

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

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

Ref. No: 17/00838/FLM

Ward No: P3 - Blairgowrie and Glens

Summary

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

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

BACKGROUND AND PROPOSAL

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

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

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

Environmental Impact Assessment (EIA)

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

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

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

PRE-APPLICATION CONSULTATION

- 9 The proposed development is classed as a Major development under class 9 of the Town and Country Planning (Hierarchy of Developments) (Scotland) Regulations 2009. This sets out that there is a statutory requirement imposed on the applicant to undertake pre-application consultation activity with the local community.
- 10 A Proposal of Application Notice (PoAN) (reference 10/00014/PAN) was submitted in September 2010 in support of the application made in 2010 (10/02100/FLM refers).
This PoAN is, in terms of the Development Management Procedures (Scotland) Regulations 2013 sufficient for an unlimited period for a development of the same character of 'Residential Development'. No further statutory pre-application was therefore required; however, the applicant elected to undertake further engagement. A public event in support of the current proposal was held on 16 February 2017 at the Blairgowrie Community Campus. The ward Councillors at the time and Blairgowrie & Rattray Community Council were all notified and invited to attend. The results of the community consultation have been incorporated within the Pre-Application Consultation (PAC) Report.

NATIONAL POLICY AND GUIDANCE

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

National Planning Framework

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

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

Scottish Planning Policy 2014

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

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

- 14 Overarching topic areas relevant to this application include:

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

- 15 Specific detailed topic area paragraphs include:

A successful Sustainable Place

- Paragraphs 123 – 125 Maintaining a 5-year Effective Land Supply
- Paragraphs 126 – 131 Affordable Housing
- Paragraphs 135 – 151 Valuing the Historic Environment

- 16 A Low Carbon Place

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

- 17 A Natural, Resilient Place

- Paragraphs 202 – 218 Valuing the Natural Environment
- Paragraphs 230 – 233 Maximising the Benefits of Green Infrastructure
- Paragraphs 254 – 268 Managing Flood Risk & Drainage

- 18 A Connected Place

- Paragraphs 286 – 291 Promoting Sustainable Transport and Active Travel
- Annex B – Parking Policies and Standards

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

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

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

Designing Streets 2010

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

National Roads Development Guide 2014

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

Place Standard (2016)

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

DEVELOPMENT PLAN

TAYPlan Strategic Development Plan 2012-2032

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

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

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

Policy 1 – Location Priorities

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

Policy 2 – Shaping better quality places

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

Policy 3: Managing TAYplan’s Assets

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

Policy 5: Housing

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

Policy 8 – Delivering the Strategic Development Plan

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

Perth and Kinross Local Development Plan 2014

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

Policy PM1A - Placemaking

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

Policy PM1B - Placemaking

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

Policy PM2 - Design Statements

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

Policy PM3 - Infrastructure Contributions

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

Policy PM4 - Settlement Boundaries

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

Policy RD1 - Residential Areas

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

of recreational or amenity value. Changes of use away from ancillary uses such as local shops will be resisted unless supported by market evidence that the existing use is non-viable. Proposals will be encouraged where they satisfy the criteria set out and are compatible with the amenity and character of an area.

Policy RD4 - Affordable Housing

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

Policy TA1A - Transport Standards and Accessibility Requirements

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

Policy TA1B - Transport Standards and Accessibility Requirements

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

Policy CF1B - Open Space Retention and Provision

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

Policy CF2 - Public Access

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

Policy HE1A - Scheduled Monuments and Non Designated Archaeology

- 44 There is a presumption against development which would have an adverse effect on the integrity of a Scheduled Monument and its setting, unless there are exceptional circumstances.

Policy NE2A - Forestry, Woodland and Trees

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

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

Policy NE2B - Forestry, Woodland and Trees

- 46 Where there are existing trees on a development site, any application should be accompanied by a tree survey. There is a presumption in favour of protecting woodland resources. In exceptional circumstances where the loss of individual trees or woodland cover is unavoidable, mitigation measures will be required.

Policy NE3 - Biodiversity

- 47 All wildlife and wildlife habitats, whether formally designated or not should be protected and enhanced in accordance with the criteria set out. Planning permission will not be granted for development likely to have an adverse effect on protected species.

