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Council Building  
2 High Street  
Perth  
PH1 5PH

02 March 2020

Attached is a supplementary agenda for the meeting of the **Planning and Development Management Committee** being held in **the Council Chamber, 2 High Street, Perth, PH1 5PH on Wednesday, 11 March 2020 at 10:00.**

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

**KAREN REID**  
**Chief Executive**

***Those attending the meeting are requested to ensure that all electronic equipment is in silent mode.***

***Please note that the meeting will be recorded and will be publicly available on the Council's website following the meeting.***

**Members:**

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



**Planning and Development Management Committee**

**Wednesday, 11 March 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 PLANNING AND DEVELOPMENT MANAGEMENT COMMITTEE OF 12 FEBRUARY 2020 FOR APPROVAL AND SIGNATURE 7 - 8**  
(copy herewith)
- 5 APPLICATIONS FOR DETERMINATION**
- 5(1) MAJOR APPLICATIONS**
- 5(1)(i) 18/02232/FLM - PERTH - APPLICATION UNDER SECTION 42 OF THE TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997 TO DEVELOP LAND WITHOUT COMPLYING WITH CONDITION 13 (CONSTRUCTION DELIVERIES) OF PLANNING PERMISSION 15/01808/FLM (FORMATION OF PARK AND RIDE FACILITY, ACCESS ROAD, LANDSCAPING AND ASSOCIATED WORKS), LAND AT NETHER LAIRWELL, PERTH 9 - 30**  
Report of Handling by Head of Planning and Development (copy herewith 20/61)
- 5(1)(ii) 19/01130/AMM - STANLEY - ERECTION OF 183 DWELLINGHOUSES AND 4 FLATS, FORMATION OF A VEHICULAR ACCESS, PLAY PARK, LANDSCAPING AND ASSOCIATED WORKS (APPROVAL OF MATTERS SPECIFIED IN CONDITIONS OF 17/00088/IPM), LAND AT STANLEY (LDP SITE H30) 31 - 62**  
Report of Handling by Head of Planning and Development (copy herewith 20/62)

## **5(2) LOCAL APPLICATIONS**

- 5(2)(i) 19/01891/FLL - PERTH - CHANGE OF USE FROM DWELLINGHOUSE (CLASS 9) TO GUEST HOUSE (CLASS 7), WOODCROFT, BELLWOOD PARK, PERTH, PH2 7AJ** **63 - 76**  
Report of Handling by Head of Planning and Development (copy herewith 20/63)

- 5(2)(ii) 19/01919/FLL - COUPAR ANGUS - ERECTION OF SWITCHROOM FACILITY AND ASSOCIATED WORKS (S42 TO MODIFY CONDITION 5 (LANDSCAPING AND PLANTING) OF PERMISSION 16/02230/FLL), COUPAR ANGUS SUBSTATION, PLEASANCE ROAD, COUPAR ANGUS** **77 - 88**  
Report of Handling by Head of Planning and Development (copy herewith 20/64)

## **5(3) PROPOSAL OF APPLICATION NOTICE (PAN)**

- 5(3)(i) 19/00011/PAN - INVERGOWRIE - MIXED USE DEVELOPMENT FOR CLASS 4 AND CLASS 8 USES TO INCLUDE AGRICULTURAL RESEARCH, INDUSTRY ENGAGEMENT, SKILLS DEVELOPMENT, TRAINING AND EDUCATION, ASSOCIATED BUSINESS USES, FORMATION OF VEHICULAR ACCESS, CAR PARKING, HARD AND SOFT LANDSCAPING AND ASSOCIATED INFRASTRUCTURE WORKS AT THE JAMES HUTTON INSTITUTE, ERROL ROAD, INVERGOWRIE** **89 - 98**  
Pre-Application Report by Head of Planning and Development (copy herewith 20/65)

- 5(3)(ii) 20/00001/PAN - PERTH - MIXED USE DEVELOPMENT COMPRISING RESIDENTIAL, BUSINESS, EDUCATION AND INDUSTRIAL USE, HOTEL, COMMUNITY AND HEALTH FACILITIES, STORAGE AND DISTRIBUTION CENTRES, CHARGING/FUELLING STATION, FORMATION OF A9 JUNCTION, LINK ROAD, ACTIVE TRAVEL NETWORK, INNOVATION HIGHWAY AND PUBLIC ROAD IMPROVEMENTS, VEHICLE DEPOT AND PARKING AREAS, HERITAGE PARK, OPEN SPACES, LANDSCAPING AND ASSOCIATED WORKS AT PERTH WEST (MU70), OLD GALLOWS ROAD, PERTH** **99 - 108**  
Pre-Application Report by Head of Planning and Development (copy herewith 20/66)

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PERTH AND KINROSS COUNCIL  
PLANNING AND DEVELOPMENT MANAGEMENT COMMITTEE  
12 FEBRUARY 2020

## PLANNING AND DEVELOPMENT MANAGEMENT COMMITTEE

Minute of meeting of the Planning and Development Management Committee held in the Council Chamber, Ground Floor, Council Building, 2 High Street, Perth on Wednesday 12 February 2020 at 10.00am.

Present: Councillors R McCall, B Brawn, C Ahern (substituting for C Reid), H Anderson, B Band, M Barnacle, E Drysdale, T Gray, D Illingworth, I James, W Robertson (substituting for C Purves), R Watters and W Wilson.

In Attendance: G Bissett, E McLaughlin, L Reid and D Salman (all Housing and Environment); K Smith, J Scott, G Fogg, D Williams and M Terava (all Corporate and Democratic Services).

Apologies: Councillors C Purves and C Reid.

Councillor R McCall, Convener, Presiding.

### . WELCOME AND APOLOGIES

The Convener welcomed everyone present to the meeting.

### . DECLARATIONS OF INTEREST

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

### . MINUTES

The minute of meeting of the Planning and Development Management Committee of 15 January 2020 (Arts. 10-14) was submitted, approved as a correct record and authorised for signature.

### . DEPUTATIONS

In terms of Standing Order 72, the Committee agreed to hear deputations in relation to the following planning applications:

**Planning Application No.**  
19/00522/FLM

**Art. No.**  
.....(1)(i)

**APPLICATION FOR DETERMINATION**

**(1) Major Application**

- (i) 19/00522/FLM - Erection of 59 dwellinghouses and 8 flats, formation of drainage infrastructure, landscaping and associated works, land at Pitdownies Farm, Manse Road, Milnathort – Report 20/44 – Springfield Properties PLC**

Councillor C Purves, followed by Mr K Heneghan, Milnathort and Orwell Community Council, both speaking in objection, addressed the Committee and, following their respective representations, withdrew to the public benches.

**Resolved:**

**Refuse**, for the following reasons:

**Reasons**

1. The Proposal is contrary to the Perth and Kinross Local Development Plan 2 (2019) Policy 1 – Placemaking, as the proposed scale of development would be an overdevelopment of the site and would result in an unacceptable impact on the proposed residential amenity available to occupants of Plots 38, A9, A10, A11, A12, A13, A14, A15 and A16. Further, no information has been provided to justify a scale of development that does not provide the required residential amenity standards.
2. The proposal is contrary to the Perth and Kinross Local Development Plan 2 (2019) Policy 41 – Biodiversity in failing to provide a suitably up to date Habitat Survey and associated Biodiversity Action Plan.

**Justification**

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



Perth and Kinross Council  
 Planning & Development Management Committee – 11 March 2020  
Report of Handling by Head of Planning & Development (Report No. 20/61)

**PROPOSAL:** Application under Section 42 of the Town and Country Planning (Scotland) Act 1997 to develop land without complying with Condition 13 (construction deliveries) of planning permission 15/01808/FLM (formation of park and ride facility, access road, landscaping and associated works)

**LOCATION:** Land at Nether Lairwell, Perth

Ref. No: [18/02232/FLM](#)

Ward No: P1 - Carse Of Gowrie

### Summary

This report recommends approval of an application made under Section 42 of the Planning Act to amend a planning condition attached to a detailed planning permission for a new park and ride facility at Nether Lairwell, Kinfauns as the development would remain consistent 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 Detailed planning permission was granted in 2015 for a new Park and Ride facility (and associated works) on an allocated site at Nether Lairwell, Kinfauns (Ref: 15/01808/FLM). This current planning application seeks to vary a condition which was attached to that permission. The condition related to construction delivery timescales, reading as follows:-  
*"All deliveries to the construction site shall be restricted to Monday to Friday 07:00 to 19:00 hrs only and at no other times".*
- 2 The applicant has indicated that they wish the condition to be amended to read,  
*"All deliveries to the construction site shall be restricted to Monday to Friday 07:00 to 19:00 hrs, and Saturday 08:00 to 13:00hrs and at no other times".*
- 3 The reason for this amendment is to align the terms of this condition with the timescales associated with Condition 14 of the 2015 planning permission, which permits some Saturday construction activities to take place.
- 4 Section 42 of the Town and Country Planning (Scotland) Act 1997 is a mechanism which allows for the submission of a planning application for the development of land without complying with conditions subject to which a previous planning permission was granted. Section 42 of the Act stipulates

that in this type of application *“the Planning Authority shall consider only the question of the conditions subject to which planning permission should be granted”*. Nevertheless, it is the case that a permission relating to an application made under Section 42 is considered to be a new permission in its own right, and the need to impose other relevant conditions / advisory notes on the decision notice remains. It should be noted that whilst the expiry date for the development to commence has passed in relation to the 2015 permission, as this planning application was made before that date, it remains competent to consider determine this planning application as submitted i.e. as a Section 42 application.

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

- 5 The proposed Park and Ride Facility and its associated works are considered to be EIA development, and a full and comprehensive EIA was submitted in relation to the 2015 planning permission. As there has been limited change in the site’s physical characteristics or the onsite/surrounding environmental position since 2015, it was not considered necessary to revisit the content and recommendations of the 2015 EIA. Nevertheless, an addendum was submitted by the applicant which considers the potential new impacts by the proposed amendment to the original permission, and this document should be read in conjunction with the 2015 EIA. The planning application has also been advertised and consulted upon under the EIA regulations.

## **PRE-APPLICATION CONSULTATION (PAC)**

- 6 Whilst the development is classed as a Major development in terms of the Town and Country Planning (Hierarchy of Developments) (Scotland) Regulations 2009, the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013 removes the requirement for Pre-application Consultation for Section 42 applications made on, or after the 3 February 2013. Consequently, there is no requirement for a PAC.

## **NATIONAL POLICY AND GUIDANCE**

- 7 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. In relation to this planning application and the amendment to condition 13, there are no national planning policies or guidance which are directly relevant to this proposal.

## **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 2 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 There are no TAYplan policies which are specifically relevant to this application.

## **Perth and Kinross Local Development Plan 2 (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 Within the LDP2, the Park and Ride facility has been identified as Site RT1, a Park & Ride facility within the settlement boundary (of Kinfauns) to support sustainable travel into Perth City Centre. In terms of the specific nature of the amendment to condition 13, the following policies would be directly applicable;
- Policy 17: Residential Amenity
  - Policy 56: Noise Pollution

## **OTHER COUNCIL POLICIES**

- 13 None applicable to this application.

## **SITE HISTORY**

- 14 [15/01808/FLM](#) - Detailed planning permission for the formation of park and ride facility, access road, landscaping and associated works. Application approved 2016.

## **CONSULTATIONS**

- 15 As part of the planning application process and the EIA consultation process, the following bodies were consulted:

### **External**

- 16 **Scottish Water** - No objection to the proposal.

- 17 **Scottish Environment Protection Agency** - No objection to the proposal.
- 18 **Scottish Natural Heritage** - No specific comment to make on the proposal. They have indicated that the Council (as the competent authority) should undertake an Appropriate Assessment.
- 19 **Historic Environment Scotland** - No specific comment to make on the proposal.
- 20 **Transport Scotland** - No objection to the proposal in terms of the impact / interaction with the trunk road, providing the conditions imposed on the 2015 permission remain.
- 21 **Health and Safety Executive** - No specific comment made.
- 22 **Perth and Kinross Heritage Trust** - No specific comment made.
- 23 **West Carse Community Council** - No objection to the proposal.

#### **Internal**

- 24 **Transport Planning** - No objection to the proposal.
- 25 **Biodiversity Officer** - No objection to the proposal.
- 26 **Structures & Flooding** - No objection to the proposal.
- 27 **Environmental Health** - No objection to the proposal.

#### **REPRESENTATIONS**

- 28 No representations have been received.

#### **ADDITIONAL STATEMENTS**

29	Screening Opinion	Not Required
	Environmental Impact Assessment (EIA): EIA Report	An EIA was submitted for the 2015 permission, and this has been supplemented by an updated addendum.
	Appropriate Assessment	An updated Appropriate Assessment has been undertaken by the Council
	Design Statement / Design and Access Statement	Not Required.
	Report on Impact or Potential Impact e.g. Flood Risk Assessment	Previous reports were undertaken in relation to the 2015 permission.

## **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 2 2019. The relevant policy considerations are outlined in the policy section above and are considered in more detail below.

### **Principle**

- 31 The applicant proposes to amend condition 13 (construction deliveries) of the permission to align it with condition 14 of the 2015 permission to allow for Saturday construction deliveries to take place between 08:00 and 13:00. Condition 14 allows for Saturday onsite construction activities to take place, so the proposed change in condition 13 raises no significant issues and simply allows the terms of the two separate timing conditions to be aligned to one another. It would also allow for what is considered standard good practice for construction sites to occur i.e. weekend working restricted to early Saturday only. In addition, the amendment would allow for greater flexibility for the delivery of the project which could reduce the timescales for construction.
- 32 As Environmental Health are content with the proposed amendments from a noise perspective, the proposed amendment is in accordance with both Policies 17 and 56 of the LDP2 which seek to protect residential areas from noise generating sources.

### **Residential Amenity**

- 33 The principal issue for this planning application is whether the principle of construction deliveries take place alongside onsite construction activities is acceptable. The exact construction programme and timescale is yet to be finalised and will not be available until such time that a preferred contractor has been appointed, however it is very unlikely that both construction deliveries, and on-site activities would take place every Saturday during the construction phase. The primary aim of this amendment is to allow for some flexibility in construction delivery times. In any event, the construction phase of the development would remain bound by industry standards, and the impact on existing residential amenity should not be of a level which is unacceptable, and this view is shared by Environmental Health. It will also be the case that traffic management plans will be in operation throughout the construction phase, which will minimise disruption to both the local road network and close residential properties - not only on Saturdays but for the full duration of the construction phase.
- 34 The additional impact on residential amenity as a direct result of this amendment is therefore considered to be minimal.

### **Landscape**

- 35 There will be no additional impact on the landscape character of the area as a direct result of the amendment to condition 13.

### **Visual Amenity**

- 36 There will be no additional impact on the visual amenity of the area as a direct result of the amendment to condition 13.

### **Drainage and Flooding**

- 37 There will be no additional impact on drainage or flooding matters as a direct result of the amendment to condition 13.

### **Cultural Heritage / Archaeology**

- 38 There will be no additional impact on cultural heritage issues as a direct result of the amendment to condition 13.

### **Waste Collection**

- 39 There will be no additional impact on waste collection issues as a direct result of the amendment to condition 13.

### **Bio-diversity issues**

- 40 There will be no additional impact on bio-diversity matters as a direct result of the amendment to condition 13.

### **Public Access**

- 41 There will be no additional impact on public access matters as a direct result of the amendment to condition 13.

### **Impact on Air Quality**

- 42 There will be no additional impact on air quality as a direct result of the amendment to condition 13. The amendment of the condition will not result in any additional vehicular movements than those previously considered within the original EIA in terms of both the construction phase and during the operation of the facility

### **Impact on River Tay**

- 43 There will be no additional impact on the environmental interests associated with the River Tay as a direct result of the amendment to condition 13.

### **Private Water / Drainage Infrastructure**

- 44 There will be no additional impact on any existing private water/drainage infrastructure as a direct result of the amendment to condition 13.

### **Roads and Access**

- 45 As part of the wider construction phase, a traffic management plan will be required which will ensure that both the local road network and neighbouring residential properties, are not adversely affected by vehicle movements associated with the construction phase. The amendment to condition 13 is not likely to have any significant impact on the traffic movements associated with the development, but any impact is likely to result in a reduced timescale for completion.

### **Economic Impact**

- 46 The proposed amendment to the condition will have no direct impact on the local economy. The overall development will however have a positive impact on the local economy, both during construction and on completion.

### **LEGAL AGREEMENTS**

- 47 None required.

### **DIRECTION BY SCOTTISH MINISTERS**

- 49 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**

- 50 To conclude, the planning application must be determined in accordance with the adopted Development Plan unless material considerations indicate otherwise. The proposed development in this instance relates solely to the amendment of a condition relating to construction delivery times. Having taken account of LDP2 and other material considerations, the development proposed does not conflict with the Development Plan. It should be noted that all other matters are unaffected from the existing permission and therefore, as a new, standalone permission all the previous conditions from the existing permission are recommended to be re-attached.
- 51 Accordingly the proposal is recommended for approval subject to the following conditions.

## **A RECOMMENDATION**

### **Approve the planning application, subject to the following conditions**

1. The proposed development must be carried out in accordance with the 2015 Environmental Statement and Addendum, approved drawings and documents, unless otherwise provided for by conditions imposed on the planning permission.

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

2. A minimum of two months prior to the commencement of development, a detailed Construction Environment Management Plan (CEMP) shall be submitted to and approved by the Council as Planning Authority in writing, in consultation with key stakeholders as deemed appropriate. The CEMP shall incorporate site specific details of topic areas:
  - Site Access Management Plan (SAMP) for all temporary works including but not limited to compounds, haul roads and spoil stores
  - Drainage Management Plan (DMP) including a hierarchy of measures to be incorporated to manage construction run-off.
  - Environmental Management Plan (EMP) to deal with noise, vibration and dust, on and off the site and methods of monitoring levels for each.
  - Site Waste Management Plan (SWMP), including details of the disposal of surplus excavated material (as necessary).

Thereafter, the development shall be undertaken fully in accordance with the CEMP unless otherwise agreed in writing by the Council as Planning Authority.

Reason - In the interest of protecting the environmental interests associated with this site.

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

Reason - In order to comply with the requirements of the Scottish Planning Policy 2014.

4. No removal of vegetation 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 prior to any removals to the Council as Planning Authority.

Reason - In order to ensure that breeding birds are not adversely affected by the development.

5. No works which include the creation of trenches or culverts or the presence of pipes shall commence until measures to protect animals from being trapped in open excavations and/or pipe and culverts have been submitted to and agreed in writing by the Council as Planning Authority, The measures may include creation of sloping escape ramps which may be achieved by edge profiling of trenches/excavations or by using planks placed into them at the end of each working day and open pipework greater than 150 mm outside diameter being blanked off at the end of each working day, all to the satisfaction of the Council as Planning Authority. The approved details shall thereafter be implemented in full.

Reason - In order to protect local wildlife.

6. All lighting (construction task, security and operational but excluding lighting at the trunk road) must be designed, installed and positioned in such a way as to ensure that a) there is no direct illumination of neighbouring land, b) that light spillage beyond the boundaries of the site is minimised and c) no light spillage occurs onto adjacent watercourses and woodland.

Reason - In order to control artificial lighting.

7. Where it is intended to create semi-natural habitats, all species and seed mixes used in the planting proposals as detailed in approved plan 18/02232/7 shall be locally native species of local provenance, unless otherwise agreed in writing with the Council as Planning Authority.

Reason - In order to promote bio-diversity.

8. Prior to the commencement of any development on site, confirmation of the timescales for all proposed landscaping / planting shall be submitted to and for the approval in writing by the Council as Planning Authority. The approved details shall be implemented in full, as per the approved timescales to the satisfaction of the Council as Planning Authority. Any planting which fails to become established within five years being replaced in the following planting season with others of a size and species as previously approved.

Reason - In the interest of protecting the visual amenity of the area and in the interests of proper site management.

9. Wildlife kerbing shall be installed adjacent to each road gully within the development to protect wildlife from falling into road gullies.

Reason - In order to protect existing wildlife.

10. Pre-construction surveys shall be undertaken to ascertain the presence or absence of protected species and breeding birds and written confirmation that no protected species or birds will be harmed and/or that there are appropriate measures in place to protect any protected species and nesting birds. Any such written confirmation shall be submitted to the Council as Planning Authority, prior to any development commencing on site.

Reason - In order to ensure that no protected species have entered the construction site since the previous surveys were undertaken.

