

Perth and Kinross Council  
Planning & Development Management Committee – 5 June 2019  
Report of Handling by Interim Development Quality Manager (Report No. 19/166)

**PROPOSAL:** Application under Section 42 of the Town and Country Planning (Scotland) Act 1997 to amend Condition 1 (timescales for submission of Approval of Matters Specified by Conditions applications) and Condition 3 (phasing of development) of planning permission [15/01237/IPM](#) (mixed use development including residential, employment, open space, amenity landscaping, formation of access roads, footpaths and cycle ways, associated drainage works and ancillary facilities (in principle)).

**LOCATION:** Land at Broich Road, Crieff.

Ref. No: [18/02213/IPM](#)  
Ward No: P6 - Strathearn

### Summary

This report recommends approval of the application for variation of Conditions 1 and 3 of permission 15/01237/IPM to allow additional time for the submission of applications for the Approval of Matters Specified in Conditions, and to alter the phasing of development on land at Broich Road, Crieff.

The development is considered to accord with the provisions of the Development Plan and is recommended for approval, subject to conditions.

### BACKGROUND AND DESCRIPTION OF PROPOSAL

- 1 The site is located to the south of Crieff and comprises approximately 36.7 hectares of mainly flat agricultural grassland. The northern boundary of the site is formed by Broich Road and the rear of some properties and businesses including Broich Road Farm, Wiltshire Farm Foods and Arnbro Caravan Site. Across the road is Crieff Primary School and Crieff Community Campus. The southern boundary mostly follows the line of a woodland corridor which incorporates a Category B-listed building (outwith the site boundary) known as Broich House, with the River Earn running in a south easterly direction further to the south. South east of the site boundary lies Perth and Kinross Council's Recycling Centre at North Forr.
- 2 Within the site itself, an area of around 10.8 ha is associated with the Scheduled Monument known as Broich Cursus, ring-ditch, barrow and palisade. Although within the planning redline boundary this area is proposed to be excluded from physical encroachment and will form landscaped open space with physical protection for the Scheduled Monument.

- 3 The site forms the majority part of a 46 ha site designated for mixed use development (Ref MU7) within the current Perth and Kinross Local Development Plan (LDP). The LDP acknowledges the potential for 300+ residential units, employment land, open space and amenity landscaping.
- 4 In December 2015, In Principle Planning Permission ([15/01237/IPM](#)) was approved for mixed use development including residential, employment, areas of open space, amenity landscaping, formation of access roads, footpaths and cycleways, associated drainage works and ancillary facilities.
- 5 Following the granting of the In Principle Planning Permission, Ogilvie Homes, has been confirmed as the lead developer for the residential element of the site and they are intending to submit an application for Approval of Matters Specified in Conditions ("AMSC") for the first phases of residential development of the site soon. The permission, however, requires that AMSC applications must be submitted within 3 years; before December 2018.
- 6 Therefore, to facilitate the submission of AMSC applications beyond the existing time period, the applicant is seeking to vary the terms of the existing permission under Section 42 of the Town and Country Planning (Scotland) Act 1997 to extend the submission timescales (which Condition 1 of 15/01237/IPM refers). The proposed variation to the condition will extend the timescales of the permission to December 2025, allowing sufficient time for the AMSC application(s) to be prepared, submitted and determined by the Council.
- 7 Alongside this, the applicant is seeking to change the phasing requirements of the construction programme which relates to the timing for the servicing of the employment land, erection of dwellinghouses and the provision of structural planning (Condition 3 of 15/01237/IPM refers). The proposed changes are as follows:
  - (i) *Phase 1 and 2 of the employment land development must be fully serviced before the occupation of the 100th open market residential dwelling;*
  - (ii) *Phase 3 and 4 of the employment land development must be fully serviced before the occupation of the 200th open market residential dwelling; or following take up of at least 60% of Phase 1 and 2 of the employment land development whichever is the latter;*
  - (iii) *the structure planting required must be planted along the site boundary with the Arbro caravan site during the planting season immediately following the commencement of the development.*

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

- 8 An EIA was submitted with the 15/01237/IPM application. The applicant has submitted an up-to-date EIA Addendum for this S42 application, which assesses the implications of the proposals. The original Environmental Statement, and this Addendum cumulatively form the EIA Report for considering this EIA development. This assessment concludes that the impacts arising from this development have not changed from the original EIA development.

## **PRE-APPLICATION CONSULTATION**

- 9 The Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013, does not require Pre-application Consultation for Section 42 applications which relates to a 'major planning applications' made on or after the 3 February 2013.

