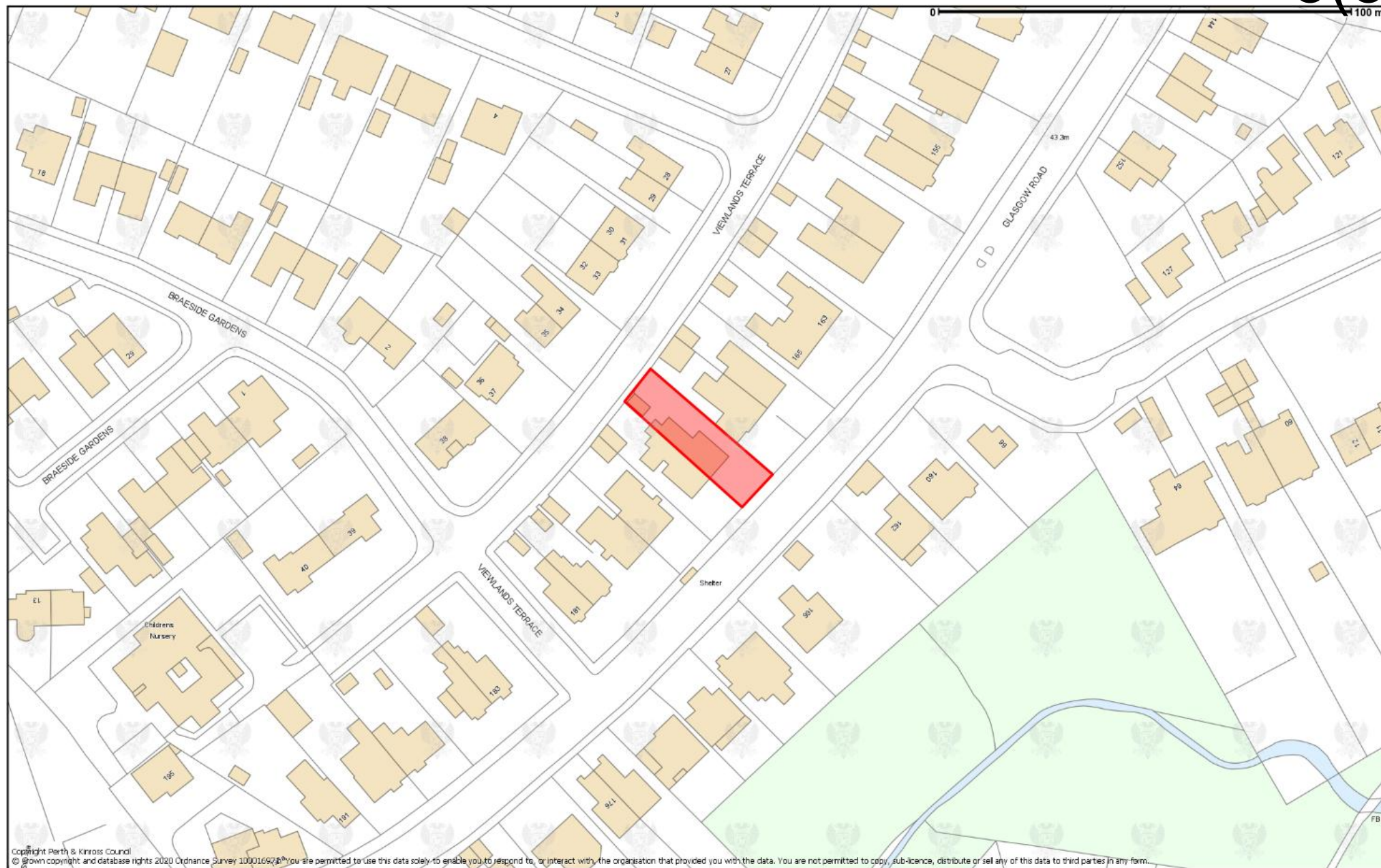
Alterations and formation of vehicular access and parking area











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Alterations and formation of vehicular access and parking area