11. Prior to the commencement of the development hereby approved, an independent and suitably qualified Ecological Clerk of Works (ECoW) shall be appointed at the developers' expense. Details of this appointment shall be subject to the prior written agreement of the Council as Planning Authority. The appointed person will remain in post until the development is complete. The ECoW shall have responsibility for the following:

- (a) Implementation of the Construction Environmental Management Plan (CEMP) approved by this permission.
- (b) Inspection and written confirmation as necessary in relation to Condition 4.
- (c) Authority to stop operations or to alter construction methods should there be any works occurring which are having an adverse impact on the natural heritage.
- (d) Prior to the commencement of development, they shall provide an environmental / ecological tool box talk for construction staff.
- (e) They will have authority to amend working practices in the interests of natural heritage. Any amendments shall be submitted to the Council as Planning Authority as an addendum to the approved CEMP.
- (f) They shall make weekly visits to the development site at a time of their choosing. No notification of this visit is required to be given to the developer or contractor.
- (g) Within 10 working days of the end of each calendar month, they are required to submit a detailed monthly report for the review of the Planning Authority in consultation with Scottish Environment Protection Agency (SEPA) for the duration of development.
- (h) They shall notify the Council as Planning Authority in writing of any requirement to halt development in relation to this condition as soon as reasonably practicable.

The above shall be implemented throughout the construction phase and during the implementation the approved landscaping scheme unless otherwise agreed in writing with the Council as Planning Authority. The CEMP shall contain a site-specific Construction Method Statement (CMS)

which will provide concise details for the implementation of the CEMP for site operatives.

Reason - In order to ensure that all ecology aspects surrounding the site are monitored throughout the construction phase.

12. Prior to the erection of any waiting bays/shelters, details of such structures shall be submitted to and approved in writing by the Council as Planning Authority. The approved details shall be implemented as per the approved plans and thereafter maintained to an acceptable standard.

Reason - In the interest of proper site management

13. All deliveries to the construction site shall be restricted to Monday to Friday 07:00 to 19:00 hrs and Saturday 08:00 to 13:00hrs and at no other times.

Reason - In the interest of protecting the residential amenity of the area.

14. The hours of operation at the construction phase shall be Monday to Friday 07:00 to 19:00hrs, Saturday 08:00 to 13:00hrs and no noise producing work activities on a Sunday.

Reason - In the interest of protecting the residential amenity of the area.

15. Prior to commencement of the development an additional air quality assessment with includes specific detail and assessment of the final route of buses within Perth's AQMA and takes into account the type of buses, shall be submitted to, evaluated and approved in writing by the Council as Planning Authority.

Reason - In the interest of protecting the AQMA.

16. Prior to the commencement of any development on site, precise details of all improvements, upgrades and re-routing of all existing public paths within and immediately adjacent to the site (including those adjacent the trunk road) shall be submitted to and approved in writing by the Council as Planning Authority. The details must include specification details of surfacing and widths, and the timescales for the works to be carried out. The approved details shall be implemented in full, within the agreed timescales.

Reason - In order to protect public access rights.

17. Prior to the commencement of any development on site a detailed management plan indicating any temporary diversions of any core path which is required to facilitate the development shall be submitted to and approval in writing by the Council as Planning Authority. The management plan must include the specific details relating to any path diversion and details of the duration of any temporary diversions. The approved details shall thereafter be implemented in full.

Reason - In order to protect public access rights.

18. No core path within or adjacent to the site shall be obstructed during building works or on completion. Any damage done to the route and associated signage during building works must be made good before the operation of the development. Any temporary restrictions to public access required to facilitate works on site must be agreed in writing (in advance) with the Council as Planning Authority.

Reason - In order to protect public access rights.

19. Prior to the commencement of any development on site, precise details of all proposed new footways/cycle ways shall be submitted to and approved in writing by the Council as Planning Authority. The details must include specification for the construction of the new paths and their widths, and the timescale for their implementation. The approved details shall thereafter be implemented in full.

Reason - In order to protect public access rights.

20. Prior to the commencement of any development on site, precise details of the public access arrangements to all existing and proposed public paths leading to and from the facility shall be submitted to and approved in writing by the Council as Planning Authority. The approved details shall be implemented in full.

Reason - In order to ensure that public access is maintained at all reasonable times, to the local path network.

21. The discharge of any surface water drainage shall be limited to the Greenfield runoff rate for the River Tay. All discharge rates shall be submitted to and approved in writing by the Council as Flooding Authority prior to the commencement of any development on site. The approved rates shall thereafter be adhered to in full.

Reason - In order to ensure that flood risk is adequately addressed.

22. Full drainage calculations and the final layout and depth of the proposed SUDS pond and associated infrastructure must be submitted to and approved in writing by the Council as Planning Authority, in consultation with the Council's Structures and Flooding Team prior to any development commencing. The approved details shall thereafter be implemented prior to the completion of development.

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

23. Prior to the commencement of any development on site, revised drawings which show the slope of the SUDS ponds embankments of 1 in 4 shall be submitted to and approved in writing by the Council as Planning Authority.

The approved details shall thereafter be implemented in full.

Reason - In order to ensure the SUDS basin complies with the Council's standards.

24. For the avoidance of doubt, the proposed vehicular access shall join the trunk road at a new junction which shall be constructed by the applicant to a standard as described in the Department of Transport Advice Note TD 41/95 (Vehicular Access to All-Purpose Trunk Roads) (as amended in Scotland) complying with Layout 4 modified to include tapers for large vehicles, all to the satisfaction of the Council as Planning Authority in consultation with Transport Scotland.

Reason - To ensure that the standard of access layout complies with the current standards and that the safety of the traffic on the trunk road is not diminished.

25. Prior to the commencement of any development, precise details of the lighting which directly affects the trunk road at the proposed junction shall be submitted to and approved in writing by the Council as Planning Authority, in consultation with Transport Scotland. The approved details shall be implemented in full prior to the facility being brought into use.

Reason - To minimise interference with the safety and free flow of the traffic on the trunk road.

26. Prior to the operation of the park and ride facility, a plan detailing the details of an unclimbable fence along the boundary of the trunk road shall be submitted to and approved in writing by the Council as Planning Authority, in consultation with Transport Scotland. The approved details shall thereafter be implemented prior to the facility being brought into use and shall thereafter be maintained by the developer or any subsequent owner of the land.

Reason - To minimise the risk of pedestrians and animals gaining uncontrolled access to the trunk road with the consequential risk of accidents.

27. For the avoidance of doubt, there shall be no drainage connections to the trunk road drainage system.

Reason - To ensure that the efficiency of the existing drainage network is not affected.

28. Prior to the commencement of any development on site, details of the proposed cycle provision shall be submitted to and approved in writing by the Council as Planning Authority. The approved details shall be implemented in full and be available for use when the facility is operational.

Reason - In order to ensure that adequate cycle provision is provided.

## **B JUSTIFICATION**

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

## **C PROCEDURAL NOTES**

None.

## **D INFORMATIVES**

1. This planning permission will last only for three years from the date of this decision notice, unless the development has been started within that period. (See Section 58(1) of the Town and Country Planning (Scotland) Act 1997 (as amended).
2. Under Section 27A of the Town and Country Planning (Scotland) Act 1997 (as amended) the person undertaking the development is required to give the Planning Authority prior written notification of the date on which it is intended to commence the development. A failure to comply with this statutory requirement would constitute a breach of planning control under Section 123(1) of that Act, which may result in enforcement action being taken.
3. This development will require the 'Display of notice while development is carried out', under Section 27C (1) of the Town and Country Planning Act 1997, as amended, and Regulation 41 of the Development Management Procedure (Scotland) Regulations 2013. The form of the notice is set out in Schedule 7 of the Regulations and a draft notice is included for your guidance. In accordance with Regulation 41 the notice must be:
  - Displayed in a prominent place at or in the vicinity of the site of the development.
  - Readily visible to the public.
  - Printed on durable material.
4. As soon as practicable after the development is complete, the person who completes the development is obliged by Section 27B of the Town and Country Planning (Scotland) Act 1997 (as amended) to give the Planning Authority written notice of that position.
5. The applicant should ensure that any existing way leaves for maintenance or repair to existing private water supply or septic drainage infrastructure in the development area are honoured throughout and after completion of the development.
6. The applicant shall ensure the private water supply for the development complies with the Water Scotland Act 1980 (Section 63) and the Private Water Supplies (Scotland) Regulations 2006. Detailed information regarding the private water supply, including the nature, location and

adequacy of the source, any storage tanks/pipe work and the filtration and disinfection treatment proposed to ensure provision of an adequate and consistently wholesome water supply shall be submitted to Perth and Kinross Council Environmental Health in line with the above act and regulations.

7. The design and construction of the proposed drainage outfall under the railway must be carried out in full agreement with Network Rail. The developer should be aware that they will have to secure a wayleave agreement with Network Rail to route the outfall under the railway.
8. All surface or foul water arising from the development must be collected and diverted away from Network Rail Property. (Any Sustainable Urban Drainage Scheme should not be sited within 10 metres of railway infrastructure and should be designed with long term maintenance plans which meet the needs of the development).
9. If not already in place, the applicant must provide a suitable trespass proof fence of at least 1.8 metres in height adjacent to Network Rail's boundary and provision for the fence's future maintenance and renewal should be made. Network Rail recommends a 1.8 metre high 'rivetless palisade' or 'expanded mesh' fence. Network Rail's existing boundary measure must not be removed without prior permission.
10. Where trees/shrubs are to be planted adjacent to the railway boundary these should be positioned at a minimum distance from the boundary which is greater than their predicted mature height and agreed with Network Rail.
11. Details of all changes in ground levels, laying of foundations, and operation of mechanical plant in proximity to the rail line must be submitted to Network Rail's Asset Protection Engineer for approval prior to works commencing on site. Where any works cannot be carried out in a "fail-safe" manner, it will be necessary to restrict those works to periods when the railway is closed to rail traffic i.e. by a "possession" which must be booked via Network Rail's Asset Protection Engineer and are subject to a minimum prior notice period for booking of 20 weeks.
12. The developer must contact Network Rail's Asset Protection Engineers regarding the above matters, contact details below:  
  
Network Rail Asset Protection Engineer  
151 St. Vincent Street, GLASGOW, G2 5NW  
Tel: 0141 555 4087  
E-mail - [AssetProtectionScotland@networkrail.co.uk](mailto:AssetProtectionScotland@networkrail.co.uk)
13. All necessary cost associated with the construction, supervision and safety audits relevant to the matters affecting the trunk road, including all additional work identified by the audit as being necessary for the safety of the users of the trunk road, shall be funded by the developer.

14. The applicant should be informed that the granting of planning consent does not carry with it the right to carry out works within the trunk round boundary and that permission must be granted by Transport Scotland Trunk Road and Bus Operations. Where any works are required on the trunk road, contact details are provided on Transport Scotland's response to the Planning Authority which is available on the Council's planning portal.
15. Trunk road modification works shall, in all respects, comply with the Design Manual for Roads and Bridges and the Specification for Highway Works published by HMSO. The developer shall issue a certificate to that effect, signed by the design organisation.
16. Trunk road modifications shall, in all respects, be designed and constructed to arrangements that comply with the Disability Discrimination Act: Good Practice Guide for Roads published by Transport Scotland. The developer shall provide written confirmation of this, signed by the design organisation.
17. The road works which are required due to the above Conditions will require a Road Safety Audit as specified by the Design Manual for Roads and Bridges Any trunk road works will necessitate a Minute of Agreement with the Trunk Roads Authority prior to commencement.
18. The trunk road lighting at the proposed junction is inadequate and will require to be extended (or deleted altogether). Further discussions will be required with Transport Scotland's operating company regarding the necessary requirements to provide lighting on the trunk road.
19. Adequate signage should be displayed to deter motorists from accessing the park and ride facilities through The Holdings, West Kinfauns.

## **E CONTENT AND ADEQUACY OF THE ENVIRONMENTAL IMPACT ASSESSMENT**

The proposed development was determined by Perth & Kinross Council under the provisions of the Town and Country Planning (Environmental Impact Assessment) (Scotland) Regulations 2017 to be EIA development. In accordance with Regulation 29, notice of this decision is hereby given in respect of the following:

The applicant submitted an EIA Report on the 23 April 2019, which comprised the 2015 Environmental Statement and an updated addendum. The public had the opportunity to participate in the decision-making process through notification of the EIA, undertaken for premises on neighbouring land and it was publicised on the Planning Authority's website, in the Edinburgh Gazette and in the Perthshire Advertiser.

The purpose of the EIA process is to examine the likely significant environmental effects from a proposed development having regard to the



project and its nature, size or locality. Through the EIA process, a proper understanding of the interaction between the project and its location should be assessed to determine if the effects on the environment are likely to be significant and if there are associated mitigation measures which make this acceptable.

Parts 4 and 5, of the Environmental Impact Assessment (Scotland) Regulations 2017 outlines the information required to be included and processes undertaken in any EIA. The contents and the associated background information pertaining to the EIA Report alongside consultation, publication and notification are considered to fully meet the requirements of those regulations through this planning submission.

The 2015 Environmental Statement provides the baseline, the information gathered to consider the likely significant effects on the environment, including cumulative impacts and details of environmental mitigation and monitoring that are to be incorporated into the proposal. The following EIAR chapter headings were covered in relation to the proposal:

- Chapter 1 – Introduction
- Chapter 2 – The Proposed Scheme
- Chapter 3 – Alternatives
- Chapter 4 – EIA Methodology
- Chapter 5 – Air Quality
- Chapter 6 – Archaeology and Heritage
- Chapter 7 – Ecology and Nature Conservation
- Chapter 8 – Hydrology, Hydrogeology and Geology
- Chapter 9 – Landscape and Visual Assessment
- Chapter 10 – Noise and Vibrations
- Chapter 11 – Traffic and Transport
- Chapter 12 – Cumulative effects
- Chapter 13 – Residual Effects
- Chapter 14 – Concluding Statement

In addition to the above, the 2019 addendum outlines the additional issues that the proposed amendment to the condition raises. The Planning Authority is satisfied that the combination of the 2015 Environmental Statement and the 2019 addendum complies with Regulation 5 is therefore suitable for determination of the planning application.

The Planning Authority has considered the, other environmental information and recommendation from consultation bodies. It is concluded that the development will not give rise to any unacceptable significant environmental effects subject to further conditional controls and the ongoing monitoring measures for the construction and operation phase of the facility.

In the absence of unacceptable and significant environmental impacts, and subject to the mitigation and monitoring measures secured through planning conditions, the proposal is considered acceptable and can be approved.

Background Papers: None  
Contact Officer: Andy Baxter  
Date: 27 February 2020

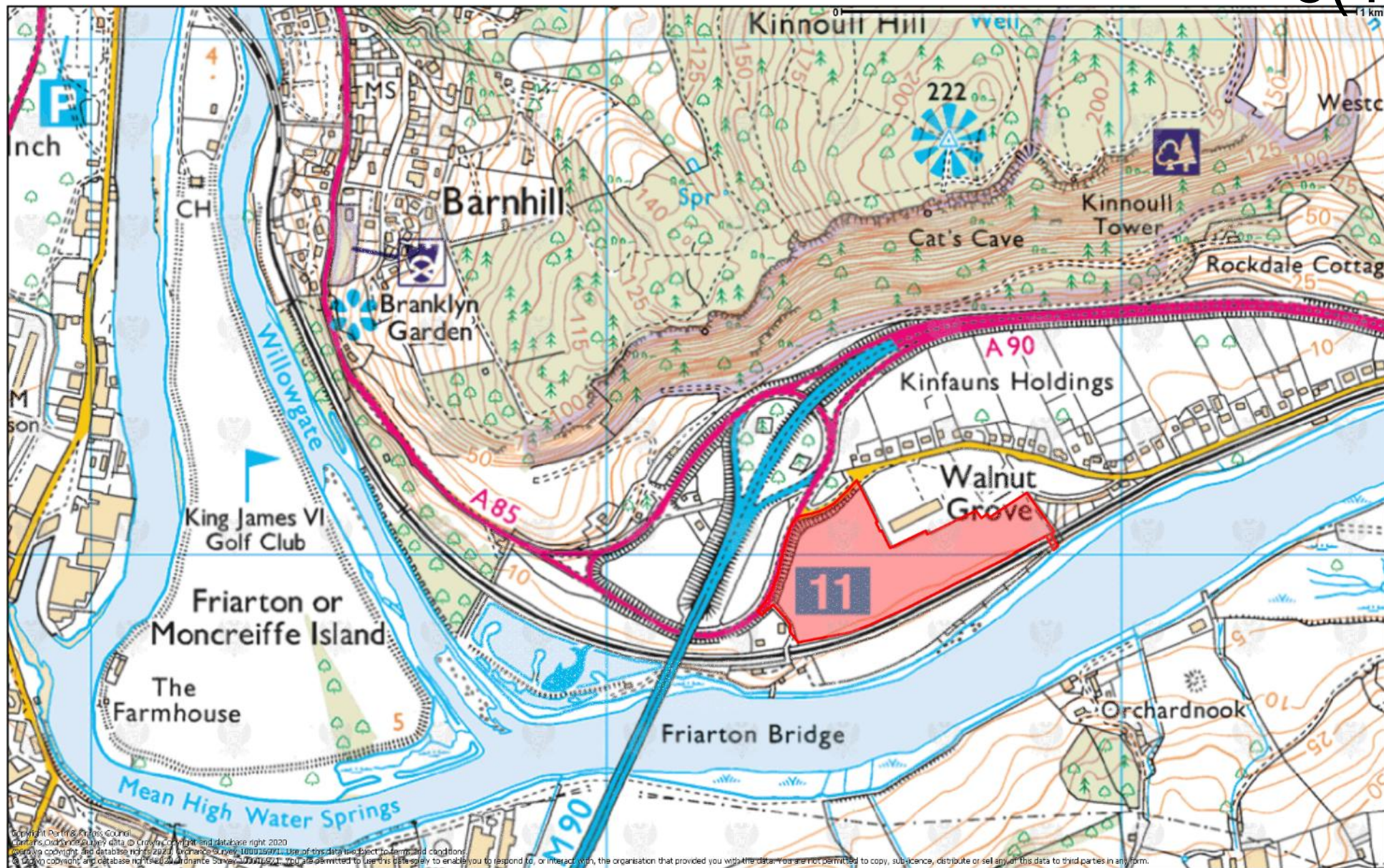
**DAVID LITTLEJOHN**  
**HEAD OF PLANNING AND DEVELOPMENT**

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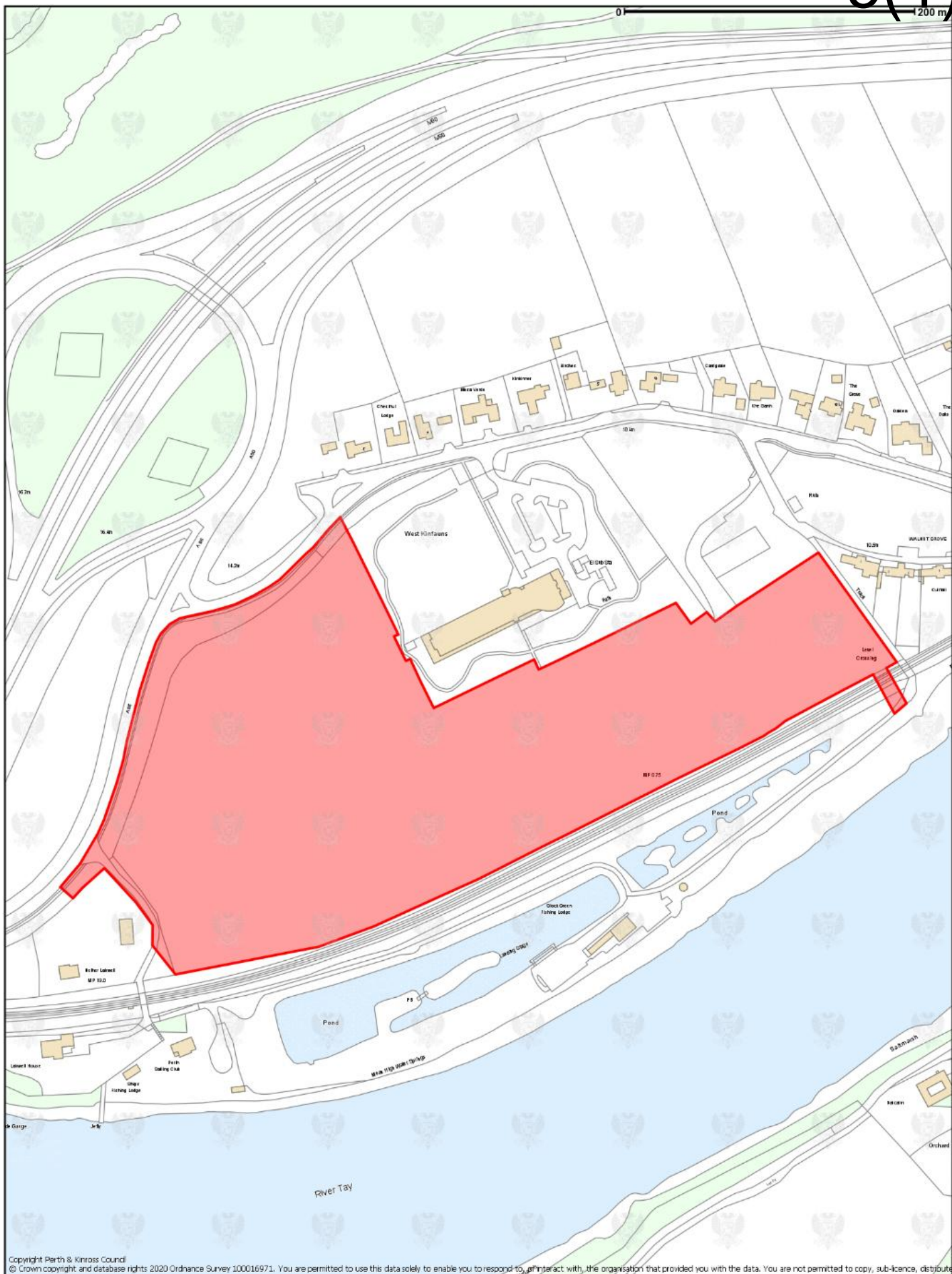
18/02232/FLM

Application under Section 42 of the Town and Country Planning (Scotland) Act 1997 to develop land without complying with (modifying) Condition 13 (construction deliveries) of planning permission 15/01806/FLM (formation of park and ride facility, access road, landscaping and associated works) at NE of Nether Lairwell, Perth









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**18/02232/FLM**

Application under Section 42 of the Town and Country Planning (Scotland) Act 1997 to develop land without complying with (modifying) Condition 13 (construction deliveries) of planning permission 15/01808/FLM (formation of park and ride facility, access road, landscaping and associated works) at NE of Nether Lairwell, Perth





Perth and Kinross Council  
Planning & Development Management Committee – 11 March 2020  
Report of Handling by Head of Planning & Development (Report No. 20/62)

**PROPOSAL:** Erection of 183 dwellinghouses and 4 flats, formation of a vehicular access, play park, landscaping and associated works (approval of matters specified in conditions of 17/00088/IPM)

**LOCATION:** Land at Stanley Village (LDP Site H30)

Ref. No: [19/01130/AMM](#)  
 Ward No: P5 - Strathtay

### Summary

This report recommends approval of the application, as the development is considered to comply with the relevant provisions of the Planning Permission in Principle 17/00088/IPM and those of the Development Plan, in particular its allocation in the Perth and Kinross Local Development Plan 2 (2019) under site reference H30.