## **NATIONAL POLICY AND GUIDANCE**

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

### **National Planning Framework**

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

### **Scottish Planning Policy 2014**

- 12 The Scottish Planning Policy (SPP) was published in June 2014 and sets out national planning policies which reflect Scottish Ministers' priorities for operation of the planning system and for the development and use of land. The SPP promotes consistency in the application of policy across Scotland whilst allowing sufficient flexibility to reflect local circumstances. It directly relates to:
  - The preparation of development plans;
  - The design of development, from initial concept through to delivery; and
  - The determination of planning applications and appeals.
- 13 The following sections of the SPP will be of particular importance in the assessment of this proposal:
  - Sustainability: paragraphs 24 – 35
  - Placemaking: paragraphs 36 – 57
  - Promoting Sustainable Transport and Active Travel: paragraphs 269-291

### **Planning Advice Notes**

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

- PAN 61 Planning and Sustainable Urban Drainage Systems
- PAN 68 Design Statements
- PAN 75 Planning for Transport
- PAN 77 Designing Safer Places

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

- 15 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**

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

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

- 17 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.”*

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

### **Policy 1: Locational Priorities**

- 19 Seeks to focus the majority of development in the region's principal settlements. Crieff is identified as a Tier 2 Settlement with the potential to make a major contribution to the regional economy but will accommodate a smaller share of the additional development.

### **Policy 2: Shaping Better Quality Places**

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

### **Policy 4: Homes**

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

## **Policy 6: Developer Contributions**

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

## **Policy 8: Green Networks**

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

## **Perth and Kinross Local Development Plan 2014**

- 24 The Local Development Plan (LDP) was adopted by Perth and Kinross Council on 3 February 2014. The LDP sets out a vision statement for the area and states that, *“Our vision is of a Perth and Kinross which is dynamic, attractive and effective which protects its assets whilst welcoming population and economic growth.”* It is the most recent statement of Council policy and is augmented by Supplementary Guidance.
- 25 The principal relevant policies are, in summary;

### **Policy PM1A - Placemaking**

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

### **Policy PM1B - Placemaking**

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

### **Policy PM3 - Infrastructure Contributions**

- 28 Where new developments (either alone or cumulatively) exacerbate a current or generate a need for additional infrastructure provision or community facilities, planning permission will only be granted where contributions which are

reasonably related to the scale and nature of the proposed development are secured.

#### **Policy ED1A - Employment and Mixed Use Areas**

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

#### **Policy ED1B - Employment and Mixed Use Areas**

- 30 Within areas identified for mixed use a range of uses such as housing, offices, light industry, surgeries and leisure uses would be acceptable providing they are compatible with the amenity of adjoining uses. Proposals for predominately one use on a mixed use site will not be acceptable.

#### **Policy RD1 - Residential Areas**

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

#### **Policy HE1A - Scheduled Monuments**

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

#### **Policy HE1B - Non Designated Archaeology**

- 33 Areas or sites of known archaeological interest and their settings will be protected and there will be a strong presumption in favour of preservation in situ. If not possible provision will be required for survey, excavation, recording and analysis.

#### **Policy HE2 - Listed Buildings**

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

### **Policy EP1 - Climate Change, Carbon Reduction and Sustainable Construction**

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

### **Policy EP2 - New Development and Flooding**

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

### **Policy EP11 - Air Quality Management Areas**

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

### **Policy TA1B - Transport Standards and Accessibility Requirements**

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

### **Policy NE2A - Forestry, Woodland and Trees**

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

### **Policy NE2B - Forestry, Woodland and Trees**

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

### **Policy NE3 - Biodiversity**

- 41 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.

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

- 42 Perth & Kinross Council is progressing with preparation of a new Local Development Plan to provide up-to-date Development Plan coverage for Perth & Kinross. When adopted, the Perth & Kinross Local Development Plan 2 (LDP2) will replace the current adopted Perth & Kinross Local Development Plan (LDP). The Proposed Local Development Plan 2 (LDP2) was approved at the Special Council meeting on 22 November 2017.
- 43 The representations received on the Proposed LDP2 and the Council's responses to these were considered at the Special Council meeting on 29 August 2018. The unresolved representation to the Proposed Plan after this period is likely to be considered at an Examination by independent Reporter(s) appointed by the Scottish Ministers, later this year. The Reporter(s) will thereafter present their conclusions and recommendations on the plan, which the Council must accept prior to adoption. It is only in exceptional circumstances that the Council can elect not to do this.
- 44 The Proposed LDP2 represents Perth & Kinross Council's settled view in relation to land use planning and as such it is a material consideration in the determination of planning applications. It sets out a clear, long-term vision and planning policies for Perth & Kinross to meet the development needs of the area up to 2028 and beyond. The Proposed LDP2 is considered consistent with the Strategic Development Plan (TAYplan) and Scottish Planning Policy (SPP) 2014. However, the outcome of the Examination could potentially result in modifications to the Plan. As such, currently limited weight can be given to its content where subject of a representation, and the policies and proposals of the plan are only referred to where they would materially alter the recommendation or decision.