Policy NE4 - Green Infrastructure

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

Policy ER6 - Managing Future Landscape Change to Conserve and Enhance the Diversity and Quality of the Areas Landscapes

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

Policy EP1 - Climate Change, Carbon Reduction and Sustainable Construction

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

Policy EP2 - New Development and Flooding

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

Policy EP3A - Water, Environment and Drainage

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

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

Policy EP3B - Water, Environment and Drainage

- 53 Foul drainage from all developments within and close to settlement envelopes that have public sewerage systems will require connection to the public sewer. A private system will only be considered as a temporary measure or where there is little or no public sewerage system and it does not have an adverse effect on the natural and built environment, surrounding uses and the amenity of the area.

Policy EP3C - Water, Environment and Drainage

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

Policy EP3D - Water, Environment and Drainage

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

Policy EP8 - Noise Pollution

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

Policy EP12 - Contaminated Land

- 57 The creation of new contamination will be prevented. Consideration will be given to proposals for the development of contaminated land where it can be demonstrated that remediation measures will ensure the site / land is suitable for the proposed use.

OTHER POLICIES

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

Perth & Kinross Community Plan (2006 – 2020)

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

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

Perth & Kinross Corporate Plan 2013-2018

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

SITE HISTORY

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

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

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

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

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

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

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

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

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

CONSULTATIONS

EXTERNAL

Scottish Environment Protection Agency (SEPA)

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

Scottish Water

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

Blairgowrie & Rattray Community Council

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

INTERNAL

Transport Planning (TP)

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

Environmental Health (EH)

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

Biodiversity Officer

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

Development Contributions Officer

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

Community Waste Advisor

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

Structures and Flooding Team (SFT)

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

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

REPRESENTATIONS

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

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

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

ADDITIONAL STATEMENTS

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

APPRAISAL

Policy Appraisal

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

Principle

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

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

Design, Scale and Layout

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

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

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

Landscape, Visual Impact and Open Spaces

- 85 LDP Policy ER6 seeks to ensure development proposals have a good landscape framework within which the development can be set and, if necessary, can be screened.
- 86 The layout and modest scale of development proposed are as such that it is considered that it can be fully accommodated within the wider landscape capacity and would not cause undue adverse impact. The assessment of visual impact is restricted to impacts on built form and not any loss of view to existing residential properties, which is not a material consideration. Given the context of other residential developments nearby and adequate separation being provided between these and the proposed development there would be no overbearing effect on existing residents. There are therefore no concerns in respect of landscape or visual impact.
- 87 As advised, pockets of open space are provided within the scheme. These are considered to complement the scale of development. As advised above, buffers in the form of lines of trees are proposed along Berrydale Road, on the approach road to the school and part of the common boundary with the Community Campus, softening the built form and assisting the protection of amenity in these locations. The applicant has suggested the use of semi-mature/heavy standard of trees (circa 4 metres in height) on the school access road area which would provide an immediate positive impact. This can be secured through proposed condition 10. The proposed dwellings will have access to recreation and amenity spaces in the parks and countryside routes within the town; in this regard there is a sports/playing field at Piggy Lane some 175 metres to the southeast of the application site. The development proposes very good connections to this area and wider recreational opportunity in the town and surrounding countryside through the access routes proposed. It is also noted within the application for the LDP allocated site to the immediate south (17/00961/AMM) by the same applicant a play area is proposed which, if approved, would complement and be available for use by residents in the current proposal.
- 88 Overall there are no concerns in respect of the landscape or visual impacts of the development. The development integrates well within its context and provides good connections to wider services such as parks and other open spaces.

Affordable Housing

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

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

Amenity

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

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

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

Traffic, Transport and Access

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

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

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

Core Paths, Pedestrian and Cycle Routes

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

Biodiversity

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

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

Flood Risk and Surface Water Drainage

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

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

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

Waste Collection

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

Noise

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

OTHER CONSIDERATIONS

Developer Contributions

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

Phasing

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

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

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

Economic Impact

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

LEGAL AGREEMENTS

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

DIRECTION BY SCOTTISH MINISTERS

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

CONCLUSION AND REASONS FOR RECOMMENDATION

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

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

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

RECOMMENDATION

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

- 13 Prior to the commencement of the development hereby approved, the applicant shall submit for the further written agreement of the Council as Planning Authority, in consultation with the Roads Authority (Structures), a Construction Traffic Management Scheme (TMS) which shall include the following:

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

- (b) timing of construction traffic to minimise impact on local communities particularly at school start and finishing times, on days when refuse collection is undertaken, on Sundays and during local events;
- (c) a code of conduct for HGV drivers to allow for queuing traffic to pass;
- (d) arrangements for liaison with the Roads Authority regarding winter maintenance;
- (e) emergency arrangements detailing communication and contingency arrangements in the event of vehicle breakdown;
- (f) arrangements for the cleaning of wheels and chassis of vehicles to prevent material from construction sites associated with the development being deposited on the road;
- (g) arrangements for cleaning of roads affected by material deposited from construction sites associated with the development;
- (h) arrangements for signage at site accesses and crossovers and on roads to be used by construction traffic in order to provide safe access for pedestrians, cyclists and equestrians;
- (i) details of information signs to inform other road users of construction traffic;
- (j) arrangements to ensure that access for emergency service vehicles are not impeded;
- (k) co-ordination with other significant developments known to use roads affected by construction traffic;
- (l) traffic arrangements in the immediate vicinity of temporary construction compound(s);
- (m) the provision and installation of traffic counters at the applicant's expense at locations to be agreed prior to the commencement of construction;
- (n) monitoring, reporting and implementation arrangements;
- (o) arrangements for dealing with non-compliance; and
- (p) details of HGV movements to and from the site.

The TMS as approved shall be strictly adhered to during the entire site construction programme.

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

B JUSTIFICATION

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

C PROCEDURAL NOTES

None required.

D INFORMATIVES

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

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

- 2 Under Section 27A of the Town and Country Planning (Scotland) Act 1997 (as amended) the person undertaking the development is required to give the Planning Authority prior written notification of the date on which it is intended to commence the development. A failure to comply with this statutory requirement would constitute a breach of planning control under section 123(1) of that Act, which may result in enforcement action being taken.
- 3 As soon as practicable after the development is complete, the person who completes the development is obliged by Section 27B of the Town and Country Planning (Scotland) Act 1997 (as amended) to give the Planning Authority written notice of that position.
- 4 This development will require the 'Display of notice while development is carried out', under Section 27C (1) of the Town and Country Planning Act 1997, as amended, and Regulation 41 of the Development Management Procedure (Scotland) Regulations 2013. The form of the notice is set out in Schedule 7 of the Regulations and a draft notice is included for your guidance. According to Regulation 41 the notice must be:
 - Displayed in a prominent place at or in the vicinity of the site of the development.
 - Readily visible to the public.
 - Printed on durable material.
- 5 The applicant should be advised that in terms of Section 21 of the Roads (Scotland) Act 1984 he must obtain from the Council as Roads Authority consent to construct a new road prior to the commencement of roadworks. Advice on the disposal of surface water must be sought at the initial stages of design from Scottish Water and the Scottish Environmental Protection Agency.
- 6 The applicant is advised that the detailed design of all SUDS shall conform to 'PKC Flooding and Flood Risk Guidance Document (June 2014)', or any subsequent update.

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

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

- 7 Please consult the Street Naming and Numbering Officer, The Environment Service, Perth and Kinross Council, Pullar House, 35 Kinnoull Street, Perth PH1 5GD.
- 8 The applicant is advised that the granting of planning consent does not guarantee a connection to Scottish Water's assets. The applicant must make a separate application to Scottish Water Planning & Development Services team for permission to connect to the public wastewater system and/or water network and all their requirements must be fully adhered to.
- 9 No work shall be commenced until an application for building warrant has been submitted and approved.
- 10 The applicant is recommended to contact the Council Contamination Officer immediately if any ground contamination is found during construction of the development.
- 11 The applicant is reminded that, under the Wildlife and Countryside Act 1981, as amended, it is an offence to remove, damage or destroy the nest of any wild birds while that nest is in use or being built. Planning consent for a development does not provide a defence against prosecution under this act.
- 12 The applicant is recommended to incorporate a mini glass recycling points in an appropriate location within the approved development to compliment the kerbside recycling services that will be provided. In order to comply with the 'Household Charter', each household should have access to 10 litres of recycling capacity per week, which would roughly equate to 3 mini glass points over the development. Further details of the requirements can be sought in discussion with the Council Waste Services Team. Further, The Environment Service Operations may request communal bins for the flatted properties; it is recommended that the developer make contact with the Community Waste Team to discuss this further.

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

Anne Condliffe
Interim Development Quality Manager

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