There are no material considerations apparent which outweigh the Development Plan.

### BACKGROUND AND DESCRIPTION OF PROPOSAL

- 1 The site is allocated in the Perth and Kinross Local Development Plan (2019) (LDP2) as H30. This allocation forms part of a wider masterplan and allocation for residential development across Stanley comprising of five site allocations (H30-34). Cumulatively, the LDP2 allocations total an area of 25.7 hectares (ha), with the indicative range of 248-387 residential units – of which only 280 units can be built by 2024.
- 2 Planning Permission in Principle (PPP) was granted as part of one application across the entire H30-34 allocation in August 2018 (Ref: 17/00088/IPM), which was subject to a Section 75 legal agreement and planning conditions, including an Approval of Matters Specified by Condition (AMSC) requiring detailed layout and design detail for all sites by August 2032. A masterplan and indicative layout plan were submitted with the PPP application indicating 465 units in total for all sites, with 125 dwellings on H30; however, these were not approved. Condition 7 of the PPP does limit the permission to 431 residential units. across the H30-34 allocations.
- 3 This H30 site extends to approximately 14.6 ha, currently used as agricultural land with woodland in the centre and along the west/north-west boundary. This is the southern-most site in the proposed Stanley masterplan, located to the south west of the village and is bounded by residential properties to the north,

the A93 to the east, agricultural land to the south and a core path and railway line to the west. The topography is mixed; with a hill and high point to the south, with a series of undulations towards the northern boundary.

- 4 This current application is the first under the PPP seeking AMSC and proposes the following development:

#### Open Market

- 8 x 2-bedroom bungalows
  - 3 x 3-bedroom bungalows
  - 56 x 3-bedroom 2 storey dwellinghouses (semi-detached)
  - 34 x 3-bedroom 2 storey dwellinghouses (detached)
  - 33 x 4-bedroom 2 storey dwellinghouses (detached)
- Total = 140

#### Affordable Housing

- 27 x 2-bedroom terraced dwellinghouses
  - 16 x 3-bedroom terraced dwellinghouses
  - 4 x 2-bedroom flats
- Total = 47

#### Infrastructure

- Vehicle access from A93 – Perth Road;
- Core Path connection and upgrade;
- Accessible paths – with links to core path;
- Open space provision;
- Play area provision;
- Sustainable Urban Drainage System (SUDs) basin;
- Retained and enhanced woodland

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

- 5 The PPP application was EIA screened (16/01867/SCRN) and determined that an EIA is not required. No further EIA procedure is required for this AMSC application.

### **PRE-APPLICATION CONSULTATION**

- 6 The scale of development proposed is classified as 'Major' in terms of the Town and Country Planning (Hierarchy of Developments) (Scotland) Regulations 2009. However, because the proposal is an AMSC application, further pre-application consultation (PAC) is not necessary beyond that already undertaken for the In-Principle application.

### **NATIONAL POLICY AND GUIDANCE**

- 7 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**

- 8 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**

- 9 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
- 10 The following sections of the SPP are of importance in the assessment of this proposal:
  - Sustainability: paragraphs 24 - 35
  - Placemaking: paragraphs 36 – 57
  - Valuing the Natural Environment: paragraphs 193 – 218
  - Maximising the Benefits of Green Infrastructure: paragraphs 219 – 233
  - Managing Flood Risk and Drainage: paragraphs 254 – 268
  - Promoting Sustainable Transport and Active Travel: paragraphs 269 - 291

### **Planning Advice Notes**

- 11 The following Scottish Government Planning Advice Notes (PANs) and Guidance Documents are of relevance to the proposal:
  - PAN 2/2010 Affordable Housing and Housing Land Audits
  - PAN3/2010 Community Engagement
  - PAN 1/2011 Planning and Noise
  - PAN 40 Development Management
  - PAN 51 Planning, Environmental Protection and Regulation
  - PAN 60 Planning for Natural Heritage
  - PAN 61 Planning and Sustainable Urban Drainage Systems
  - PAN 68 Design Statements
  - PAN 69 Planning & Building Standards Advice on Flooding

- PAN 75 Planning for Transport
- PAN 77 Designing Safer Places
- PAN 79 Water and Drainage
- PAN 83 Masterplanning

### **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.

### **Creating Places 2013**

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

### **National Roads Development Guide 2014**

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

### **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 2 (2019) (LDP2).

### **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 The following sections of the TAYplan 2016 are of particular importance in the assessment of this application:
- Policy 1: Locational Priorities
  - Policy 2: Shaping Better Quality Places

- Policy 4: Homes
- Policy 6: Developer Contributions
- Policy 8: Green Networks
- Policy 9: Managing TAYplans Assets

### **Perth and Kinross Local Development Plan 2 (2019) (LDP2)**

- 18 The Perth and Kinross LDP 2 2019 (LDP2) was adopted by the Council on 29 November 2019. It sets out the Council's vision, which echoes that of TAYplan (as set out above). LDP2 also sets out policies and identifies proposals. The principal relevant policies for this application are:

- Policy 1: Placemaking
- Policy 2: Design Statements
- Policy 5: Infrastructure Contributions
- Policy 6: Settlement Boundaries
- Policy 14B: Open Space within New Developments
- Policy 15: Public Access
- Policy 17: Residential Areas
- Policy 20: Affordable Housing
- Policy 23: Delivery of Development Sites
- Policy 25: Housing Mix
- Policy 32: Embedding Low and Zero Carbon Generating Technology in New Developments
- Policy 34: Sustainable Heating and Cooling
- Policy 38A: International Nature Conservation Sites
- Policy 38B: National Designations
- Policy 38C: Local Designations
- Policy 39: Landscape
- Policy 40B: Trees, Woodland and Development
- Policy 41: Biodiversity
- Policy 42: Green Infrastructure
- Policy 47: River Tay Catchment Area
- Policy 50: Prime Agricultural Land
- Policy 52: New Development and Flooding
- Policy 53: Water Environment and Drainage
- Policy 56: Noise Pollution
- Policy 57: Air Quality
- Policy 60: Transport and Accessibility Requirements

### **LDP2 Allocation – Site References H30-H34: Stanley**

- 19 Five sites covering an area of 25.7ha are allocated for an indicative capacity of 248-387 residential units. The Site-Specific Developer Requirements relative to H30 are:

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

- Cycle paths, core paths and pedestrian routes incorporated into masterplan;
- The development of a comprehensive landscape masterplan for the village creating a robust landscape framework maximising the potential to enhance biodiversity and protection of habitats;
- Contributions to enhanced community facilities; and
- Flood Risk Assessment required for site H30, as the developable area of the site may be constrained by flood risk from a field drain along the southern and western part of the site.

## OTHER POLICIES

- 20 The following supplementary guidance and documents are of particular importance in the assessment of this application;

- Flood Risk and Flood Risk Assessments – Developer Guidance June 2014

## SITE HISTORY

- 21 [15/00010/PAN](#) Proposal of Application Notice (PoAN) for village expansion and masterplan. Content of PoAN agreed June 2015.

[17/00088/IPM](#) In Principle mixed use development for all allocated sites in Stanley. Application approved by Planning and Development Management Committee August 2018.

[19/01373/FLL](#) Detailed application for Alterations to public road, formation of vehicular access and associated works of LDP2 site H30. Currently under consideration.

[20/00096/FLL](#) Detailed application for formation of a crossing point at Duchess Street Stanley. Currently under consideration.

## CONSULTATIONS

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

### External

- 23 **Scottish Environment Protection Agency (SEPA)** – No objection to the proposal.
- 24 **Scottish Natural Heritage (SNH)** - No objection to the proposal.
- 25 **Scottish Water** – No objection to the proposal, although there may be capacity issues in terms of foul drainage.
- 26 **Transport Scotland** – No objection to the proposal.

- 27 **Royal Society of Protection of Birds (RSPB)** – No response received.
- 28 **Network Rail** – No objection to the proposal provided requested informatives are included in any approval.
- 29 **Forestry Commission Scotland (FCS)** – No objection to the proposal provided compensatory planting is delivered.
- 30 **Stanley and District Community Council** - Object to the proposal mainly on the grounds of traffic and pedestrian safety and consider the proposed access should be relocated.
- 31 **Stanley Development Trust** – Object to the proposal as they have concerns about the proposed access and the impact of additional traffic as well as concerns about the proposed bus stop locations on the Perth Road.

### **Internal**

- 32 **Community Greenspace** – No objection following the relocation of the proposed play area.
- 33 **Structures and Flooding** – No objection to the proposal.
- 34 **Biodiversity/Tree Officer** – No objection to the proposal subject to standard conditions being imposed.
- 35 **Transport Planning** – No objection to the proposal following amendments made to the proposed entrance to the site.
- 36 **Strategy and Policy** – No objection as it generally meets with the requirements set out in LDP2. The site has the potential to provide some really attractive open space and good connections into the village and out into the wider landscape.
- 37 **Community Waste** - No objection to the proposal provided recycling facilities are delivered on-site.
- 38 **Development Negotiations Officer** – No objection to the proposal as a Section 75 legal agreement is already in place covering the required developer contributions.
- 39 **Environmental Health** – Following submission of an addendum Noise Impact Assessment no objection to the proposal.

### **REPRESENTATIONS**

- 40 The following points were raised in the 14 representation(s) received:
- Increased volume of traffic;
  - Road safety concerns especially proposed access and bus stop locations;

- Cycle path connections;
- Inaccurate landscape plans;
- Physical impact on nearby properties (vibration etc.); and
- Air Pollution

41 These issues are addressed in the Appraisal section of the report.

## ADDITIONAL STATEMENTS

42	Environment Statement	Not Required
	Screening Opinion	Undertaken at PPP stage – EIA Not Required
	Environmental Impact Assessment	Not Required
	Appropriate Assessment	Not Required
	Design and Access Statement	Submitted
	Reports on Impact or Potential Impact	Transport Assessment; Green Travel Plan; Site Investigation Report; Flood Risk Assessment; Drainage Strategy; Habitat Assessment including Protected Species; Biodiversity Management Plan; Tree Survey; Arboricultural Impact Assessment; Woodland Management Plan; Air Quality Assessment; CEMP; Construction Traffic Management Plan; District Heating Statement

## APPRAISAL

43 Sections 25 and 37(2) of the Town & Country Planning (Scotland) Act 1997 (as amended) require the determination of the proposal to be made in accordance with the provisions of the Development Plan, unless material considerations indicate otherwise. The adopted Development Plan comprises the TAYplan Strategic Development Plan 2016–2036 and the Perth and Kinross Local Development Plan 2 (2019) (LDP2). 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, the terms of the PPP and matters raised in representations.

### Principle

44 The principle of residential development on the site is well established through the allocation in LDP2 (and previous Local Development Plan) and by virtue

that the site forms part of PPP (Ref: 17/00088/IPM) granted in August 2018. In addition, TAYplan Policy 1 – Locational Priorities seeks to focus most development to the region's principal settlements. Stanley is identified as a Tier 1 Settlement as it is within the Perth Core Area with the potential to make a major contribution to the region's economy.

- 45 The principle of residential development is thus established. It is, however, necessary to undertake an assessment of the detail of this proposal. In terms of the number of dwellinghouses proposed versus those indicated in the PPP, this application is further assessed below.

### **Density, Design and Layout**

- 46 The applicant has submitted a supporting Design & Access Statement, as required for an allocated site under LDP2 - Policy 2 and a Supporting Planning Statement.
- 47 The matters specified in Condition 3 of the PPP sets the required detail in respect of the layout and design considering: phasing, levels, the siting, design, height and external materials of all buildings and structures. The PPP also requires further detail in respect of fencing, landscaping and other technical matters. Several other related planning conditions support these specified matters, which are addressed here or in other sections below, as appropriate. LDP2 Policy 1: Placemaking is relevant in considering these matters.

### **Density**

- 48 The site capacity range of 248-387 units for Sites H30-34 covers the five sites approved under the PPP, without identifying a capacity range for neither all sites collectively nor individual sites. However, the indicative PPP masterplan assumed 120 units for H30. The Site-Specific Developer Requirements does identify H30 as requiring a Flood Risk Assessment for the site due to a field drain located within the site. The applicant has taken account of some initial feedback following submission regarding the site layout and has provided the Council with an updated layout and visualisations as requested.
- 49 The scale of development proposed here for this site is 187 dwellinghouses. This is significantly more than the 120 units previously indicated at the PPP stage. Nonetheless, that figure was indicative, as highlighted by Condition 2 of the PPP, and is not binding. It is recognised that this is a very large site and the number of units proposed would still result in the site being low density (13 dwellings per hectare across the whole site). Large areas of open space are proposed within the site that can be enjoyed by all residents in the area, further demonstrating the site's capacity for the number of dwellings proposed.
- 50 The proposed number of units can be physically accommodated within the site, along with retained woodland, enhanced core path provision, a SUDs pond, open space and a play area. The scale of development for this site is acceptable.

- 51 While it is not a matter for this application, it is noted that, should similar densities be sought for the other sites approved under the PPP (Sites H31-34), this may result in the cumulative capacity range (248-387 units) and indeed the PPP limit of 431 residential units being reached before all sites have detailed approval. The applicant is aware of the PPP limit and potentially the need to seek planning permission for an increased range on the other Stanley sites.

#### Design and Layout

- 52 This site is a significant extension to Stanley, and it is essential that should be designed with a sense of local identity and context. The applicant has a significant presence in the village, with their development at Linn Road for 69 dwellings almost complete and interest in the other allocated sites following the PPP approval. The proposed dwellings designs are reasonably similar to those already built and occupied on Linn Road but have been updated slightly to meet current Building Regulation requirements.
- 53 Whilst there is a high percentage of 3 and 4 bedroom detached and semi-detached dwellinghouses, there are areas of terraced housing and bungalows which creates a more defined street scene. This provides an acceptable mix of house types that meets the requirements of LDP2 Policy 25. The proposed rear gardens are in excess of the Council's minimum standards and will not compromise daylight or privacy of each other or any of the existing dwellings immediately adjacent to the site boundary.
- 54 The proposed layout provides an acceptable design solution for the site; with open space located centrally, including a play area, further areas of open space to the northwest and southwest and paths linkages throughout. In terms of the proposed design of each house type, there is an acceptable range of designs and materials, reflective of recent developments elsewhere in Perth and Kinross. Finishing materials are dry dash render (white and buff colour) with slate grey flat concrete tile roofs and white uPVC window and door frames which is also acceptable. A Phasing Plan has been submitted with the application and the intention is to build out as one development. The general layout, house designs and materials proposed are acceptable and in accordance with LDP2 Policy 1 - Placemaking.

#### Open Space and Landscaping

- 55 The LDP2 requires the "identification and provision of suitable public open space/playing fields" to support the expanded requirements of the village. This site provides a large area of open space that will benefit the local community. It is positive to see that the woodland being retained and proposed to be opened up and made accessible, creating paths and clearings.
- 56 The PPP requires landscaping to be addressed, together with a landscaping specification. The proposal sees 'heavy duty' tree planting along the southern boundary of the site and adjacent to the neighbourhood units; and hedge and staggered areas of flower planting, as well as other soft landscaping along the road frontage. Structural tree planting to the eastern boundary. Smaller areas of



planting are proposed throughout the site that will assist in breaking up views and integrating the proposal in to the landscape, minimising impacts. In addition, the existing woodland belts will be opened up, paths formed through them to connect with new paths and will then maintained by the community. Over time the proposed development will blend in with the existing urban environment of Stanley. Subject to a refinement of the landscape species and ensuring ongoing maintenance, which can be secured through condition, the proposal complies with LDP2 Policy 42 (Condition 7 and 8).

### Play area

- 57 Originally a play area was proposed to be located at the north western corner of the site but, following feedback, from Community Greenspace, the applicant has now relocated in a more central location along a proposed path within an area of open space in between dwellings where it will benefit from natural surveillance. This location better serves the whole development and a condition will be required to ensure its early delivery (Condition 9).
- 58 Overall the design and layout of the scheme is considered to be appropriate when assessed against the relevant matters specified in the PPP and LDP2 Policy 1.

### **Landscape and Visual Amenity**

- 59 The development of the site will have an obvious impact on the visual amenity of the area. A detailed Landscape and Visual Impact Assessment was submitted, as part of the PPP application. This phase is in line with the indicative PPP masterplan, with the siting of the units on either side of the woodland belt and combined with the topography of the site and proposed additional woodland screening will ensure that landscape effects are minimised. The units will be visible within the locality, particularly on both approaches along the Perth Road.
- 60 This degree of change was envisaged in the site allocation and permission granted under the PPP. The proposed design sits comfortably in the surrounding area, as attention has been paid to massing and building heights when considered from all principal adjacent properties. Overall the impact of the proposed layout including landscaping is considered to be appropriate when assessed against the relevant matters specified in the PPP, LDP2 Policy 1 and the site-specific requirements.
- 61 The proposed development will integrate well within the landscape and will not cause any unacceptable visual impacts. The proposal accords with the provisions of the PPP and meets the objectives of LDP2 Policy 1, Policy 39 and Policy 40B with delivery of the landscaping being secured as detailed above.

### **Residential Amenity**

- 62 Residential amenity requires to be considered under LDP Policy 1 – Placemaking and Policy 17 – Residential Areas. Policy 1D requires

consideration of impacts from housing developments on itself and to also consider associated impacts on infrastructure and open space.

#### Existing Residential Amenity

- 63 The submitted Transport Assessment estimates approximately 139 and 136 vehicle trips generated in the respective AM & PM peak periods. The equates to an increase of just over 2 cars per minute in traffic on the local road network, the A93 Perth Road. This is deemed by Transport Planning to be an acceptable impact on existing traffic flow in the area. Consequently, it is considered that there would be a minimal impact on existing residential properties in the area. The implementation of a Construction Traffic Management Scheme (TMS) will further assist with any residual amenity impacts (Condition 4). The proposal is therefore considered to comply with LDP2 Policy 17 – Residential Areas as the proposed use and impact is considered acceptable.
- 64 Specific LDP2 policies consider noise and air quality; Policy 56 and Policy 57 respectively. Addressing noise attenuation is also a specific requirement of H30's allocation and the PPP.