## **SITE HISTORY**

- 45 [14/00455/SCRN](#) EIA Screening Request for mixed use development. Decision issued April 2014. EIA required.
- 46 [14/01198/SCOP](#) EIA Scoping Request for mixed use development. Decision issued August 2014.
- 47 [14/00005/PAN](#) Mixed use development including residential, employment, areas of open space, amenity landscaping, formation of access roads, footpaths and cycleways, associated drainage works and ancillary facilities. Content of PAN approved August 2014.
- 48 [15/01237/IPM](#) Mixed use development including residential, compatible employment uses, areas of open space, amenity landscaping, formation of access roads, footpaths and cycleways, associated drainage works and ancillary facilities. Application approved by Development Management Committee December 2015.



## **CONSULTATIONS**

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

### **External**

#### **Scottish Environment Protection Agency (SEPA)**

50 No objection.

#### **Historic Environment Scotland (HES)**

51 No objection.

#### **Scottish Natural Heritage (SNH)**

52 No objection.

#### **Royal Society of Protection of Birds (RSPB)**

53 No response received.

#### **Transport Scotland**

54 No objection.

#### **Scottish Water**

55 No objection.

#### **Perth and Kinross Heritage Trust (PKHT)**

56 No objection.

#### **Perth and Kinross Community Health Partnership**

57 No response received.

#### **Muthill and Tullibardine Community Council**

58 No response received.

#### **Crieff Community Council**

59 No objection to the proposed change to Condition 1 but objects to proposed change to Condition 3 as it will result in a delay in the employment land being delivered.

- 60 Concern was also expressed regarding traffic safety on Broich Road and would like a road improvement scheme implemented prior to any further planning permissions being granted.

**Tay Salmon Fisheries Board**

- 61 No response received.

**Internal**

**Structures and Flooding**

- 62 No objection.

**Development Negotiations Officer**

- 63 No objection.

**Community Waste**

- 64 No response received.

**Transport Planning**

- 65 No objection.

**Environmental Health**

- 66 No objection.

**Land Quality (Contaminated Land)**

- 67 No objection.

**Community Greenspace**

- 68 No response received.

**Strategy and Policy**

- 69 No objection.

**Biodiversity Officer**

- 70 No objection.

**REPRESENTATIONS**

- 71 No representations received other than that from Crieff Community Council.

## ADDITIONAL STATEMENTS

72

Environment Statement	Addendum EIA submitted
Screening Opinion	EIA Required
Environmental Impact Assessment	Required
Appropriate Assessment	Not Required
Design Statement / Design and Access Statement	Not Required
Reports on Impact or Potential Impact	Planning Supporting Statement, Marketing Reports (x 2)

## APPRAISAL

### Policy

- 73 Sections 25 and 37(2) of the Town & Country Planning (Scotland) Act 1997 (as amended) requires the determination of the proposal to be made in accordance with the provisions of the Development Plan, unless material considerations indicate otherwise. The adopted Development Plans that are applicable to this area are the TAYplan Strategic Development Plan 2016 – 2036 as well as Perth and Kinross Local Development Plan 2014.
- 74 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.
- 75 The determining issues in this case are whether: the development without compliance with part of the condition in contention would be consistent with the relevant provisions of the Development Plan; or if an exception to these provisions is justified by other material considerations.
- 76 This application is for the variation of Conditions 1 and 3 of planning permission 15/01237/IPM.

### Principle

- 77 Since the approval of the 2015 application there has been a Development Plan change with the adoption of TAYplan 2016-2036 and the Perth and Kinross Local Development Plan 2014. Notwithstanding this change the principle of mixed use development is still maintained under the allocation MU7 in the LDP. The proposed variation of the condition to extend the time to commence development is considered to accord with the updated Development Plan.

### Condition 1

- 78 Town and Country Planning (Scotland) Act 1997, paragraph 59 states that every In Principle planning permission granted will automatically be deemed to have a 3 year time limit for submission for the associated Approvals of Matters Specified by Condition (AMSC) application(s).

- 79 However, in this instance because of the scale of the site, it is likely to result in AMSC applications beyond the 3 year time period, and consequently, the applicant has requested a 10 year period in which to submit these applications for the overall site. In this instance it is agreed that the 10 year period requested is an acceptable timescale for the necessary approvals to be in place to deliver this important site in Crieff. However rather than a 10 year condition it is considered best practice to apply a direction of 10 years to the permission. The applicant's supporting planning statement confirms their acceptance of the use of a direction.
- 80 The proposed replacement of Condition 1 with a Direction will allow for the timeous submission of AMSC applications over a more realistic development time period for a site of this scale.

### Condition 3

- 81 The proposed phasing amendments to Condition 3 will still ensure the implementation and completion of the employment land element of the proposal. This development will be to a revised phasing schedule to that originally envisaged that will better reflect current market conditions regarding the take up of the employment land in Crieff. The submitted Marketing Reports demonstrate that there is currently little demand for employment sites such as that at Broich Road.
- 82 The Marketing Reports confirm that the site has been actively marketed since January 2017. A closing date was held on 16 June 2017 at which no formal offers were received for the employment land and there were only three enquiries for the site. Two of these enquiries did not materialise and the third resulted in the sale of 1 acre of the 15 acre employment site to JM Dewar Contractors who adjoin the development site and were seeking to expand their yard. Whilst this has allowed a local business to expand, and this is to be welcomed, the prospect of any further development on the remaining part of the employment land area appears to be very limited in the short term.
- 83 The Marketing Reports also confirm that over the last decade most demand in the local area has been for smaller workshops and warehousing storage units. This market is locally derived and driven by small businesses. Occupiers for large footprint premises are not prevalent. The Reports further advise that take-up of business space including workshops and warehousing in the Strathearn area has been sporadic. There are several other available sites and properties within Crieff, some of which could potentially be sub-divided to form smaller units within an existing building and this may offer a more cost-effective option for smaller business rather than building brand new units.
- 84 The current wording of Condition 3 requires the servicing of the first two phases of employment land prior to the occupation of the first residential dwelling on the overall site. As outlined above, the current market conditions clearly illustrate a lack of demand for the delivery of the employment land at this time. Furthermore, this restriction will also result in delaying delivery of any residential development on the allocated site and in particular any affordable housing, which Ogilvie Homes are seeking to deliver as an early part of the development.

- 85 In light of the above the proposed amendment to the wording of Condition 3 (i) to allow 100 open market dwellings to be delivered and occupied before the servicing of Phases 1 and 2 of the employment land, is considered to be an acceptable compromise. Any employment land being delivered prior to this threshold will of course be supported and welcomed. The proposed changes to Condition 3 (ii) is also considered in principle to be acceptable and would ensure that the delivery of dwelling's 101 to 200 are not delayed should there be any lack of interest in Phases 1 and 2 of the employment land.
- 86 In terms of Condition 3 (iii), at present the developer is required to complete structured planting along the site boundary with Arnbro caravan site prior to the commencement of construction of the residential dwellings. The applicant is now seeking to alter the wording of this element of the condition so that the structure planting along the boundary with the caravan site is delayed until the first planting season following the commencement of development on that part of the site. However, given the lack of landscaping along this boundary it is considered important to the amenity of the caravan site that this structured planting is completed as early as possible in order to ensure that the landscaping has as much time as possible to establish. It is therefore recommended that the request amendments to Condition 3 (iii) are not accepted that that the wording of this part of the condition remain unchanged.
- 87 As such, with the exception of Condition 3 (iii), the proposed changes to Condition 3 (i) and (ii) are acceptable. These changes will allow for the delivery of the early residential phases of development, including affordable housing, without the need to service the first phases of employment land until such a time as there is confirmed demand for employment land at this location.
- 88 In addition, it is considered good practice to update the conditions to meet current regulations and requirements especially with a change in the Development Plan. In this instance the 2015 permission has a number of conditions that are now considered to either be slightly out of date or more appropriately served by incorporating them into the 'all matters' condition (Condition 2). As such the recommended conditions have been updated accordingly.

### **Site Specific Developer Requirements**

- 89 The 2014 LDP does require a number of site specific requirements to be adhered to in the development of the site.
- Masterplan required with phasing plan due to scale of site;
  - A mix of housing types and sizes including low cost housing;
  - Transport Assessment;
  - Public access, extension of core path network to the south of Crieff;
  - Existing woodland framework to be retained, existing hedge lines and woodland corridors within and around perimeter of site to be extended;
  - Enhancement of biodiversity and protection of habitats;

- At the eastern part of the site there is a Scheduled Monument, which development should avoid; and
- Archaeological investigation required.

90 All of the above requirements will be addressed through the Approval of Matters Specified by Condition (AMSC) applications following any In Principle permission granted here, as this when the exact details of the development will come forward.