#### Air Quality

- 65 A detailed Air Quality Assessment (AQA) including a Dust Management Plan has been submitted and Environmental Health have confirmed they have no issues to raise. There are therefore no conflicts with LDP2 Policy 57.

#### Noise and Dust

- 66 An updated Noise Impact Assessment (NIA) was submitted and reviewed by Environmental Health. An addendum NIA was submitted to address queries relating to noise from the underground gas tanks, road traffic and the rail line.
- 67 Following this Environmental Health have expressed no concerns and the proposal complies with LDP2 Policy 56. The four nearest dwellings (Plots 1,2, 113,114) to the Perth Road will require specific window fittings to ensure noise will not be an issue for residents (Condition 24). It is proposed to control the servicing times for the LPG tanks (Condition 23) in the interest of amenity of future residents and similarly to ensure the proposed noise and dust mitigation are adhered to (Conditions 25 and 26).

#### **Roads and Access**

- 68 One of the key issues expressed by Community Council and the Development Trust was the impact of the proposed increased density on the road network. A Transport Assessment (TA) has been submitted in support of the application and has been assessed by both Transport Scotland and the Council's Transport Planning team.
- 69 There are well understood issues regarding access into and out of the site due to its location and through constraint for a northern access, with it being

partially cut off from the village by the line of housing along Duchess Street. Vehicular access to the north cannot be achieved without compromising Network Rail's infrastructure. Due to this constraint, it is only possible for one vehicular access point, off the B9099 Perth Road, for the site. It is therefore even more important that other forms of access and connectivity with Stanley Village are maximised and improved.

#### Vehicle Access

- 70 While most of the representations, including those from the Community Council and Development Trust, raise concern about the proposed access, Transport Planning have assessed this aspect of the proposal in detail and have confirmed that the proposed access location is in the optimum location in terms of achieving acceptable sight lines to allow safe access and egress.
- 71 A separate application (19/01373/FLL) for delivery of the access, bus stops, pedestrian crossing and ghost island is currently under consideration by Planning Authority and expected to be determined following committee's decision on this application. To facilitate safe access in to the site for southbound traffic, a right turn ghost island is also proposed within the existing road network as part of that application.

#### Non-Vehicular Access, Paths and Public Transport

- 72 Pedestrian and cycling access is proposed at the existing field access in the northwest corner of the site off Duchess Street and this will provide a 'Safe Route to School' for most of the residents of the development with children attending the nearby primary school. An additional planning application (20/00096/FLL) is under consideration at this location for a pedestrian crossing point to facilitate safe crossing of Duchess Street.
- 73 Core path STAN/117 is proposed to connect with the proposed residential footpath network but this is not the preferred option of the Planning Authority. As it is proposed to create informal paths across the whole site and improve permeability and connectivity for pedestrians and cyclists the existing core path running along the north western boundary of the site will remain for the moment. However, there is also a proposed new core path at the south eastern corner of the site that is being designed to link Stanley with Luncarty. The applicant has now shown in their plans that the internal path network will connect with this new core path and the site will help facilitate the north-south connection between Stanley and Luncarty. A condition is proposed to ensure this Core Path is accessible during construction and made good before the development is completed (Condition 18).
- 74 Further pedestrian and cycling access to Stanley village is proposed from the eastern boundary with a path out onto the B9099 Perth Road. A pedestrian crossing is also proposed (slightly off-set) at this location to connect with the existing footpath into Stanley. There is also another separate planning application (20/00096/FLL) under consideration for a pedestrian crossing at the north-western corner of the site on Duchess Street. This crossing will help

facilitate a safe route to school for many children attending the nearby primary school.

- 75 A new bus stop, located just north of the proposed access and off the main road, is also proposed to facilitate public transport provision into the village. A further bus stop is proposed just south of the access to provide public transport connection to Luncarty and Perth.

### Parking

- 76 The original submission generally designed parking to be located at the front of dwellings. To positively improve the placemaking quality of the site, some parking provision has been included down the side of houses and thereby allows the proposed dwellings to move closer to the road. This is further enhanced by border planting and fencing that will help screen cars as you travel through the site. This helps create a streetscape that is designed for people rather than cars.
- 77 Proposed electric vehicle charging points are also welcomed within the site and these are also required for home owners as well (Condition 2).
- 78 Overall, proposal with LDP2 Policies 1 and 60 by creating a coherent structure of streets and spaces that are accessible for all, especially those on foot, bicycle and public transport subject to planning conditions (Conditions 2-5).

### **Drainage and Flooding**

#### Flood Risk

- 79 The PPP required the submission of a detailed Flood Risk Assessment (FRA). This has been submitted and assessed by both SEPA and the Council's Structures and Flooding team.
- 80 Although SEPA did not have any records of historic flooding, there is a small watercourse along the south western boundary of the site which was not incorporated within the SEPA Flood Maps due to its small catchment size.
- 81 Review of the Road and Cross Section Location Plan drawing, the development is located away from the western edge of the site boundary and this will provide mitigation from the risk of flooding from the unnamed tributary of the Benchil Burn. SEPA also recommend elevating finished floor levels above proposed ground levels to mitigate any residual flood risk.
- 82 Based on the submitted Site Long Section drawings, whilst there will be some lowering of ground levels, they will remain significantly above the River Tay and not at risk of flooding. The proposal is compliant with LDP2 Policy 52 – New Development and Flooding as none of the proposed housing is at risk of flooding.

## Drainage

### *Foul Drainage*

- 83 Scottish Water have confirmed that foul drainage from this development will need to connect to the public sewer but are uncertain of the capacity of it at present. The developer will be required to undertake a separate consenting process with Scottish Water before development can commence on the site.

### *Surface Water Drainage*

- 84 The PPP requires the final drainage calculations and details of the SUDs pond to be submitted with any AMSC application. SEPA expect surface water to be treated by SUDS in line with Scottish Planning Policy (Paragraph 268) and, in developments of this scale, the requirements of the Water Environment Controlled Activities Regulations (CAR). SUDS help to protect water quality and reduce potential from surface water flood risk.
- 85 The proposed SUDS in the south west corner of the site accords with the SUDS Manual (C753) and will prevent runoff from the site for most rainfall events. SEPA and Structures and Flooding are generally satisfied with the proposed disposal of surface water from the site, although the latter request that the final detailed design of the drainage is agreed with them, which can be addressed through a planning conditions (Condition 19 and 20). The proposal therefore raises no concerns in respect of LDP Policy 53 – Water Environment and Drainage.

## **Natural Heritage and Biodiversity**

- 86 The consideration of natural heritage and biodiversity is integral to the layout, design and landscaping detail required by the PPP. LDP2 Policies 38, 40 and 41 are also relevant considerations. While there is predominance of rough grassland, with some hedgerows and structural woodland belts, the PPP requires a Woodland Management Plan, an updated Ecological Survey, and a Protected Species Survey, all of which have been submitted.
- 87 These surveys and the detailed landscape proposals have been assessed by both the Council's Biodiversity Officer and Community Greenspace. Following an update to the plans to provide more native species within key areas, the details are considered acceptable in terms of landscape and biodiversity value. It is concluded that, within the site, the proposal adequately provides for appropriate biodiversity provision and thereby complies with LDP2 Policies 38, 40 and 41.

## Trees/Woodland

- 88 The Council supports proposals which protect existing woodland and trees, especially those with high natural, historic and cultural heritage value. In this regard the site contains two areas of structural woodland that are fenced off and inaccessible to the public at present. The applicants' Woodland

Management Plan aims to diversify and restructure the woodland areas, and this is welcomed.

- 89 Contrary to what is stated in the Forestry Commission Scotland consultation response, no existing woodland area is proposed to be cleared. The submitted Woodland Management Plan describes that some trees within the two existing woodland belts will need to be removed to ensure they are accessible and usable assets that will connect with the proposed paths that can be enjoyed on a day to day basis. The Woodland Management Plan also highlights that the woodland will be maintained by the local community and thereby remain a community asset. In line with Forestry Commission standards there is therefore no requirement for compensatory planting elsewhere in the region.
- 90 In terms of the submitted Landscaping Plans the development, The Perth and Kinross Council Forest and Woodland Strategy aims to increase planting of native trees for the benefit of biodiversity. This development could contribute towards this with mostly native species being planted. The inclusion of a widely spaced oak avenue is welcomed as a valuable addition to biodiversity and landscape. The proposed planting also provides an appropriate level of screening in the interest of protecting visual and existing residential amenity.
- 91 The proposal will deliver multiple benefits to biodiversity and create a more interesting and diverse area for people to live. Overall, the proposed Landscaping Scheme is considered to meet the objectives of LDP2 Policy 40B - Forestry, Woodland and Trees: Trees, Woodland and Development.

#### Protected Species

- 92 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.
- 93 The Biodiversity Management Plan is welcomed as a proactive approach to incorporating biodiversity into this proposed development. In particular, the ecological enhancements to the SUDS and inclusion of swift bricks are welcomed, as Stanley is a known swift hotspot and swifts are a Tayside Local Biodiversity Action Plan and Scottish Government priority species.
- 94 Perth and Kinross Council does not currently have capacity to maintain the wildflower meadows and an alternative is recommended (Condition 7).
- 95 Planning conditions are proposed to ensure appropriate protection or mitigation of habitats and species during and post-construction (Conditions 11-16). During the construction phase, an updated Construction Environmental Management Plan (CEMP) is required to ensure adequate controls are in place to preserve environmental quality and biodiversity (Condition 10). The proposal therefore addresses the PPP requirements and meets the objectives of LDP2 Policies 38, 40 & 41 in terms of natural heritage and biodiversity.

## **Sustainability**

- 96 SEPA require, through the PPP, substantial developments to ensure their heat demand is met from district heating, subject to the outcome of a Feasibility Assessment (FA). The submitted Assessment has been reviewed by both SEPA and the Council's Strategy and Policy team. Both agree that it should be more site-specific; however, it does show that District Heating is currently unfeasible for the proposed site. This issue can be revisited when approval of future residential phases are proposed. In the interim, a condition requiring that the site is futureproofed for district heating by leaving space within the service strip will be required (Condition 21). This satisfies the PPP requirements and that of LDP2 Policy 34.
- 97 SEPA acknowledge that it is for the Planning Authority to be satisfied as to whether the submissions address relevant conditions, including the adequacy of the sustainability checklist that has been provided. However, the developer will be required to commit to the Scottish Government's recently published Programme for Government requiring new homes consented from 2024 to use renewable or low carbon heat.
- 98 LDP2 Policy 32 requires proposals for new buildings to demonstrate that at least 10% of the current carbon reduction emissions will be met through the installation and operation of zero and low-carbon generating technology. A Sustainability Checklist has been submitted in support of this matter, it advises that the development will use passive design and energy efficiency as the primary means to reduce energy demand and lower carbon monoxide emissions and commits to this. The Checklist concludes that the buildings will achieve a much lower standard than that required under Scottish Building Standards and that the installation and operation of zero and low-carbon generating technology, such as solar photo-voltaic panels or ground source heat pumps, will provide at least 10% of the carbon reduction emissions for the proposed development.
- 99 The proposal does not, however, demonstrate the precise technical details as to how this will be achieved, although it is recognised that this can be technically achieved. The exact nature and specification of these technologies can be verified prior to development commencing and for the technology to be in place prior to occupation of the buildings to ensure the objectives of LDP2 Policy 32 are met (Condition 6).

## **Rail Infrastructure**

- 100 Because the proposed site is adjacent to the Perth-Inverness rail line, Network Rail were consulted. Whilst they have no objections in principle to the proposal, due to its proximity to the operational railway, they request that specific advisory notes are attached with any approval (Informative 17 and 18).

## **Waste Collection**

- 101 The PPP requires a plan specifying the bin storage areas and kerbside collection points be submitted with each AMSC application. These details have been included in the submitted Site Layout plans.
- 102 The Council's Waste Services team confirm they are supportive of the layout and arrangements for waste storage and collection. A suitable location for the provision of a recycling centre is required, to complement the existing kerbside recycling services offered in the area. This can be addressed through a planning condition (Condition 17).

## **Developer Contributions**

- 103 LDP2 Policy 5 - Infrastructure Contributions requires consideration of the individual or cumulative impact of new development on infrastructure and facilities and to secure contributions to address this impact where the development exacerbates impacts or generates additional need.
- 104 The Developer Contribution Officer advised that the site falls under the wider PPP 17/00088/IPM, which has an associated Section 75 Legal Agreement. This agreement secures the necessary infrastructure and associated contribution payments, covering the following subject areas:
- Affordable Housing provision
  - Open Space provision and maintenance
  - Play area provision and maintenance
  - Sports pitch provision and maintenance

## **Affordable Housing**

- 105 The S75 and LDP2 Policy 20 require an Affordable Housing contribution equivalent to 25% of the units being developed. It is confirmed that all of this provision for this AMSC application (of 47 units) will be delivered on-site. The LDP2 and S75 requirements have been fully addressed.

## **Primary Education**

- 106 Primary Education is not required in this instance as there are no capacity issues in Stanley Primary School. The agreement in place continues to meet the objectives of the PPP and LDP2 Policy 5

## **Health Provision**

- 107 The site is allocated in LDP2 and National Health Service Tayside (NHST) were formally consulted during the plan-making process. However, neither NHST or the Perth & Kinross Healthcare and Social Partnership (HCSP) provided detailed feedback at the time of the site being allocated within LDP2 on whether there may be an impact will be on the local health infrastructure. As the



proposed number of dwellings is well below the total number approved in the PPP application, it is not necessary to consider this matter further at this stage.

### **Economic Impact**

- 108 The impact to the local economy both during construction and occupation will be reasonably significant with additional available expenditure on local facilities and services.

### **LEGAL AGREEMENTS**

- 109 The site falls under the wider PPP approval under 17/00088/IPM which has an associated Section 75 Legal Agreement which secures the necessary Developer Contributions including Affordable Housing. No further action is therefore necessary for this application.

### **DIRECTION BY SCOTTISH MINISTERS**

- 110 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**

- 111 To conclude, the application must be determined in accordance with the PPP and the adopted Development Plan, unless material considerations indicate otherwise. In this respect, account of the terms of the PPP and the Local Development Plan 2019 (LDP2) and other material considerations and in this case that the development proposal accords with these.
- 112 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 that the development is carried out in accordance with the plans approved.

2. Prior to the development hereby approved being completed or brought into use, all matters regarding access, car parking, in curtilage electric car charging, 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 interest of vehicle and pedestrian safety and in accordance with the policies of the adopted Perth and Kinross Local Development Plan 2019.

3. Prior to the commencement of development, a detailed design of road infrastructure improvements as per plan reference 19/01130/138 (drawing number 6148-PL-100-2101 shall be submitted to, and approved in writing by, the Council as Planning Authority. The approved scheme shall thereafter be implemented in full, prior to the occupation of the first residential unit.

Reason - In the interests of road and pedestrian safety.

4. Prior to the commencement of works on the development, the applicant shall submit for the written approval of the Planning Authority a Construction Traffic Management Scheme (TMS) which shall include the following:
  - a) restriction of construction traffic to approved routes and the measures to be put in place to avoid other routes being used;
  - b) timing of construction traffic to minimise impact on local communities particularly at school start and finishing times, on days when refuse collection is undertaken, on Sundays and during local events;
  - c) arrangements for liaison with the Roads Authority regarding winter maintenance;
  - d) emergency arrangements detailing communication and contingency arrangements in the event of vehicle breakdown;
  - e) arrangements for the cleaning of wheels and chassis of vehicles to prevent material from construction sites associated with the development being deposited on the road;
  - f) arrangements for cleaning of roads affected by material deposited from construction sites associated with the development;
  - g) arrangements for signage at site accesses and crossovers and on roads to be used by construction traffic in order to provide safe access for pedestrians, cyclists and equestrians;
  - h) details of information signs to inform other road users of construction traffic;
  - i) arrangements to ensure that access for emergency service vehicles are not impeded;
  - j) monitoring, reporting and implementation arrangements; and
  - k) arrangements for dealing with non-compliance.

The TMS as approved shall be strictly adhered to during the entire site construction programme all to the satisfaction of the Council as Planning Authority.

Reason - In the interests of road safety.

5. No part of the development shall be occupied until an updated Travel Plan, aimed to encourage more sustainable means of travel, has been submitted and

approved in writing by the Council. The Travel Plan will have regard to provision for walking, cycling and public transport access to and within the site and will identify the measures to be provided (including the provision of new and/or enhanced public transport services), the system of management, monitoring, review, reporting and the duration of the plan.

Reason - In the interests of sustainable transport.

6. Prior to the commencement of development hereby approved, a scheme shall be submitted to, and approved in writing by, the Council as Planning Authority that demonstrates how at least 10% of the current carbon emissions reduction set by the Scottish Buildings Standards will be met through the installation and operation of low and zero-carbon technologies. This scheme shall detail for each building:
- a) the technology types;
  - b) illustrate, through technical calculations, that these will meet at least the 10% reduction;
  - c) their siting and location; and
  - d) ongoing operation and maintenance.

Once approved, the development shall be completed in accordance with the approved scheme and no individual unit shall be occupied until the scheme has been installed and operating.

Reason - To embed low and zero-carbon technologies within the development in the interest of environmental sustainability.

7. The proposed wildflower meadow mix within the approved landscaping scheme is hereby not approved and an alternative species should be submitted to an approved by the Planning Authority prior to the occupation of the first dwelling. Thereafter, the approved planting shall be implemented in full.

Reason - To ensure the satisfactory implementation of the proposed planting scheme.

8. The landscaping scheme, as approved, shall thereafter be implemented in full, in accordance with the approved scheme. Further, any planting which, within a period of 5 years from the completion of the approved phase of development, in the opinion of the Planning Authority is dying, has been severely damaged or is becoming seriously diseased, shall be replaced by plants of similar size and species to those originally required to be planted.

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

9. The approved children's play area on plan reference 19/01130/131 (drawing no. SC10463-01) shall be designed, laid out and equipped in accordance with the Planning Authority's current criteria for play area provision within six months

of the occupation of the first dwelling. The play area and its facilities/equipment shall thereafter be maintained.

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

10. Prior to the commencement of development an updated Construction Environmental Management Plan (CEMP) must be submitted for the approval of the Planning Authority. The measures outlined in the agreed CEMP shall be adhered to at all times during the construction period.

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

11. The conclusions and recommended action points within the supporting Biodiversity Survey, in particular Section 2.15 of the submitted Biodiversity Management Plan submitted by IMT Ecological Consultancy June 2019 and hereby approved shall be fully adhered to, respected and undertaken as part of the construction phase of development.

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

12. Measures to protect animals from being trapped in open excavations and/or pipe and culverts shall be implemented for the duration of the construction works of the development hereby approved. The measures may include creation of sloping escape ramps for animals, which may be achieved by edge profiling of trenches/excavations or by using planks placed into them at the end of each working day and open pipework greater than 150 mm outside diameter being blanked off at the end of each working day.

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

13. Prior to the commencement of development, details of the location and specification of the bat and swift brick(s) shall be submitted and approved in writing by the Council as Planning Authority. A minimum of 30% of all completed two storey houses shall incorporate one bat brick and one swift brick each and shall be incorporated at eaves height and positioned appropriately. The agreed detail shall be installed prior to the occupation of the relevant residential unit.

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

14. No removal of hedgerows, trees or shrubs that may be used by breeding birds shall take place between 1 March and 31 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.

Reason - To ensure adequate protection for the trees on the site during the construction, in the interests of the visual amenity of the area.

15. All existing trees and hedgerows shown to be retained shall be protected by suitable fencing in accordance with BS5837:2012 (Trees in Relation to Construction). No materials, supplies, plant, machinery, soil heaps, changes in ground levels or construction activities shall be permitted within the protected areas without the written agreement of the Council as Planning Authority.

Reason - To ensure adequate protection for the trees on the site during the construction, in the interests of the visual amenity of the area.

16. All road gullies within 500m of a waterbody or Sustainable Urban Drainage System (SUDs) pond shall have wildlife kerbs installed adjacent to the gully.

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

17. Prior to the occupation of the first dwelling the developer will incorporate a suitable location agreed by the Planning Authority for the provision of a recycling facility to complement the existing kerbside recycling services offered in the area. The facilities/equipment shall thereafter be maintained.

Reason - In the interests of environmental quality.

18. The asserted core path (STAN/117) must not be obstructed during building works or on completion of the development. Any damage done to the route and/or the associated signage during building works must be made good before the development is completed or brought into use, whichever is the earlier.