### **Traffic and Transport**

91 No concerns have been expressed by Transport Scotland or Transport Planning regarding accessibility, congestion or road safety and access continues to be from Broich Road. For any detailed application it is expected that a Transport Assessment/Statement will be submitted in support of such an application.

92 Concern has been expressed by Crieff Community Council regarding road safety on Broich Road and they would like to see a road improvement scheme implemented prior to further planning permissions being granted.

93 The 2015 permission requires the applicant/developer to pay a financial contribution towards road improvements on Broich Road and in particular at the junction with King Street and Burrell Street.

94 In response to the Community Council's concerns a road improvement scheme has been designed and developed by the Councils Roads Design and Network Management Team for the end of Broich Road, King Street and Burrell Street. One third of the estimated project cost has been paid by one of the approved retail sites on Broich Road and one third will be required by the applicant/developer of this site (Condition 5). The final third will be required from the remaining Broich Road retail site provided the approved development comes forward. Should there be a funding shortfall, Perth and Kinross Council have agreed to underwrite it.

95 Works were due to commence on the junction improvement in October 2018 but were postponed to allow Scottish Gas Network to replace a gas main. The junction works were re-scheduled for March 2019. However, Sustrans are now involved with some match funding and are working with the Council on the junction improvement as part of a wider safer routes to school scheme. The Roads Design and Network Management Team met with Local Ward Members in December 2018 and they agreed to postpone the March 2019 works to work with Sustrans. Delivery of the works is now expected in Autumn/Winter 2019.

96 Sustrans met with the Roads Design and Network Management team and the Elected Members in February 2019 to agree a way forward. In addition Scottish Gas Network hosted a consultation event in February 2019 regarding the gas main works and the Roads Design and Network Management Team were also in attendance.

- 97 Whilst there has been a delay in the delivery of the road improvement, it is very much a priority project and having Sustrans on board should result in an even more comprehensive road safety scheme being delivered.

### **Developer Contributions**

#### Affordable Housing

- 98 The Council's Affordable Housing Policy applies requiring 25% of the development to contain affordable units. As per the 2015 application, a condition to reflect this requirement is proposed to be included with any permission (Condition 6).

#### Primary Education

- 99 As with the In Principle application, it is not possible to provide a definitive answer at this stage regarding primary school developer contributions. It should be noted that the Developer Contributions Policy would apply to all new residential units with the exception of the affordable units. The determination of appropriate contribution, if required, will be based on the status of the school when detailed applications are submitted (Condition 7).

#### Broich Road Transport Improvements

- 100 The applicant/developer will be required to pay approximately one third of the cost of the road safety and public transport improvements required for Broich Road (Condition 5).

### **Economic Impact**

- 101 During the In Principle application the Council's Economic Development Officer confirmed the economic impact of the proposal is likely to be significantly beneficial for the area. It is considered that the level of available expenditure that will be created by the development will have a significant positive impact on Crieff and in particular businesses and shops in the town centre.

### **LEGAL AGREEMENTS**

- 102 A Section 75 legal agreement will be required should the developer contribution towards the Broich Road transport improvements not be paid up front.

### **DIRECTION BY SCOTTISH MINISTERS**

- 103 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**

- 104 To conclude, the application must be determined in accordance with the adopted Development Plan unless material considerations indicate otherwise.
- 105 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.
- 106 The development of the residential and employment land on land that is allocated in the LDP for mixed use in a sustainable location close to services and Crieff town centre is considered to comply with the current Development Plan and on that basis the application is recommended for approval subject to conditions.
- 107 It is considered that the proposed modifications would not be contrary to the vision or wider spatial strategy of the Development Plan and would still deliver key Local Development Plan objectives. The modification of Condition 3 (i) and (ii) will still ensure the employment land is delivered but in a way that will not affect the delivery of the residential development should there be an initial lack of interest in the employment land. Accordingly the proposal is recommended for approval subject to the following direction and conditions.

## **RECOMMENDATION**

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

#### **Direction**

Perth and Kinross Council direct that sub-sections (2)(a)(i) and (3) of Section 59 of the Town and Country Planning (Scotland) Act 1997 apply with respect to the in Principle Permission (18/02213/IPM) with the substitution of the period of 3 years referred to in each of those subsections, with the period of 10 years.

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

1. Application for the approval required by a condition imposed on this Planning Permission in Principle shall conform with the requirements of Regulation 12 of the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2008 and of Section 59 (2) and (3) of the Town and Country Planning (Scotland) Act 1997 as amended by Section 21 of the Planning etc. (Scotland) Act 2006 and, in particular, must be made before whichever is the latest of the following:
  - (i) the expiration of 6 months from the date on which an earlier application for the requisite approval was refused, or
  - (ii) the expiration of 6 months from the date on which an appeal against such refusal was dismissed.

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



2. No works in connection with the development hereby approved shall take place until full details of the siting, design, external appearance and landscaping of the development and the means of access serving the development (hereinafter referred to as the 'matters specified by condition') have been submitted to and approved in writing by the Planning Authority. The specified matters include:
- (i) an updated phasing plan for the whole site;
  - (ii) a detailed levels survey (existing and proposed) and cross sections showing proposed finished ground and floor levels of all buildings forming part of the development phase, relative to existing ground levels and a fixed datum point.
  - (iii) the siting, design, height and external materials of all buildings or structures;
  - (iv) the details of all roads, footpaths, structures and cycleways throughout the development;
  - (v) details of any screen walls/fencing including retaining walls to be provided;
  - (vi) measures to maximise environmental sustainability through design, orientation and planting or any other means;
  - (vii) details of all landscaping, structure planting and screening associated with the development;
  - (viii) full details of the proposed means of disposal of foul and surface water from the development;
  - (ix) protection of scheduled monument;
  - (x) a Construction and Environment Management Plan (CEMP);
  - (xi) a Site Waste Management Plan (SWMP);
  - (xii) lighting details;
  - (xiii) bin storage, collection location and recycling facilities provision;
  - (xiv) air quality mitigation;
  - (xv) noise impact assessment;
  - (xvi) updated ecology survey;
  - (xvii) tree survey;
  - (xviii) contaminated land assessment;
  - (xix) a Green Travel Plan (GTP); and,
  - (xx) archaeological assessment.

Reason: This is a Planning Permission in Principle under Section 59 of the Town and Country Planning (Scotland) Act 1997 as amended by Section 21 of the Planning etc. (Scotland) Act 2006.

3. Prior to the start of any work on the site, an agreed construction programme shall be submitted to and approved in writing by the Planning Authority. The construction programme shall accord with the phases outlined below.
- (i) Phase 1 and 2 of the employment land development as shown on the agreed phasing plan required by condition 2(i) must be fully serviced before the occupation of the 100th open market residential dwelling;
  - (ii) Phase 3 and 4 of the employment land development must be fully serviced before the occupation of the 200th open market residential dwelling; or following take up of at least 60% of Phase 1 and 2 of the employment land development whichever is the latter;

- (iii) the structure planting required by condition 2(vii) of this consent must be planted along the site boundary with the Arnbro caravan site before the start of construction of residential dwellings.

Reason: To ensure the implementation of the employment land component of the proposal.

- 4. In pursuance of Condition 2 (iii), (iv) and (v), a development brief shall be submitted as part of any application for the Approval of Matters Specified by Condition (AMSC). The briefs shall specify:
  - (i) the height and appearance of all new structures;
  - (ii) the use of appropriate external materials including walls, fences and other boundary enclosures;
  - (iii) the surfacing of all new roads, parking areas, cycleways and footpaths;
  - (iv) the lighting of all streets and footpaths;
  - (v) the layout of play areas and the equipment to be installed;
  - (vi) maintenance of all open space and treed areas not included in private house plots;
  - (vii) details of car charging points to be provided within the development;

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

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

- 5. No part of the development shall commence until an agreed financial contribution has been paid towards a road improvement scheme (including public transport) that mitigates the impact of the proposed development on the local and trunk road network be paid. The details of this provision shall be agreed in writing with the Planning Authority. If this not achievable a Section 75 legal agreement will be required between the applicant and the Council.

Reason: To ensure that the development proposals will not have a significant detrimental impact on the operation of the local road network.

- 6. The development shall be in accordance with the Council's Affordable Housing Supplementary Guidance approved in September 2016 which requires a 25% allocation of affordable units within the development all to the satisfaction of the Council as Planning Authority.

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

- 7. The development shall be in accordance with the requirements of the Council's Primary Education and New Housing Development Policy approved in September 2016 all to the satisfaction of the Council as Planning Authority.

Reason: To comply with the Council's approved Education Contributions policy.

8. In pursuance of Condition 2 (ix), a development brief to protect Scheduled Monument 9135 and its settings shall be submitted as part of any application for the Approval of Matters Specified by Condition (AMSC).

Reason: In the interest of protecting the scheduled monument and archaeological interest within the site.

9. In pursuance of Condition 2 (viii), full details of the finalised SUDS scheme including Drainage Impact Assessment for all individual phases of development shall be submitted as part of any application for the Approval of Matters Specified by Condition (AMSC).