Reason - To ensure that public access is maintained at all reasonable times, to the local path network.

19. Concurrent with the initiation of the development hereby approved and for the duration of construction, a temporary surface water treatment facility shall be implemented on site and maintained for the duration of the approved development works. The temporary surface water treatment facility shall remain in place until the permanent surface water drainage scheme is implemented.

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

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

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

21. Prior to the commencement of development a scheme, including a layout plan and cross-sections, that identifies the location and confirms adequate space within the below ground service zone is available to allow for possible future provision of district heating pipes shall be submitted for the further written agreement of the Council as Planning Authority. The scheme must include timescales and any phasing for provision of the service zone within the site. The agreed scheme shall thereafter be implemented in accordance with the agreed details and timescales.

Reason - To allow district heating to be incorporated within the site at a future date.

22. Servicing of and deliveries to the LPG tank compound shall be carried out between 0700 and 1900 Monday to Saturday only, with no servicing or deliveries permitted on Sundays.

Reason - In the interests of residential amenity.

23. All plant or equipment associated with the LPG tank Compound 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 - In the interests of residential amenity.

24. Prior to the commencement of the development details of the mitigation measures specified for acoustic glazing and trickle ventilation for properties No. 1, 2, 113 and 114 as identified in the applicants Noise Impact Assessment by CSP Acoustics 16 October 2019 shall be submitted for the written approval of the Council as Planning Authority. The agreed detail shall be installed prior to occupation of plot 1, 2, 113 and 114.

Reason - In the interests of residential amenity.

25. Prior to the commencement of development an updated Dust Management Plan shall be submitted for the written approval of the Council as Planning Authority. The approved plan shall be implemented throughout the construction phase of the development.

Reason - In the interests of residential amenity.

26. The noise and dust recommendations and mitigation measures within the submitted approved Construction Environmental Management Plan (CEMP) dated 21 June 2019 shall be fully adhered to and undertaken as part of the construction phase of the development.

Reason - In the interests of residential amenity.

## **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 required, a Section 75 Legal Agreement is already in place for the site.

## **D INFORMATIVES**

1. The development hereby permitted shall be commenced no later than the expiration of two years from the date of this consent or from the date of subsequent approval of matters specified in conditions, or three years from the date of planning permission in principle, whichever is the later.
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 56 of the Roads (Scotland) Act 1984 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 Environmental Protection Agency.
6. The applicant should be 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 Environmental Protection Agency.

7. The applicant should be advised that all proposed structures supporting the road, or which the developer is intending the Council adopt, will require technical approval in accordance with the Design Manual for Roads & Bridges standard BD 2/12 (& HD 22/08 where relevant). Bridges and culverts shall also be designed in accordance with the requirements contained within Perth & Kinross Council's Developers Guidance Note on Flooding & Drainage. The developer is advised to contact Perth & Kinross Council's Structures & Flooding Team (tel 01738 475000, email [structuresplanning@pkc.gov.uk](mailto:structuresplanning@pkc.gov.uk)) for further information and prior to commencing designs in order to ensure technical compliance.
8. 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 17/00088/IPM. This permission continues to be tied by this legal agreement and the associated requirements will continue to apply.
9. The applicant is reminded that, should any protected species be present a licence may be required from Scottish Natural Heritage. Failure to obtain a licence may constitute a criminal act under the Habitats Regulations and penalties are severe for non-compliance.
10. 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.
11. Hedgehogs are a key species in the Tayside LBAP and enhancing connectivity is an objective. Gardens will provide suitable habitat for hedgehogs and commuting should be made possible by creating access gaps in wooden fences 13cm x 13cm at ground level.
12. The applicant is recommended to discuss with the Council's Public Transport Unit the supply of bus services and public transport infrastructure to ensure an adequate public transport provision for the site.
13. 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.
14. Construction work should minimise the impact on amenity to neighbouring residents, which could be achieved by limiting noise generating activities to



Monday to Friday 07:00 to 19:00 and Saturday 08:00 to 13:00 with no noisy works out with these times or at any time on Sundays or Bank Holidays.

15. All planning conditions attached to the Planning Permission in Principle (PPP) approved on 21 December 2018 (application reference: 17/00088/IPM) continue to apply to the development hereby approved, unless otherwise provided for by condition of this application for the Approval of Matters Specified in Condition.
16. The stopping up or diversion of the Core Path STAN/117 is subject to agreement under Section 208 of the Town and Country Planning (Scotland) Act 1997 (as amended). All relevant approvals in this regard should be in place prior to any stopping up or diversions taking place.
17. Construction works must be undertaken in a safe manner which does not disturb the operation of the neighbouring railway. Applicants must be aware of any embankments and supporting structures which are in close proximity to their development.
18. Details of all changes in ground levels, laying of foundations, and operation of mechanical plant in proximity to the rail line must be submitted to Network Rail's Asset Protection Engineer for approval prior to works commencing on site. Where any works cannot be carried out in a "fail-safe" manner, it will be necessary to restrict those works to periods when the railway is closed to rail traffic i.e. by a "possession" which must be booked via Network Rail's Asset Protection Engineer and are subject to a minimum prior notice period for booking of 20 weeks.

The developer must contact our Asset Protection Engineers regarding the above matters, see contact details below:

Network Rail Asset Protection Engineer  
151 St. Vincent Street, GLASGOW, G2 5NW  
Tel: 0141 555 4352  
E-mail: [AssetProtectionScotland@networkrail.co.uk](mailto:AssetProtectionScotland@networkrail.co.uk)

Background Papers: 14 letters of representation  
Contact Officer: Steve Callan  
Date: 27 February 2020

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

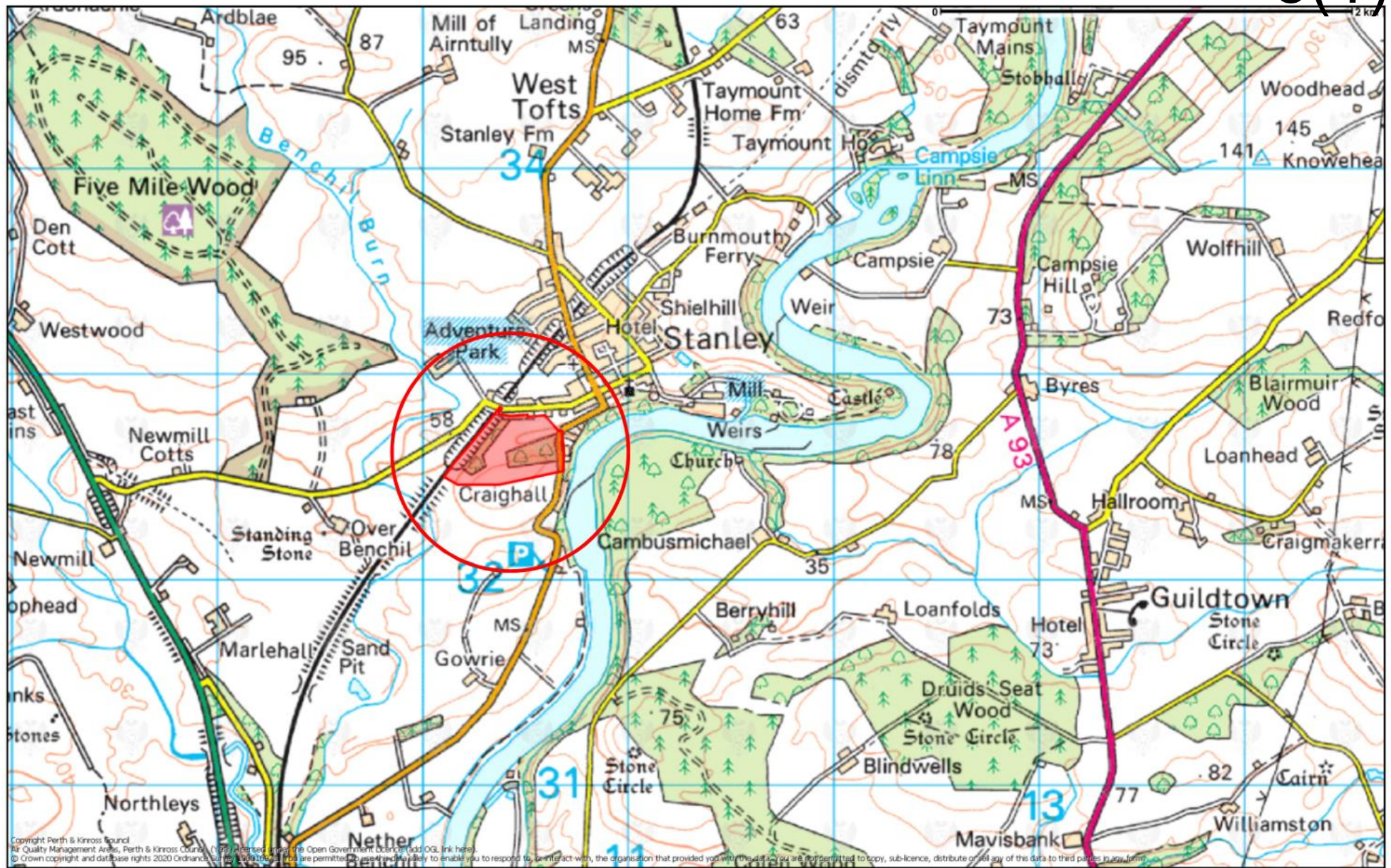
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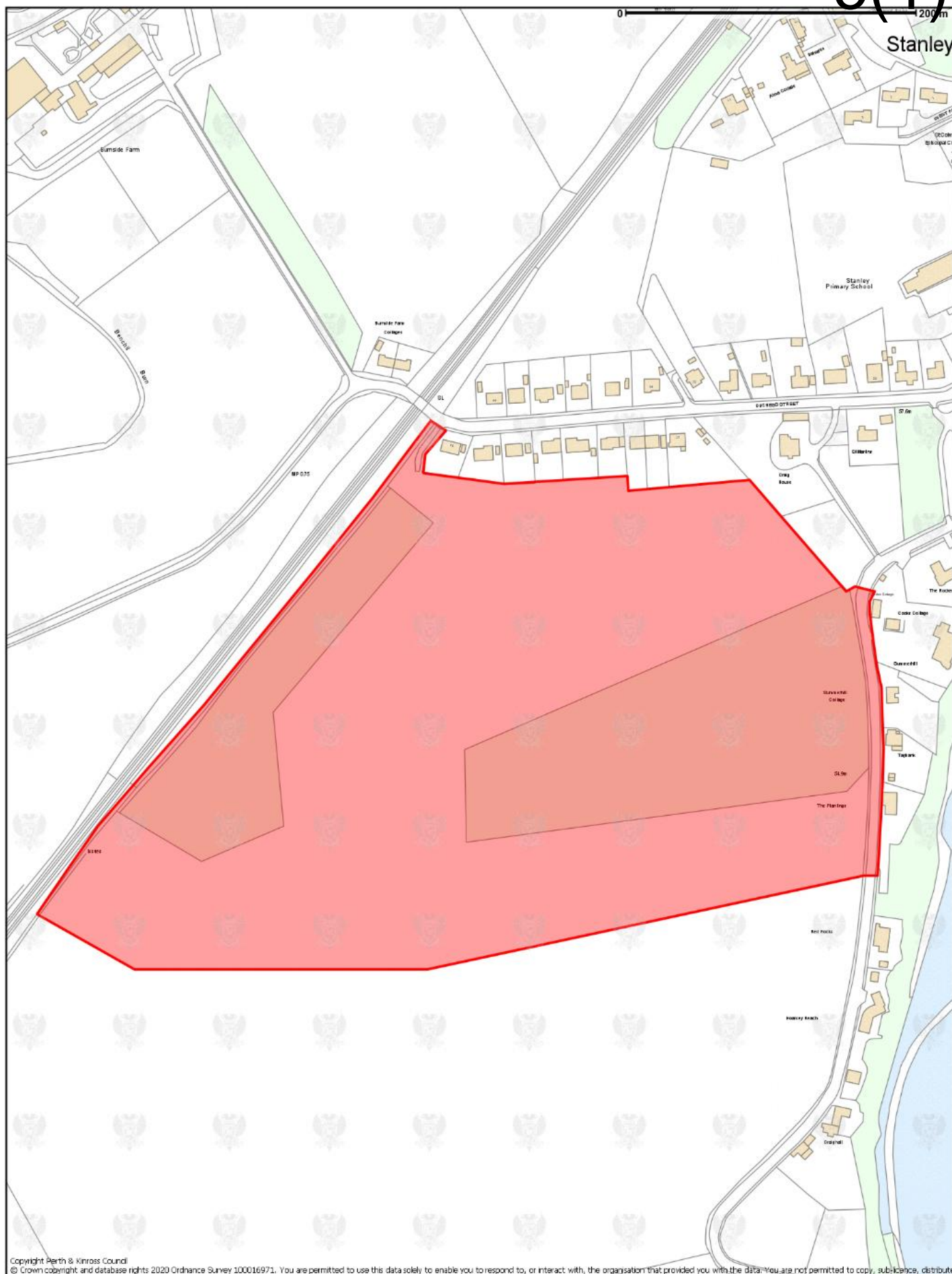
19/01130/AMM

Erection of 183 dwellinghouses and 4 flats, installation of 12 LPG tanks and a pumping station, formation of a vehicular access, play park, SUDS pond, landscaping and associated works (approval of matters specified in conditions of 17/00088/1PM) (allocated site H30) land at Stanley Village (H30) Stanley









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**Scale 1:3500**

**19/01130/AMM**

**Erection of 183 dwellinghouses and 4 flats, installation of 12 LPG tanks and a pumping station, formation of a vehicular access, play park, SUDS pond, landscaping and associated works (approval of matters specified in conditions of 17/00088/IPM) (allocated site H30) land at Stanley Village (H30) Stanley**





Perth and Kinross Council  
Planning & Development Management Committee – 11 March 2020  
Report of Handling by Head of Planning & Development (Report No. 20/63)

**PROPOSAL:** Change of use from dwellinghouse (class 9) to guest house (class 7)

**LOCATION:** Woodcroft, Bellwood Park, Perth, PH2 7AJ

Ref. No: [19/01891/FLL](#)

Ward No: P12 - Perth City Centre

### 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 located at Woodcroft, a large detached stone-built property located on Bellwood Park in Perth. The site is located within Perth Conservation Area. The applicant seeks a change of use from a dwellinghouse (Class 9) to a guest house (Class 7). A Certificate of Lawfulness was granted in October 2018 which confirmed that the applicant could utilise two of the bedrooms within the five bedroom dwellinghouse for guest house/bed and breakfast under Class 1A of The Town and Country Planning (General Permitted Development) (Scotland) Amendment Order 2011.
- 2 The applicant now wishes the option to offer more than two bedrooms of the five bed roomed house for holiday accommodation. It is understood the applicant utilises one of the five bedrooms for her own use and therefore there would be a total of four bedrooms available for guest house use within the building.

## 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 68 Design Statements
  - PAN 75 Planning for Transport

### **National Roads Development Guide 2014**

- 8 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**

- 9 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**

- 10 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.”*

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

### **Perth and Kinross Local Development Plan 2 (2019)**

- 12 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.
- 13 The principal relevant policies are, in summary;
- Policy 1A: Placemaking
  - Policy 1B: Placemaking
  - Policy 27A: Listed Buildings
  - Policy 28A: Conservation Areas: New Development
  - Policy 53B: Water Environment and Drainage: Foul Drainage
  - Policy 53C: Water Environment and Drainage: Surface Water Drainage
  - Policy 56: Noise Pollution
  - Policy 60B: Transport Standards and Accessibility Requirements: New Development Proposals

### **SITE HISTORY**

- 14 17/00963/TW Removal of trees Decision Issued 2 June 2017 Application Approved
- 15 17/01267/TW Tree Works - Removal of cherry tree Decision Issued 9 August 2017 Application Approved
- 19 [17/01282/FLL](#) Alterations to dwellinghouse Decision Issued 7 September 2017 Application Withdrawn
- 20 [17/01602/FLL](#) Alterations to dwellinghouse Decision Issued 6 December 2017 Application Approved
- 21 [18/01832/LAW](#) Use of dwellinghouse (Class 9) as guest house (Class 7) (existing) Decision Issued 29 October 2018 Application Approved
- 22 19/01417/TW Removal of Lawsons Cypress close to north boundary wall Decision Issued 23 August 2019 Application Approved

## CONSULTATIONS

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

### EXTERNAL

- 24 **Scottish Water** - No objection

### INTERNAL

- 25 **Development Negotiations Officer** - No requirement for a developer contribution
- 26 **Transport Planning** - No objection

## REPRESENTATIONS

- 27 A total of 18 letters of representation have been received from individual households/addresses all of which object to the application:

- 28 The following points were raised in the representations received:

- Impact on road safety, pedestrian safety
- Lack of turning point for vehicles on road
- Junction with Dundee Road
- Lack of parking
- Increase in visitor and service vehicle traffic
- Impact on access for emergency and service vehicles
- Contrary to Development Plan
- Impact on character and setting of conservation area
- Impact on residential amenity/overlooking
- Setting of a precedent for similar development
- Impact on property values
- Right of access for commercial use of a private road
- Anti-social behaviour

- 29 The planning issues are addressed in the Appraisal section of the report. Impact on property values, anti-social behaviour and the use of, and legal issues associated with the use of the private road are not material planning considerations.

## ADDITIONAL STATEMENTS

30	Screening Opinion	EIA 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**

- 31 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. Furthermore, the provisions of Section 64 (1) of the Planning (Listed Buildings and Conservation Areas (Scotland) 1997 are also relevant in this assessment. 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.

### **Principle**

- 32 The application site is located within an area allocated for residential and compatible uses where Policy 17 of the LDP2 applies. This identifies areas of residential and compatible uses inside settlement boundaries where existing residential amenity will be protected and, where possible, improved. It states that generally encouragement will be given to proposals which fall into certain categories. Category (d) of the policy refers to business, home working, tourism or leisure activities. It is common for guest houses to be located within residential areas and the Kinnoull area of Perth contains a number of guest houses given its easy access to Dundee Road and location within walking distance of Perth City Centre. As such the general principle of a change of use to a guest house is considered to be compatible with the requirements of Policy 17 of the LDP2.
- 33 There is also a requirement to consider other relevant policies of the LDP2 which include Policy 1A and B which relate to placemaking, Policy 28A which relates to Conservation Areas, Policy 56 which relates to noise pollution and Policy 60B which relates to transport standards and accessibility. These will be considered in more detail below.

### **Impact on Character of Conservation Area**

- 34 The change of use is not considered to result in any detrimental impact on the character and appearance of the Perth Conservation Area. The proposal involves no physical changes to the building. The proposed change of use of the building is therefore considered to comply with Policy 28A of the LDP2.

### **Access and Parking**

- 35 Policy 60B of the LDP2 refers to Transport Standards and Accessibility and generally relates to new developments which generate significant levels of traffic. It refers to the need to ensure direct links to path networks, access to local bus routes and that it would not have a detrimental effect on the safe and efficient operation of strategic road and rail networks. It goes on to state that new development should provide access to cycling and walking and that development proposals should not exceed maximum on-site parking standards. Furthermore, the National Roads Development Guide refers to parking and access standards

for various development types. The level of vehicle movements associated with a guest house use of this scale is considered to be acceptable.

- 36 The application site is located within Perth and within walking distance of Perth City Centre and there are designated cycle routes from the junction of Bellwood Park with Dundee Road into the city centre and beyond. The Core Path KINL/1 runs along the east side of the River Tay is also within approximately 315m from the site which provides walking and cycle routes north and south and links westbound towards Perth City Centre. The site is also within walking distance of Perth Railway Station and is well served by local and regional bus routes along Dundee Road. As such the site is located within a sustainable location and therefore well served by sustainable means of transport in line with carbon reduction principles which are outlined in Scottish Planning Policy.
- 37 It is accepted that some residents will travel to the site by private car. Concerns have been expressed in letters of representation relating to the increase in visitor and service vehicles traffic associated with the use. Given the scale of the guest house it would not require servicing by commercial vehicles other than the Council Waste Collection vehicle which already serves the street. Given the number of bedrooms proposed within the guest house, this is not considered to generate significant levels of additional traffic in comparison with the use as a private dwelling and is therefore considered to be acceptable. Furthermore, check in time is 1400hrs and check out is 1100hrs as such generally guests would not be arriving or leaving during busy traffic periods.
- 38 The submission indicates that there are a total of four car parking spaces on site, two within an existing garage and two within the off street driveway for the house. It is noted from letters of representation that concerns have been expressed relating to cars parking on the private road. Having visited the site, the width of the road is considered to be sufficient to accommodate on street parking without detriment to users of the road.
- 39 It is noted that concerns have been expressed regarding winter maintenance of the private road. Winter maintenance of public roads is undertaken on the basis of priority and therefore it can sometimes be the case that even small-scale public or private roads would not receive gritting and snow clearing during the winter months. As such it is not considered to be uncommon for a road such as Bellwood Park to suffer from winter maintenance issues, regardless of it being a private road. An individual would be aware of the conditions and have a responsibility to approach with caution and drive to the road conditions.
- 40 The junction with Dundee Road is considered to be sufficient to cater for the proposed development and the likely level of traffic which would be generated. The junction is considered to have adequate visibility in both directions and Transport Planning have offered no objection in this regard.
- 41 Overall, the access, parking and traffic generation for the site are considered to be acceptable. Transport Planning have offered no objection to the application and therefore the proposal is considered to comply with Policy 60B of LDP2 and the National Roads Development Guide.