Reason: To ensure adequate protection of the water environment from surface water run-off.

10. In pursuance of Condition 2 (x), any Construction Environment Management Plan (CEMP) submitted as part of any application for the Approval of Matters Specified by Condition (AMSC) shall incorporate detailed pollution avoidance and mitigation measures for all construction elements. Thereafter the development shall be fully undertaken in accordance with the agreed CEMP.

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

11. In pursuance of Condition 2 (xiii), a site specific plan, detailing bin storage areas, kerbside collection locations and recycling facilities shall be submitted as part of any application for the Approval of Matters Specified by Condition (AMSC).

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

12. In pursuance of Condition 2 (xiv), a scheme of mitigation to improve air quality shall be submitted as part of any application for the Approval of Matters Specified by Condition (AMSC).

Reason: In the interests of public health and to prevent pollution.

13. In pursuance of Condition 2 (xv), any noise impact assessment submitted as part of any application for the Approval of Matters Specified by Condition (AMSC) shall include proposed mitigation measures such that an acceptable level of amenity is ensured for the proposed development. Before any residential unit is occupied the measures agreed to mitigate noise shall be fully implemented as approved by the Planning Authority.

Reason: In the interests of public health and to prevent noise pollution.

14. In pursuance of Condition 2 (vii), the hard and soft landscaping scheme submitted as part of any application for the Approval of Matters Specified by Condition (AMSC) shall include specification of the following:

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

All soft and hard landscaping proposals shall be carried out in accordance with the approved scheme and shall be completed during the planting season immediately following the commencement of the development on that part of the site, or such other date as may be agreed in writing with the Planning Authority.

Any planting which, within a period of 5 years from the completion of the development, in the opinion of the Planning Authority is dying, has been severely damaged or is becoming seriously diseased, shall be replaced by plants of similar size and species to those originally required to be planted.

Reason: To ensure the implementation of satisfactory schemes of landscaping which will help to integrate the proposed development into the local landscape in the interests of the visual amenity of the area.

15. In pursuance of Condition 2 (xvi), the Ecology Survey undertaken in respect of In Principle application 15/01237/IPM shall be updated and re-submitted as part of any application for the Approval of Matters Specified by Condition (AMSC).

Reason: To ensure a satisfactory standard of local environmental quality; to safeguard the welfare of any protected wildlife.

16. In pursuance of Condition 2 (xviii), an intrusive contaminated land investigation shall be submitted as part of any application for Approval of Matters Specified by Condition (AMSC). The investigation should identify;

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

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

been fully implemented must also be submitted to the Council as Planning Authority.

Reason: To ensure details are acceptable to the Planning Authority and to safeguard residential amenity.

17. In pursuance of Condition 2 (xix), the Green Travel Plan (GTP) shall have particular regard to the provision of walking, cycling and public transport access to and within the site and will identify measures to be provided regarding the system of management, monitoring, review, reporting and the duration of the plan.

Reason: To ensure that the development proposals will not have a significant detrimental impact on the operation of the local and trunk road network.

18. In pursuance of Condition 3 (xx), as part of any application for the Approval of Matters Specified by Condition (AMSC) and prior to development commencing, the developer shall secured the implementation of a programme of archaeological work in accordance with a Written Scheme of Investigation which has been submitted by the applicant, agreed by Perth and Kinross Heritage Trust, and approved by the Planning Authority. Thereafter the developer shall ensure that the programme of archaeological works is fully implemented and that all recording and recovery of archaeological resources within the development site is undertaken to the satisfaction of the Planning Authority in agreement with Perth and Kinross Heritage Trust.

Reason: In the interest of protecting archaeological interest within the site

## **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**

A Section 75 legal agreement will be required should the developer contribution towards the Broich Road transport improvements not be paid up front.

## **D INFORMATIVES**

1. Applicants are advised that should their application for 'matters specified by condition' be refused and/or their appeal against such refusal dismissed outwith the three year time limit they are entitled to submit a revised application for 'matters specified by condition' within six months after the date of refusal of the earlier application or of the dismissal of an appeal against such refusal.
2. The applicant is advised that to enable some of the negative suspensive conditions to be fulfilled works which are operational development may have to be undertaken outwith the application site. These works themselves may require the submission of a planning application.