## **Residential Amenity**

- 42 Policy 1A and B and 17 of LDP2 require new development to respect existing levels of residential amenity. Furthermore Policy 56 refers to noise pollution and states that there is a presumption against the siting of development proposals which will generate high levels of noise in the locality of existing noise sensitive land uses. As mentioned above guest houses are frequently located within residential areas and Policy 17 of LDP2 specifically states that tourism based uses are considered to be acceptable in residential areas. The use of the building as a guest house is not considered to generate high levels of noise which cannot be accommodated in a residential area.
- 43 The house is located within a large plot which is well contained by established planting and boundary treatments and the change of use is not considered to result in excessive overlooking to neighbours in comparison with the existing use.
- 44 The proposal is therefore considered to comply with policies 1A and B, 17 and 56 of the LDP2.

## **Right of Access/Use of Private Access**

- 45 It is noted that Woodcroft is a private road. The control and use of a private road is a civil matter between the applicant and the owner/those who maintain the road and is not a material planning consideration.

## **Impact on Property Values**

- 46 The impact of the proposal on property values is not a material planning consideration.

## **Precedent**

- 47 Each planning application requires to be considered on its own merits based upon the detail contained within an application and therefore the decision on this application is not considered to set a precedent for this type of development elsewhere.

## **Anti-Social Behaviour**

- 48 The letters of representation raise concerns relating to anti-social behaviour. As referred to in the residential amenity section above, the use of the property as a guest house is not considered to have a detrimental impact on the amenity of neighbours. Any perceived anti-social behaviour associated with the use as a guest house would be a matter for the police to investigate.

## **Waste Collection**

- 49 Waste collection will continue in the same manner as currently and no additional servicing is considered to be required.

## **Natural Heritage and Biodiversity**

- 50 The proposed change of use is not considered to impact on natural heritage or biodiversity issues and therefore complies with LDP2.

## **Developer Contributions**

- 51 There is no requirement for a developer contribution for the proposed development.

## **Economic Impact**

- 52 There is likely to be some economic benefit associated with bringing a guest house into use, however this is considered to have limited weighting in the assessment of this application.

## **LEGAL AGREEMENTS**

- 53 None required

## **CONCLUSION AND REASONS FOR RECOMMENDATION**

- 54 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.

Accordingly the proposal is recommended for approval subject to the following conditions.

## **RECOMMENDATION**

### **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.

## **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.

Background Papers: 18 letters of representation  
Contact Officer: John Williamson 01738 475360  
Date: 27 February 2020

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

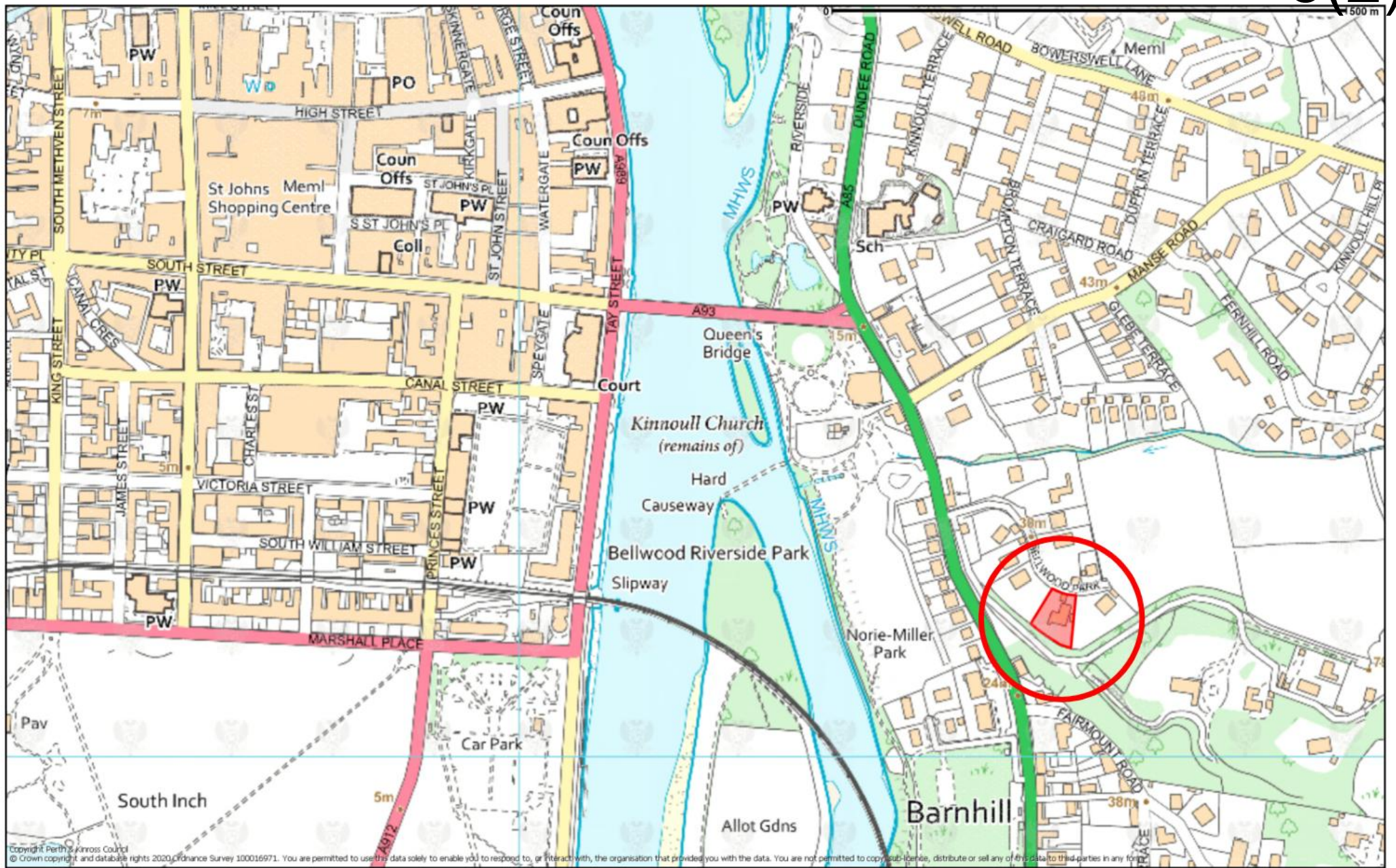
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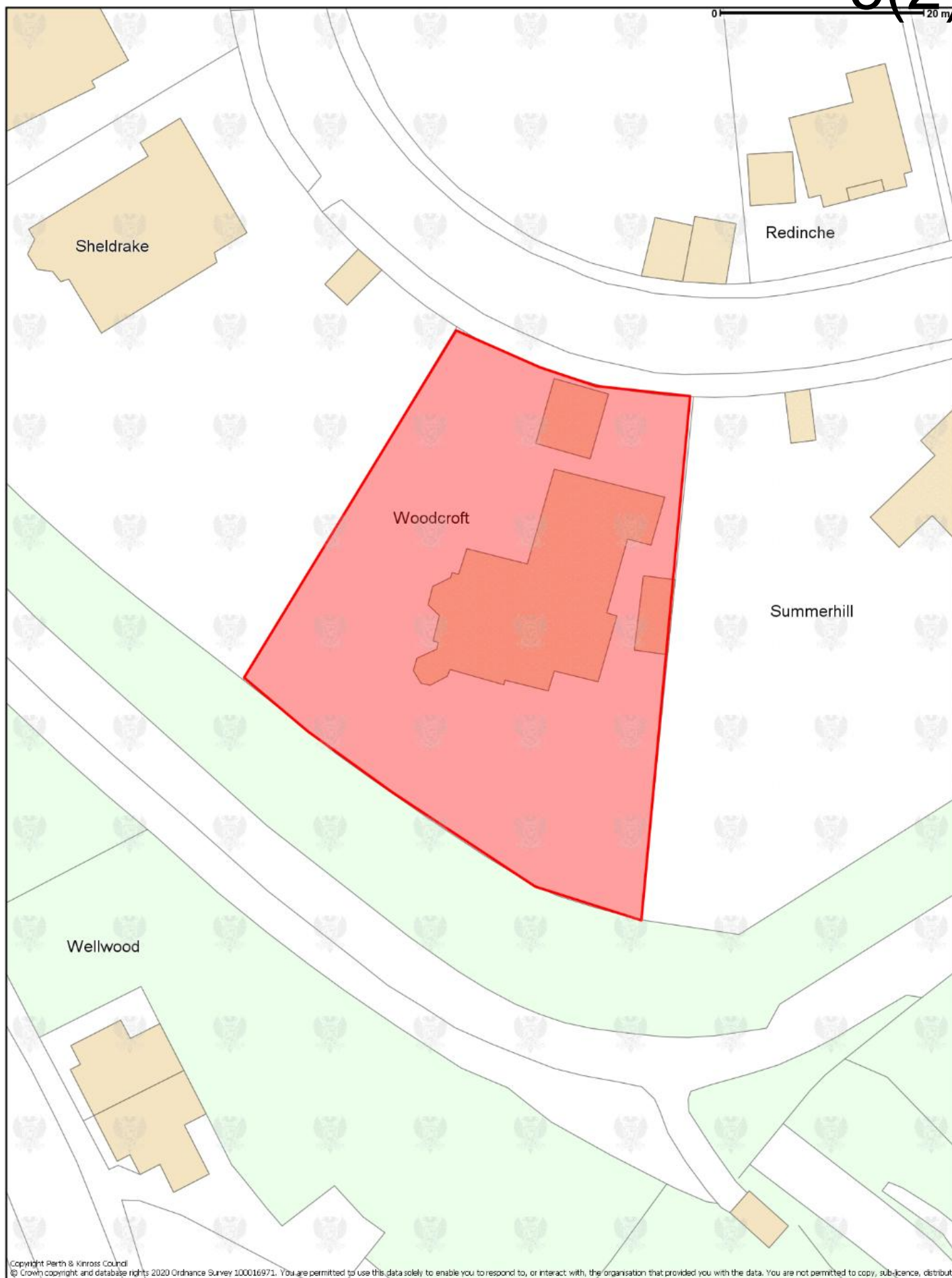
19/01891/FLL

Change of use from dwellinghouse (class 9) to guest house (class 7) at Woodcroft, Bellwood Park, Perth









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**19/01891/FLL**

**Change of use from dwellinghouse (class 9) to guest house (class 7) at Woodcroft, Bellwood Park, Perth**





Perth and Kinross Council  
Planning & Development Management Committee – 11 March 2020  
Report of Handling by Head of Planning & Development (Report No. 20/64)

**PROPOSAL:** Erection of switchroom facility and associated works (S42 to modify condition 5 (landscaping and planting) of permission 16/02230/FLL)

**LOCATION:** Coupar Angus Substation, Pleasance Road, Coupar Angus

Ref. No: [19/01919/FLL](#)

Ward No: P2 - Strathmore

### 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 Planning permission is sought for the modification of condition 5 of planning permission 16/02230/FLL, as approved in March 2017. That permission was for the erection of a switchroom facility and associated works. The site incorporates the Coupar Angus Substation compound and surrounding parcels of land, with access taken off Pleasance Road, Coupar Angus.
- 2 The approved switchroom facility has been constructed. However, the landscaping plan associated to condition 5 has not been implemented, due to the applicant not having control over some of the related land.
- 3 A revised landscaping scheme has therefore been submitted, requiring a modification to the condition and thus this application.

## NATIONAL POLICY AND GUIDANCE

- 4 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

- 5 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**

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

### **Planning Advice Notes**

- 8 The following Scottish Government Planning Advice Notes (PANs) and Guidance Documents are of relevance to the proposal:
  - PAN 40 Development Management

### **Creating Places 2013**

- 9 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.

### **DEVELOPMENT PLAN**

- 10 The Development Plan for the area comprises the TAYplan Strategic Development Plan 2016-2036 and the Perth and Kinross Local Development Plan 2 (2019).

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

- 11 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.”*

### **Perth and Kinross Local Development Plan 2 (2019)**

- 12 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.
- 13 The principal relevant policies are;
- Policy 1A: Placemaking
  - Policy 1B: Placemaking
  - Policy 35: Electricity Transmission Infrastructure
  - Policy 39: Landscape
  - Policy 41: Biodiversity
  - Policy 42: Green Infrastructure

### **OTHER COUNCIL POLICIES**

- 14 None are directly applicable to matters arising from this application.

### **SITE HISTORY**

- 15 [16/02230/FLL](#) Erection of switchroom facility and associated works. Approved on 9 March 2017
- 16 [18/00016/PAN](#) Formation of an energy storage compound including 15 battery storage units, inverters and transformers, a substation, ancillary equipment, store, vehicular access, track and associated works. Decision issued on 6 February 2019 clarifying PAN sufficient.
- 17 [19/00513/FLM](#) Formation of a battery storage facility, vehicular access and associated works Land 130 Metres South East of Coupar Angus Substation Pleasance Road Coupar Angus. Approved on 24 September 2019.

### **CONSULTATIONS**

- 18 No internal or external bodies were required to be consulted.

### **REPRESENTATIONS**

- 19 Six letters of representation have been received, all of which are objecting to the proposal, all raising concern over:
- Visual impact – the proposed planting will not screen the substation.

- 20 These issues are addressed in the Appraisal section of the report.

### **ADDITIONAL STATEMENTS**

21	Screening Opinion	EIA 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 eg Flood Risk Assessment	Not Required

### **APPRAISAL**

- 22 Section 42 of the Town and Country Planning (Scotland) Act 1997 enables the determination of applications to develop land without compliance with conditions previously attached. The legislation specifies that on such an application the Planning Authority shall consider only the question of the conditions to be attached to any resulting permission. If they decide that planning permission should be granted subject to conditions differing from those subject to which the previous permission was granted, or that it should be granted unconditionally, they shall grant planning permission accordingly. If they decide that planning permission should be granted subject to the same conditions as those subject to which the previous permission was granted, they shall refuse the application.
- 23 Sections 25 and 37 (2) of the Town and Country Planning (Scotland) Act 1997 require that planning decisions be made in accordance with the development plan unless material considerations indicate otherwise. The Development Plan for the area comprises the approved TAYplan 2012 and the adopted Perth and Kinross Local Development Plan 2014. The relevant policy considerations are outlined in the policy section above.
- 24 Taking the above into account, this assessment is limited to the merits of the revised landscaping plan and the terms of condition 5 of the extant planning permission, to determine whether the modification proposed is acceptable.
- 25 In this case the principal determining issue is whether the revised landscaping plan is acceptable and would be in accordance with the relevant provisions of the adopted Development Plan, or if an exception to these provisions is justified by other material considerations.

### **Principle**

- 26 Since the approval of the parent permission in 2016 (Ref: 16/02230/FLL) there has been a Development Plan change with the adoption of LDP2. Notwithstanding, the principle of the development is considered to accord with the updated Development Plan, in that the themes of the relevant policies are broadly similar.



## Condition 5

- 27 The approved wording stated that *“The detailed landscaping and planting scheme which is hereby approved shall be implemented as part of the site development programme and thereafter maintained.”*
- 28 The change now proposed, relates to the revised landscaping scheme/plan, which was approved at that time. Otherwise the non-landscaping elements of the scheme, i.e. the switchroom facility itself, is not altered. Those elements previously having been deemed to be in accordance with the Development Plan.
- 29 There have been six objections expressing concern over the impact on visual amenity. These objectors do not consider that the proposed planting scheme will successfully screen the substation and would only mitigate visual impact of part of the site. It is noted by the objectors that the trees that previously helped to screen the substation had been felled as part of the recent works to upgrade the facility and that this planting proposal does not restore the planting to the same extent as before the upgrade works when there was planting on all four sides. The objectors have requested that a more robust planting plan be agreed to more effectively screen the substation on all sides. They note that the recently approved battery storage facility included a much more detailed and extensive planting plan that would screen the development from all lines of site and that a similar plan should be approved for the substation.
- 30 In this regard, the landscaping plan previously approved related to a smaller extent of landscaping than is now proposed. Particularly the approved plan only directly related to a section of the overall substation compound which was to contain the switchroom facility, as was proposed by that 2016 planning application. With that planting scheme not attempting to screen or mitigate the visual impact of the wider substation. It is now proposed to widen the scope of the landscaping plans to cover a greater extent of the substation boundaries, to the north-east and north-west, to allow for expanded visual mitigation. It also reintroduces a larger area of landscaping in proximity to the substation, to replace some of the planting that was removed prior to a previous expansion of the facility. It is not intended or expected that any landscaping could completely screen the substation rather it would reduce the overall landscape impact and add biodiversity. The landscaping proposed as part of the battery storage would further enhance and improve the situation.
- 31 The plan indicates two main areas to be planted; an area to the north-east and an area to the west. These two areas will contain a mix of native tree species including hazel, blackthorn, holly and field maple. The stock size and range of species was increased following consultation with PKC’s Tree Officer. The density was also increased so that the scheme would provide improved early years screening. The area to the north-west is shown as being sown with species rich grass and clusters of hawthorn. Planting in this area is constrained by limitations associated to underground and overhead cables, so is not as dense as the other locations.

- 32 It is considered that the amended landscaping scheme will ensure that planting at the site is carried out and that an extended area of landscaping is provided. This will also provide an enhancement to the originally approved scheme and it is recommended that this new plan is approved and that a new permission be issued, with revised wording to ensure that the work is carried out in the next available planting season and that any planting which fails to become established within five years is replaced.
- 33 A number of conditions were previously attached. Those that have either been satisfied or are no longer relevant will be removed. The position with each condition is explained in the bullet points below:
- Condition 1 related to development being carried out in accordance with the approved plans. This condition will be re-imposed.
  - Condition 2 of the previous permission related to noise. This condition will be re-imposed.
  - Condition 3 related to flood resilience, however as the switchroom has now been completed it is no longer necessary.
  - Condition 4 related to alternative fence details. The condition has been satisfied and is no longer required.
  - Conditions 5 and 6 related to landscaping. These conditions have been updated and will be applied.
  - Condition 7 protects animals from being trapped in open excavations. However as this is targeted at significant excavations associated with construction it is not considered necessary with the scale of landscaping proposed.
  - Condition 8 related to the reinstatement of the construction compound/area. As this area has been reinstated the condition is not required.

### **Economic Impact**

- 34 The economic impact is likely to be minimal.

### **LEGAL AGREEMENTS**

- 35 No legal agreement is required.

### **DIRECTION BY SCOTTISH MINISTERS**

- 36 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**

- 37 To conclude, the application must be determined in accordance with the adopted Development Plan unless material considerations indicate otherwise. The Local Development Plan and other material considerations have been fully considered and it is recommended that the proposal is recommended for approval subject to the following conditions.

### **RECOMMENDATION**

#### **A 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. 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 20 between 2300 and 0700 hours daily, within any neighbouring residential property, with all windows slightly open, when measured and/ or calculated and plotted on a rating curve chart.

Reason - In the interests of amenity and to prevent undue noise from the switchroom and associated plant.

3. The detailed landscaping and planting scheme which is hereby approved shall be completed within the first available planting season (October to March) following the date of this decision. The approved scheme shall thereafter be maintained, with any planting which fails to become established within five years being replaced in the following planting season with others of a size and species as previously approved.

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

#### **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.

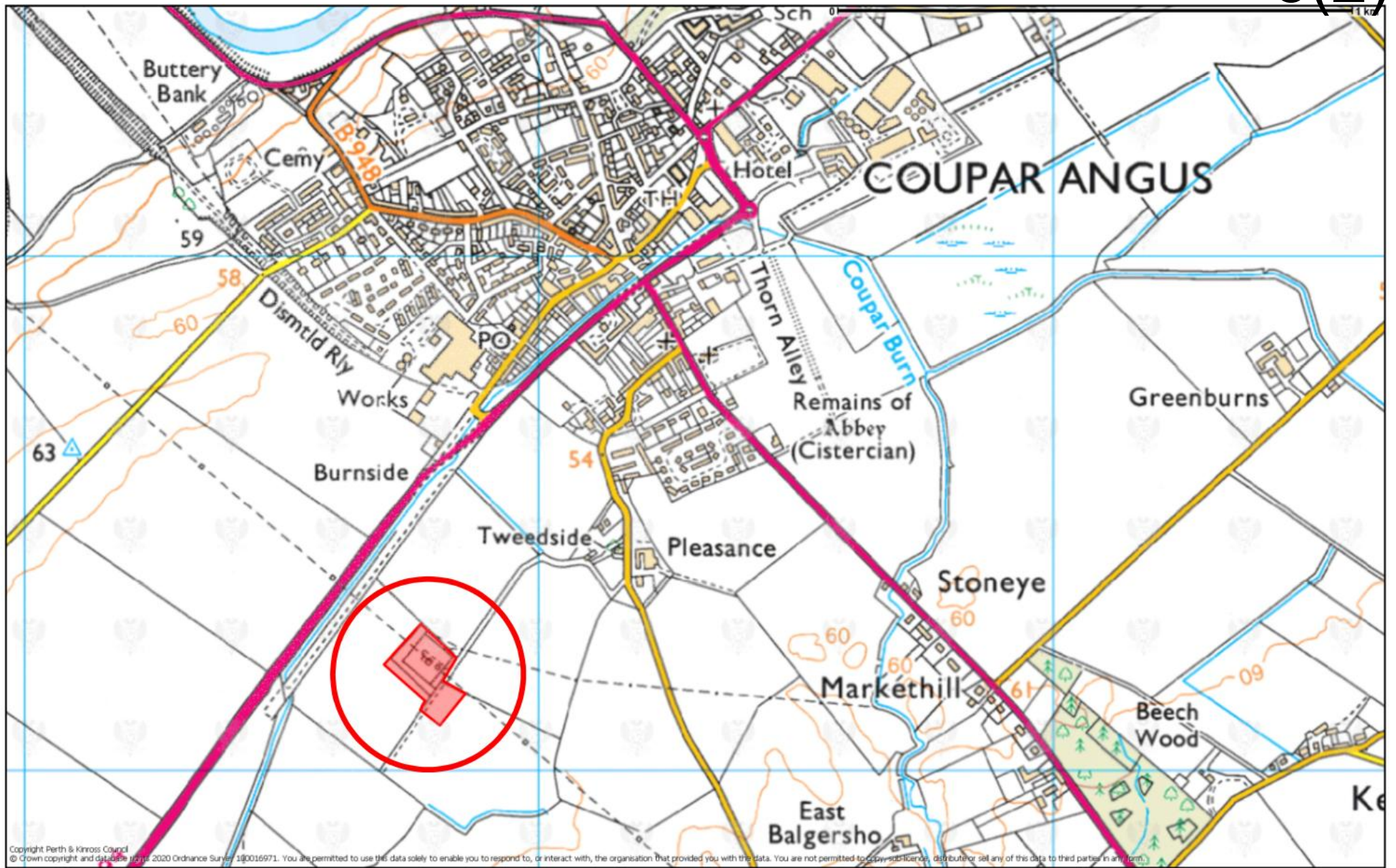
Background Papers: 6 letters of representation  
Contact Officer: Persephone Beer 01738 475354  
Date: 27 February 2020

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

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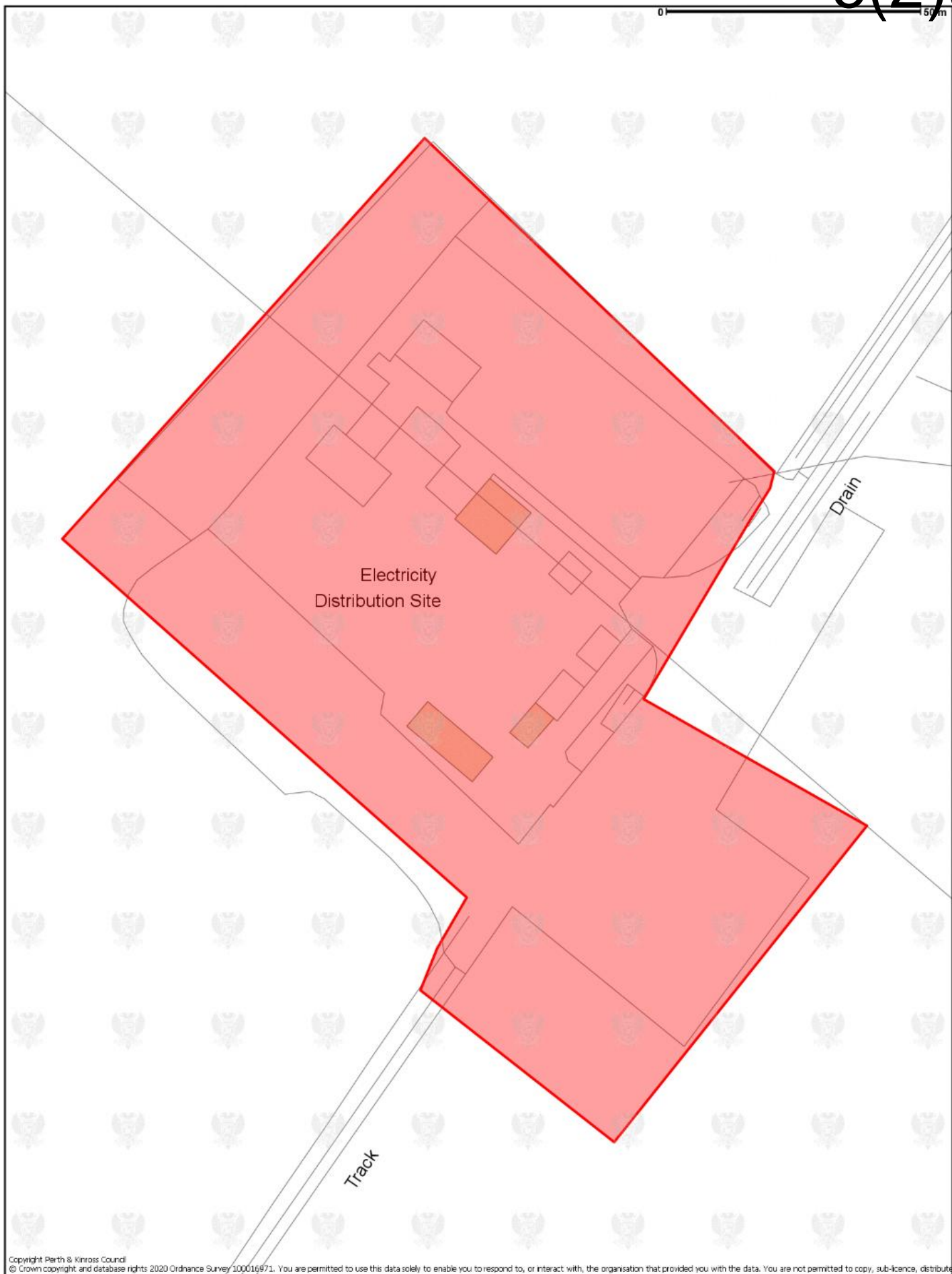
19/01919/FLL

Erection of switchroom facility and associated works (\$42 to modify condition 5 (landscaping and planting) of permission 16/02230/FLL) Coupar Angus Substation, Pleasance Road, Coupar Angus









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19/01919/FLL

Erection of switchroom facility and associated works (S42 to modify condition 5 (landscaping and planting) of permission 16/02230/FLL) Coupar Angus Substation, Pleasance Road, Coupar Angus







Perth and Kinross Council  
Planning and Development Management Committee – 11 March 2020  
Pre-Application Report by Head of Planning and Development (Report No. 20/65)

Mixed use development for Class 4 and Class 8 uses to include agricultural research, industry engagement, skills development, training and education, associated business uses, formation of vehicular access, car parking, hard and soft landscaping and associated infrastructure works at The James Hutton Institute, Errol Road, Invergowrie

Ref. No: [19/00011/PAN](#)

Ward No: P1 – Carse of Gowrie

### **Summary**

This report is to inform the Committee of a potential forthcoming planning application in respect of a major development for a proposed mixed-use development at The James Hutton Institute just outside Invergowrie. The report also aims to highlight the key planning policies and the likely stakeholders who would be involved in the decision making process, and to offer a brief overview of the key planning issues which are likely to be relevant to the proposal.

## **BACKGROUND AND DESCRIPTION**

- 1 In accordance with the provisions of the Town & Country Planning (Scotland) Act 1997 as amended, the applicant's submitted a Proposal of Application Notice (PoAN) on 11 December 2019. Pre-application reports give the Committee an opportunity to raise issues which it would like to see addressed in the planning application.
- 2 The application site is an area of land partially surrounding the existing James Hutton Institute on the outskirts of Invergowrie and adjacent to the M90 trunk road. This PoAN seeks to formally establish a major development comprising uses as previously set out. The exact range, scale and design of the development may be arrived at during pre-application discussions or through the ultimate submission of a planning application. The proposed site is identified in the TAYplan 2016-2036 as a Strategic Development Area (SDA) and is allocated in Perth and Kinross Local Development Plan 2 (2019) (LDP2) as E37 for compatible employment uses (Class 4) with existing facilities.

## **ENVIRONMENTAL IMPACT ASSESSMENT**

- 3 Due to the scale and nature of the proposal it will require to be screened as to whether the proposal is an Environmental Impact Assessment (EIA) development under the EIA 2017 Regulations. A screening request has yet to be submitted.

## **PRE-APPLICATION PROCESS**

- 4 The PoAN confirmed that a public exhibition was held on 11 January 2020 at The James Hutton Institute. The Ward Councillors were all notified of the 11 January event. The nearest residential properties have also been consulted through a leaflet drop in the area. Invergowrie and Kingoodie Community Council are currently not in existence and thereby not notified. The results of the community consultation will be submitted with the planning application as part of the required Pre-Application Consultation (PAC) Report. Further consultation has taken place on an ad-hoc basis with the local community during the pre-application stage.

## **NATIONAL POLICY AND GUIDANCE**

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

### **National Planning Framework**

- 6 The NPF3 is a long-term strategy for Scotland and is a spatial expression of the Government's Economic Strategy and plans for development and investment in infrastructure. Under the Planning etc (Scotland) Act 2006, this is now a statutory document and a material consideration in any planning application. The document provides a national context for development plans and planning decisions as well as informing the on-going programmes of the Scottish Government, public agencies and local authorities.

### **The Scottish Planning Policy 2014**

- 7 The SPP is a statement of Scottish Government policy on land use planning. The following sections of the SPP will be of particular importance in the assessment of this proposal:-
  - Sustainability: paragraphs 24 – 35
  - Placemaking: paragraphs 36 – 57
  - Supporting Business and Employment: paragraphs 92-108
  - Valuing the Natural Environment: paragraphs 193 – 218
  - Maximising the Benefits of Green Infrastructure: paragraphs 219 – 233
  - Managing Flood Risk and Drainage: paragraphs 254 – 268
- 8 The following Scottish Government Planning Advice Notes are likely to be of relevance to the proposal: -
  - PAN 3/2010 Community Engagement
  - PAN 1/2011 Planning and Noise
  - PAN 40 Development Management
  - PAN 51 Planning, Environmental Protection and Regulation
  - PAN 60 Planning for Natural Heritage
  - PAN 61 Planning and Sustainable Urban Drainage Systems
  - PAN 68 Design Statements
  - PAN 79 Water and Drainage

## LOCAL POLICY AND GUIDANCE

### TAYPlan Strategic Development Plan 2016-2036

- 9 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”*

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

- Policy 1: Locational Priorities
- Policy 2: Shaping Better Quality Places
- Policy 3: A First Choice for Investment
- Policy 6: Developer Contributions
- Policy 7: Energy, Waste and Resources
- Policy 8: Green Networks
- Policy 9: Managing TAYplans Assets
- Policy 10: Connecting People, Places and Markets

### Perth and Kinross Local Development Plan 2 (2019)

- 11 The LDP2 (2019) was adopted on 29 November 2019. LDP2 is consistent with the Strategic Development Plan (TAYplan) and Scottish Planning Policy (SPP) 2014. The relevant policies are:

- Policy 1 Placemaking
- Policy 2 Design Statements
- Policy 5 Infrastructure Contributions
- Policy 7A Employment and Mixed Used Areas: Business and Industrial
- Policy 8 Rural Business and Diversification
- Policy 14 Open Space Retention and Provision
- Policy 15 Public Access
- Policy 23 Delivery of Development Sites
- Policy 26 Scheduled Monument and Non-Designated Archaeology
- Policy 32 Embedding Low & Zero Carbon Generating Technologies in New Development
- Policy 38 Environment and Conservation
- Policy 39 Landscape
- Policy 40 Forestry, Woodland and Trees
- Policy 41 Biodiversity
- Policy 42 Green Infrastructure
- Policy 47 River Tay Catchment
- Policy 50 Prime Agricultural Land
- Policy 51 Soils

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

## **OTHER POLICIES**

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

- Developer Contributions Supplementary Guidance January 2020
- Flood Risk and Flood Risk Assessments – Developer Guidance June 2014
- Tayside Landscape Character Assessment 1999 by SNH

## **PLANNING SITE HISTORY**

- 13 The following is relevant to the land surrounding the existing facilities.

**01/01562/OUT** In-Principle application for the formation of science of technology park with shared facilities for Scottish Crop Research Institute. Permission granted October 2003.

## **CONSULTATIONS**

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

### **External**

- Scottish Environmental Protection Agency (SEPA)
- Scottish Natural Heritage (SNH)
- Historic Environment Scotland (HES)
- Scottish Water
- Transport Scotland
- Forestry Commission Scotland
- Perth and Kinross Heritage Trust (PKHT)
- Dundee City Council

### **Internal**

- Environmental Health
- Strategic Planning and Policy
- Community Greenspace including Access
- Transport Planning
- Structures and Flooding
- Biodiversity/Tree Officer
- Economic Development
- Waste Services

## **KEY ISSUES AGAINST WHICH A FUTURE APPLICATION WILL BE ASSESSED**

- 15 The key considerations against which the eventual application will be assessed include: -
- a. Need
  - b. Landscape and Visual Impact
  - c. Scale, Design and Layout
  - d. Relationship to Nearby Land Uses including Core Paths
  - e. Natural Heritage and Ecology
  - f. Water Resources and Soils
  - g. Impact of Noise (Construction and Operational)
  - h. Transport Implications
  - i. Flooding and Drainage
  - j. Cultural Heritage
  - k. Light pollution
  - l. Air Quality
  - m. Impact on Dundee Airport
  - n. Economic Impact
  - o. Soils and Prime Agricultural Land

## **ADDITIONAL STATEMENTS WHICH WILL BE REQUIRED**

- 16 In the absence of an EIA, the following supporting documents will need to be submitted with any planning application or would form possible topics for assessment as part of any EIA Report:

- Planning Statement
- Design and Access Statement
- Pre-Application Consultation (PAC) Report
- Landscape and Visual Impact Assessment
- Ground Investigation Survey
- Transport Assessment including Construction Traffic Management Plan (CTMP)
- Flood Risk and Drainage Assessment
- Phase 1 Habitat Survey including protected species and breeding birds
- Sustainability Assessment
- Noise, Air Quality and Lighting Assessment
- Cultural Heritage (Archaeology and Scheduled Monument) Assessment
- Tree Survey
- Construction Environment Management Plan (CEMP)

## **CONCLUSION AND RECOMMENDATION**

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

Background Papers: None  
Contact Officer: Steve Callan – Ext 01738 475337  
Date: 27 February 2020

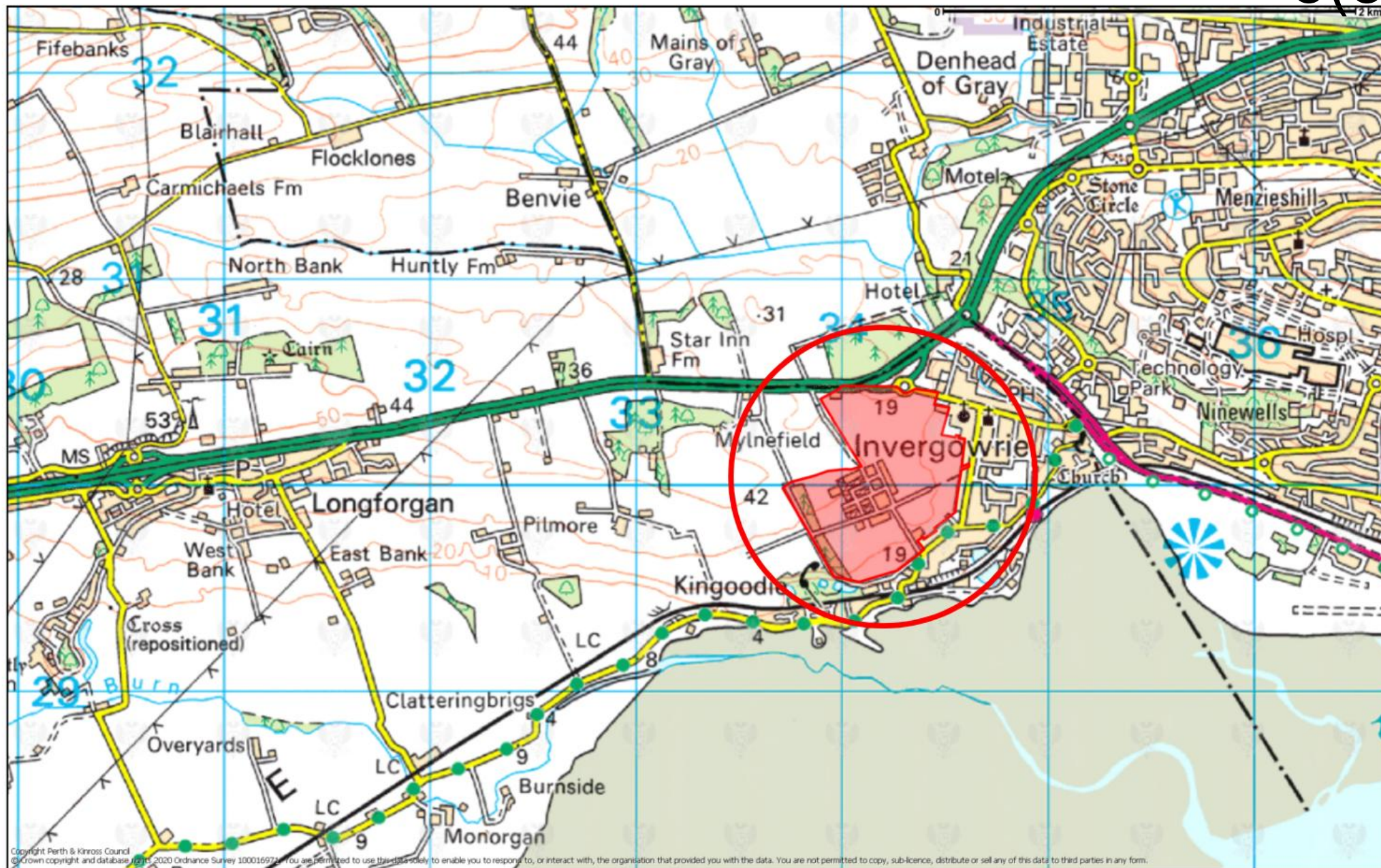
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**HEAD OF PLANNING AND DEVELOPMENT**