3. The definition of 'fully serviced business land' in Condition 3 means the delivery of road infrastructure (including service road and pavements with access/junctions into business land plots, street lighting, road signage and sustainable urban drainage scheme) with services provided to each business plots access/junction to include electricity connection, water supply connection, foul drainage connection, gas connection and telecommunication connection.
4. The applicant is advised that in terms of Section 56 of the Roads (Scotland) Act 1984 he must obtain from the Council as Roads Authority consent to open an existing road or footway prior to the commencement of works. Advice on the disposal of surface water must be sought at the initial stages of design from Scottish Water and the Scottish Environment Protection Agency.
5. The applicant is advised that in terms of Section 21 of the Roads (Scotland) Act 1984 they must obtain from the Council as Roads Authority consent to construct a new road prior to the commencement of roadworks. Advice on the disposal of surface water must be sought at the initial stages of design from Scottish Water and the Scottish Environment Protection Agency.
6. The applicants are advised that they must apply to the Roads Authority for construction consent to form a new street. Please contact The Construction and Maintenance Manager, Housing and Environment Service, Perth and Kinross Council, Pullar House, 35 Kinnoull Street, Perth PH1 5GD.
7. Paths to be constructed as part of a development should reflect likely patterns of use: pedestrian, bikes, horse riders and wheelchairs as appropriate. Specifications should be based on those in "Lowland Paths Guide: A Good Practice Guide to Planning , Design, Construction and Maintenance of Lowland paths in Scotland – A Guide to Good Practice" published by SNH and Paths for All Partnership.
8. The applicant is advised that the granting of planning consent does not guarantee a connection to Scottish Water's assets. The applicant must make a separate application to Scottish Water Planning & Development Services team for permission to connect to the public wastewater system and/or water network and all their requirements must be fully adhered to.
9. The applicant is advised that the works may need a license under the Water (Controlled Activities) Regulations 2005 (CAR). The applicant should contact SEPA's Perth Environmental Protection and Improvement Team (Tel: 01738 627989) in regard to this. The applicant should ensure that all works on site comply with the best practice guidelines laid out in SEPA's published Pollution Prevention Guidance, found at [www.sepa.org.uk](http://www.sepa.org.uk)
10. The Council's Community Waste Adviser in the Environment Service should be contacted to clarify the bin storage requirements for the development.
11. A Section 75 legal agreement will be required should the developer contribution towards the Broich Road transport improvements not be paid up front.

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

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 application submitted and EIA Report (comprising an Environmental Statement Addendum) dated April 2019. The public had opportunity to participate in the decision making process through notification of the EIA Report was undertaken for premises on neighbouring land and it was publicised on the Planning Authority's website, in the Edinburgh Gazette and the Perthshire Advertiser. The EIA Report was also available for public inspection in Part 1 of our register at our offices.

The EIA Addendum Report provides a summary of the baseline, the information gathered to consider the likely significant effects on the environment and details of environmental mitigation and monitoring that are to be incorporated in to the proposal. The significant effects on the environment were identified to be:

- Crieff Air Quality Management Area (AQMA);
- Archaeology including Scheduled Monument of Broich cursus, ring ditch, barrow and palisade;
- Drummond Castle Garden and Designed Landscape;
- Drummond Lochs SSSI;
- South Tayside Goose Roosts SPA; and
- Flood Risk.

The Planning Authority is satisfied that the EIA Report is up-to-date and complies with Regulation 5 and is therefore suitable for determination of the planning application.

The Planning Authority has considered the EIA Addendum Report, other environmental information and recommendation from the consultations bodies. It is concluded that the development will not give rise to any unacceptable significant environmental effects. In reaching this conclusion, regard has been given to environmental design and mitigation measures incorporated into the proposal, as well as a regime for the ongoing monitoring measures for the construction and operation of the development. These mitigation and monitoring measures include the provision of the following;

- Structural Planting and Landscaping
- Protection of Scheduled Monument
- Construction and Environment Management Plan
- Site Waste Management Plan
- SUDs
- Lighting Details
- Air Quality Mitigation

- Noise Assessment
- Updated Ecology Report
- Tree Survey
- Contaminated land assessment

In the absence of unacceptable and significant environmental impacts, and subject to the mitigation and monitoring measures secured through planning conditions 2, 9, 10, 12, 13, 14, 15, 16, 17 and 18, as set out herein, the proposal is acceptable and can be approved.

Background Papers: 15/01237/IPM Decision Notice  
 Contact Officer: Steve Callan  
 Date: 23 May 2019

**ANNE CONDLIFFE**  
**INTERIM DEVELOPMENT QUALITY MANAGER**

<p>If you or someone you know would like a copy of this document in another language or format, (on occasion, only a summary of the document will be provided in translation), this can be arranged by contacting the Customer Service Centre on 01738 475000.</p>
--

<p>You can also send us a text message on 07824 498145.</p>
---

<p>All Council Services can offer a telephone translation facility.</p>
---