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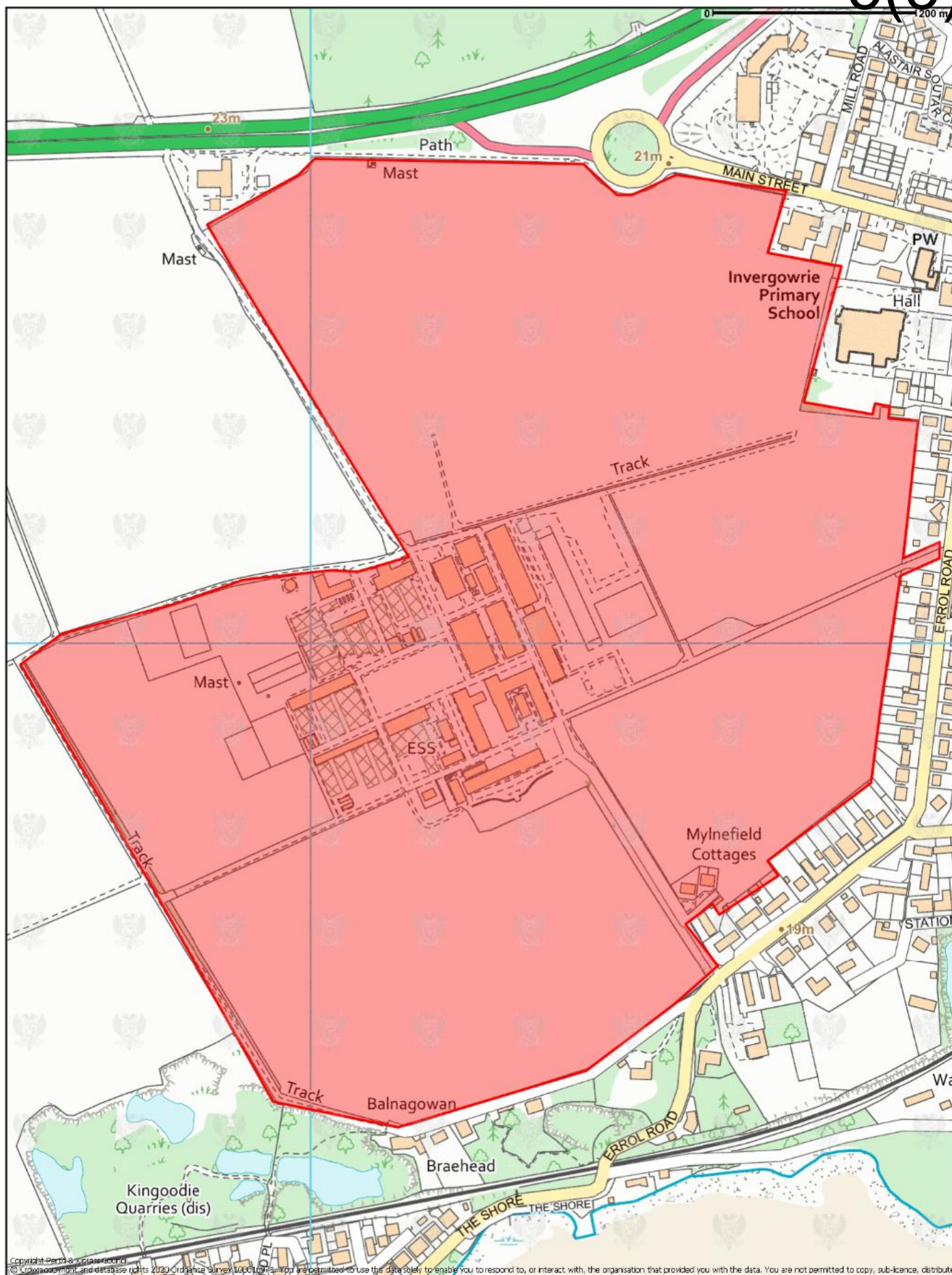
19/00011/PAN

Mixed use development for Class 4 and Class 8 uses to include agricultural research, industry engagement, skills development, training and education, associated business uses, formation of vehicular access, car parking, hard and soft landscaping and associated infrastructure works The James Hutton Institute, Errol Road, Invergowrie, Dundee









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Scale 1:5000

19/00011/PAN

Mixed use development for Class 4 and Class 8 uses to include agricultural research, industry engagement, skills development, training and education, associated business uses, formation of vehicular access, car parking, hard and soft landscaping and associated infrastructure works The James Hutton Institute, Errol Road, Invergowrie, Dundee





Perth and Kinross Council  
Planning and Development Management Committee – 11 March 2020  
Pre-Application Report by Head of Planning and Development (Report No. 20/66)

Mixed use development comprising residential, business, education and industrial use, hotel, community and health facilities, storage and distribution centres, charging/fuelling station, formation of A9 junction, link road, active travel network, innovation highway and public road improvements, vehicle depot and parking areas, heritage park, open spaces, landscaping and associated works at Perth West (MU70), Old Gallows Road, Perth

Ref. No: [20/00001/PAN](#)

Ward No: P9 - Almond and Earn

### **Summary**

This report is to inform the Committee of a potential forthcoming planning application in respect of a major development for a proposed mixed-use development at LDP2 Allocated Site MU70, which is known as Perth West. The report also aims to highlight the key planning policies and the likely stakeholders who would be involved in the decision making process, and to offer a brief overview of the key planning issues which are likely to be relevant to the proposal.

## **BACKGROUND AND DESCRIPTION**

- 1 In accordance with the provisions of the Town & Country Planning (Scotland) Act 1997 as amended, the applicant's submitted a Proposal of Application Notice (PoAN) on 24 December 2019. Pre-application reports give the Committee an opportunity to raise issues which it would like to see addressed in the planning application.
- 2 The application site is a large area of land along the western edge of Perth and adjacent to the A9 trunk road. This PoAN seeks to formally establish a major development comprising uses as previously set out. The exact range, scale and design of the development may be arrived at during pre-application discussions or through the ultimate submission of a detailed planning application. The proposed site is identified in the TAYplan 2016-2036 as a Strategic Development Area (SDA) and is allocated in LDP2 (MU70) for mixed-use development.

## **ENVIRONMENTAL IMPACT ASSESSMENT**

- 3 Due to the scale and nature of the proposal it will require to be screened as to whether the proposal is an Environmental Impact Assessment (EIA) development under the EIA 2017 Regulations. EIA Screening and Scoping have been undertaken for the southern half of the site only (approximately 50%). Any planning application will be required to be supported by an Environmental Impact Assessment Report.

## **PRE-APPLICATION PROCESS**

- 4 The PoAN confirmed that the first public exhibition was held on 6 February 2020 at the Leonardo Hotel in Huntingtower. Further exhibitions will take place during the pre-application stage. The Ward Councillors were all notified of the 6 February event as were Methven Community Council and Earn Community Council. The nearest residential properties have also been consulted through a leaflet drop in the area. The results of the community consultation will be submitted with the planning application as part of the required Pre-Application Consultation (PAC) Report.

## **NATIONAL POLICY AND GUIDANCE**

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

### **National Planning Framework**

- 6 The NPF3 is a long-term strategy for Scotland and is a spatial expression of the Government's Economic Strategy and plans for development and investment in infrastructure. Under the Planning etc (Scotland) Act 2006, this is now a statutory document and a material consideration in any planning application. The document provides a national context for development plans and planning decisions as well as informing the on-going programmes of the Scottish Government, public agencies and local authorities.

### **The Scottish Planning Policy 2014**

- 7 The SPP is a statement of Scottish Government policy on land use planning. The following sections of the SPP will be of particular importance in the assessment of this proposal:-
  - Sustainability: paragraphs 24 – 35
  - Placemaking: paragraphs 36 – 57
  - Supporting Business and Employment: paragraphs 92-108
  - Delivering Heat and Electricity: paragraphs 152 - 173
  - Valuing the Natural Environment: paragraphs 193 – 218
  - Maximising the Benefits of Green Infrastructure: paragraphs 219 – 233
  - Managing Flood Risk and Drainage: paragraphs 254 – 268
  - Promoting Sustainable Transport and Active Travel: paragraphs 269 - 291
- 8 The following Scottish Government Planning Advice Notes are likely to be of relevance to the proposal: -
  - PAN 3/2010 Community Engagement
  - PAN 1/2011 Planning and Noise
  - PAN 40 Development Management
  - PAN 51 Planning, Environmental Protection and Regulation

- PAN 60 Planning for Natural Heritage
- PAN 61 Planning and Sustainable Urban Drainage Systems
- PAN 68 Design Statements
- PAN 79 Water and Drainage

## **LOCAL POLICY AND GUIDANCE**

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

- 9 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”*

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

- Policy 1: Locational Priorities
- Policy 2: Shaping Better Quality Places
- Policy 3: A First Choice for Investment
- Policy 6: Developer Contributions
- Policy 7: Energy, Waste and Resources
- Policy 8: Green Networks
- Policy 9: Managing TAYplans Assets
- Policy 10: Connecting People, Places and Markets

### **Perth and Kinross Local Development Plan 2 (2019)**

- 11 The LDP2 (2019) was adopted on 29 November 2019. LDP2 is consistent with the Strategic Development Plan (TAYplan) and Scottish Planning Policy (SPP) 2014. The relevant policies are:

- Policy 1 – Placemaking
- Policy 2 – Design Statements
- Policy 5 – Infrastructure Contributions
- Policy 7– Employment and Mixed Used Areas
- Policy 14 – Open Space Retention and Provision
- Policy 15 – Public Access
- Policy 16 – Social, Cultural and Communities Facilities
- Policy 20 – Affordable Housing
- Policy 23 – Delivery of Development Sites
- Policy 25 – Housing Mix
- Policy 26 – Scheduled Monument and Non-Designated Archaeology
- Policy 30 – Protection, Promotion and Interpretation of Historic Battlefields



- Policy 32 – Embedding Low & Zero Carbon Generating Technologies in New Development
- Policy 34 – Sustainable Heating and Cooling
- Policy 38 – Environment and Conservation
- Policy 39 – Landscape
- Policy 40 – Forestry, Woodland and Trees
- Policy 41 – Biodiversity
- Policy 42 – Green Infrastructure
- Policy 52 – New Development and Flooding
- Policy 53 – Water Environment and Drainage
- Policy 55 – Nuisance from Artificial Light and Light Pollution
- Policy 56 – Noise Pollution
- Policy 57 – Air Quality
- Policy 58A – Contaminated and Unstable Land
- Policy 59 – Digital Infrastructure
- Policy 60 – Transport Standards and Accessibility Requirements

## **OTHER POLICIES**

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

- Developer Contributions Supplementary Guidance January 2020
- Flood Risk and Flood Risk Assessments – Developer Guidance June 2014
- Tayside Landscape Character Assessment 1999 by SNH

## **PLANNING SITE HISTORY**

- 13 [16/00013/PAN](#) Proposal of Application Notice (PoAN) for Proposed residential and employment (classes 4,5,6) development and associated works with possible primary school, district heating system and park and ride at land 250 Metres south east of Auteven West Huntingtower, Perth. PoAN approved February 2017

[18/00012/PAN](#) PoAN for proposed low carbon energy park including solar, heat pump, biomass and combined heat and power generation, power distribution and storage with associated vehicle access and service infrastructure at land at Cotton Wood, Lamberkine Wood, Coldwells Wood, Broxden Wood, Gallowspark Wood and East Lamberkin Farm, Perth. PoAN approved January 2019

[18/01184/SCOP](#) EIA Scoping for residential development for approximately 1,500 dwellings, eco-innovation park (Use Classes 4, 5, 6 and 10), community facilities, other commercial uses, green networks and associated accesses and infrastructure. Decision issued September 2018

## **CONSULTATIONS**

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

### **External**

- Scottish Environmental Protection Agency (SEPA)
- Scottish Natural Heritage (SNH)
- Historic Environment Scotland (HES)
- Scottish Water
- Transport Scotland
- Forestry Commission Scotland
- Royal Society of Protection of Birds (RSPB)
- Perth and Kinross Heritage Trust (PKHT)
- Methven Community Council
- Earn Community Council

### **Internal**

- Environmental Health
- Strategic Planning and Policy
- Community Greenspace including Access
- Transport Planning
- Structures and Flooding
- Biodiversity/Tree Officer
- Economic Development
- Waste Services

## **KEY ISSUES AGAINST WHICH A FUTURE APPLICATION WILL BE ASSESSED**

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

- a. Need
- b. Landscape and Visual Impact
- c. Scale, Design and Layout
- d. Relationship to Nearby Land Uses including Core Paths
- e. Natural Heritage and Ecology
- f. Water Resources and Soils
- g. Impact of Noise (Construction and Operational)
- h. Transport Implications
- i. Flooding and Drainage
- j. Cultural Heritage including Historic Battlefield
- k. Light pollution
- l. Air Quality
- m. Economic Impact

## **ADDITIONAL STATEMENTS WHICH WILL BE REQUIRED**

- 16 In addition to the required EIA Report, the following supporting documents will need to be submitted with any planning application:

- Design and Access Statement
- Pre-Application Consultation (PAC) Report
- Transport Assessment (TA) including Construction Traffic Management Plan (CTMP)
- Construction Environment Management Plan (CEMP)

## **CONCLUSION AND RECOMMENDATION**

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

Background Papers: None

Contact Officer: Steve Callan – Ext 01738 475337

Date: 27 February 2020

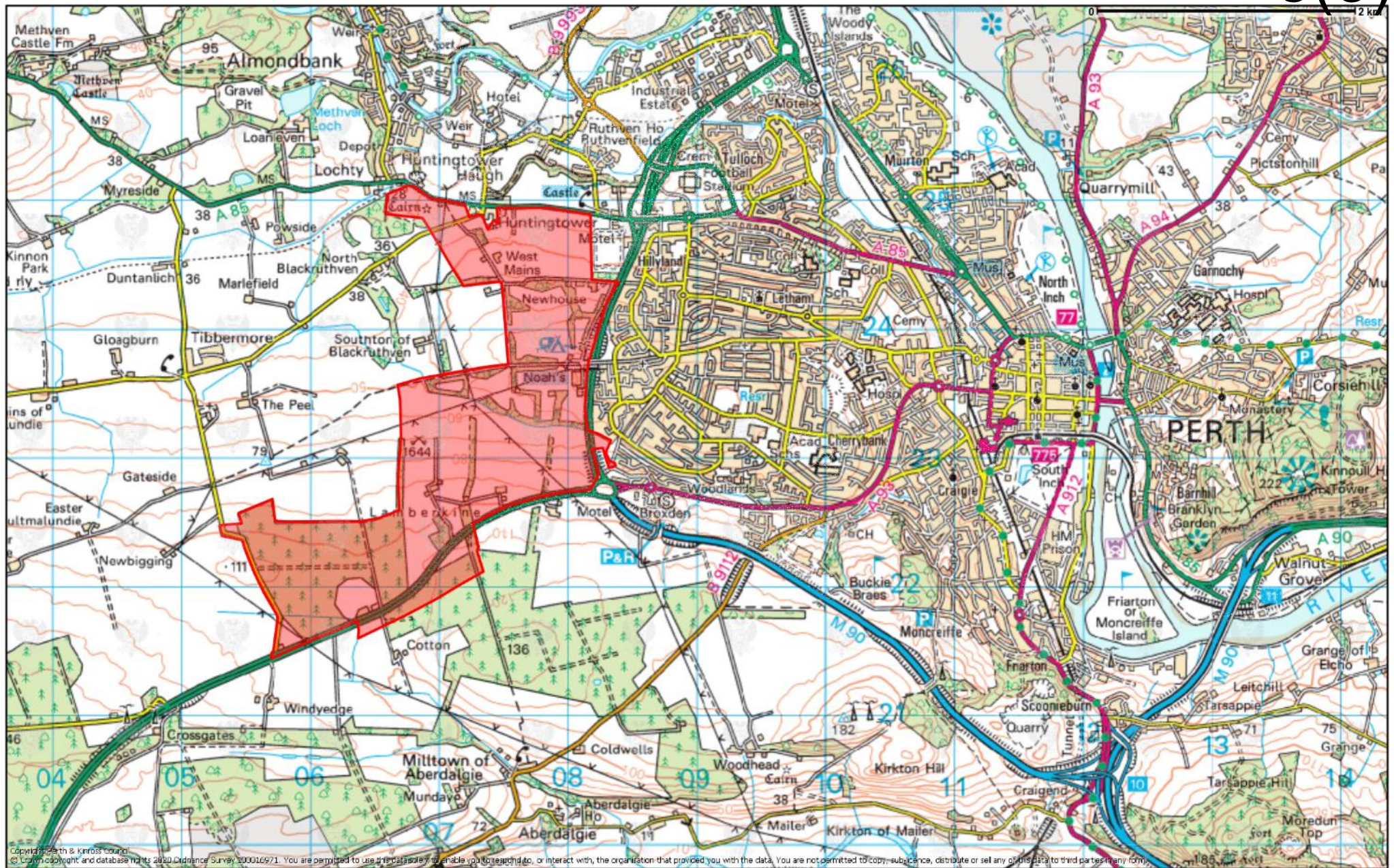
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**HEAD OF PLANNING AND DEVELOPMENT**

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Scale 1:40000



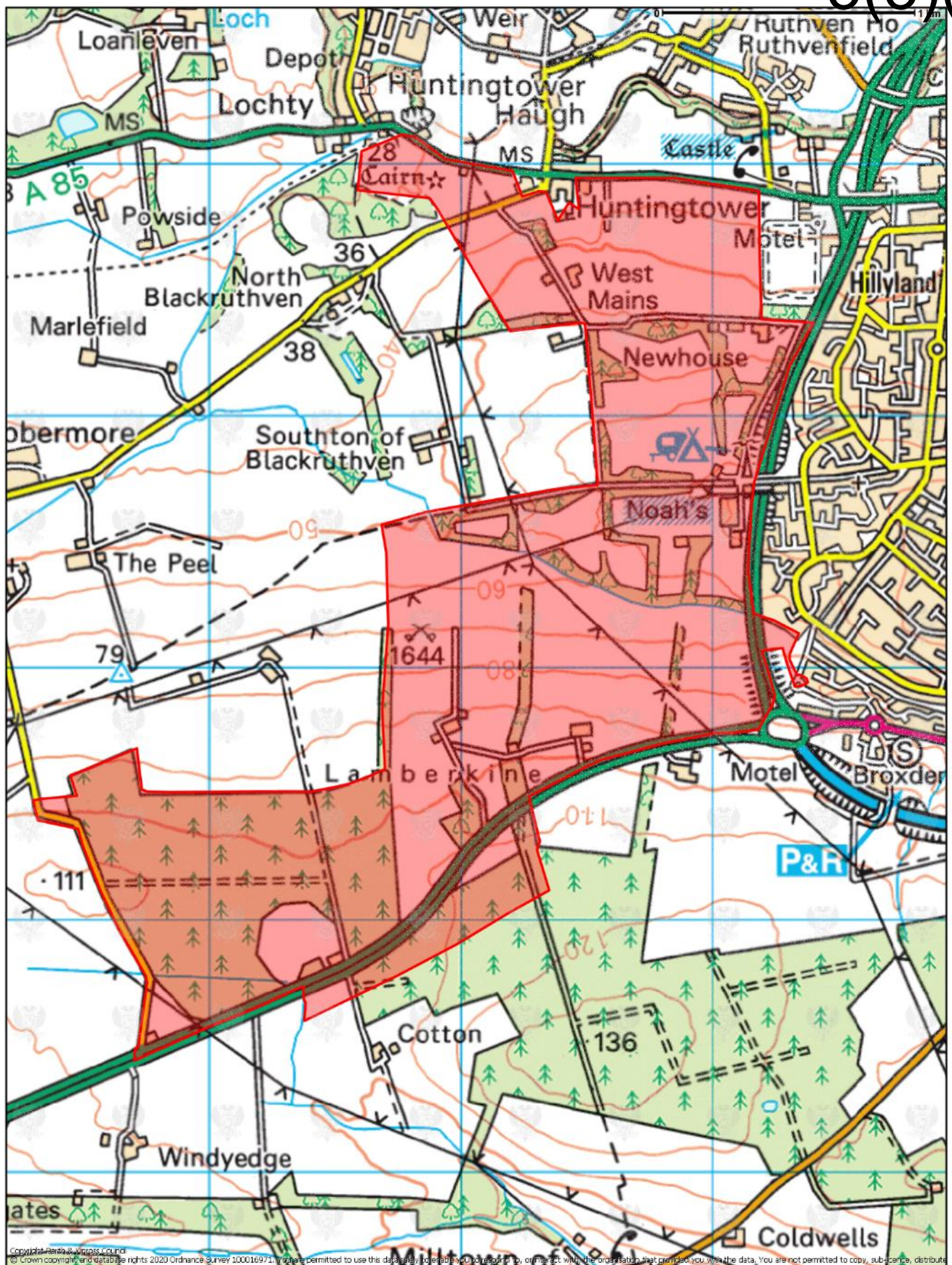
20/00001/PAN

Mixed use development comprising residential, business, education and industrial use, hotel, community and health facilities, storage and distribution centres, charging/fueling station, formation of A9 junction, link road, active travel network, innovation highway and public road improvements, vehicle depot and parking areas, heritage park, open spaces, landscaping and associated works at Perth West (MU70), Old Gallows Road, Perth









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Scale 1:20000

20/0001/PAN

Mixed use development comprising residential, business, education and industrial use, hotel, community and health facilities, storage and distribution centres, charging/fuelling station, formation of A9 junction, link road, active travel network, innovation highway and public road improvements, vehicle depot and parking areas, heritage park, open spaces, landscaping and associated works at Perth West (MU70), Old Gallows Road, Perth



