

Perth and Kinross Council
Planning and Placemaking Committee – 22 February 2023
Report of Handling by Head of Planning & Development
(Report No 23/60)

PROPOSAL: Erection of 81 dwellinghouses, a substation and formation of play area, SUDS, landscaping and associated works (approval of matters specified in conditions of 17/00088/IPM) (LDP site H31)

LOCATION: Land 90 Metres West Of King Street Junction, Mill Brae, Stanley, Perth

Ref. No: [22/01158/AMM](#)

Ward No: P5- Strathtay

Summary

This report recommends approval of the application, subject to conditions. It proposes the erection of 81 dwellinghouses, a substation and formation of play area, SUDS, landscaping and associated works.

The proposal is considered as a minor departure to the Development Plan with there being material considerations in this case which justify such a departure from the relevant policy.

BACKGROUND AND DESCRIPTION OF PROPOSAL

- 1 The site is allocated in the Perth and Kinross Local Development Plan (2019) (LDP2) as H31. The allocation forms part of a wider masterplan and allocation for residential development across Stanley comprising of five site allocations (H30-H34). 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-H34 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 details 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.
- 3 The H31 site is located to the south-east corner of Stanley and northwest of Stanley Mill. The site covers an area of approximately 4.7 ha and is contained to the south, east and west by existing woodland. There is existing housing to the north which overlooks the site.

- 4 This site has extant planning permission (09/01788/FUL) for 34 dwellings (the site area above includes this application site). Work commenced on site in June 2017 but has not continued. The masterplan and indicative layout plan for the PPP application shown an indicative number of 40 additional dwellings. The scale of development proposed here for this site is 81 dwellinghouses which is more than that indicated previously, however, that figure was indicative as highlighted by Condition 2 of the PPP and is not binding. Condition 7 of the PPP, however, does limit the permission to 431 residential units across the H30-H34 allocations in addition to the 69 units previously consented (09/01788/FUL – H31 and 14/01365/FUL – H33). At the time of writing, allocations H32 and H34 are yet to submit detailed applications.
- 5 A core path is proposed to encircle the proposed dwellings and connect up with the existing core path network. Access is proposed from the north-western corner of the site. A SUDs pond is proposed to be located to the south alongside a play area with open space and retained woodland planting, also to the south and west.
- 6 This application seeks AMSC and proposes the following development:

Open Market

- 21 x 4-bedroom 2 storey dwellinghouse
 - 36 x 3-bedroom 2 storey dwellinghouse
 - 4 x 2-bedroom 2 storey dwellinghouse
- Total = 61

Affordable Housing

- 2 x 2-bedroom bungalow
 - 9 x 2-bedroom 2 storey dwellinghouse
 - 1 x 3-bedroom bungalow
 - 6 x 3-bedroom 2 storey dwellinghouse
 - 2 x 4 bedroom 2 storey dwellinghouse
- Total = 20

Associated Infrastructure

- Vehicle access from Mill Brae;
- Core path connection and upgrade
- Accessible paths, with links to core path;
- Open space provision;
- Play area provision;
- Sustainable Urban Drainage Systems (SUDs) basin;
- Retained and enhanced woodland.

Environmental Impact Assessment (EIA)

- 7 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

- 8 The proposed development is classed as a Major development in terms of the Town and Country Planning (Hierarchy of Developments) (Scotland) Regulations 2009, however, as the proposal is an AMSC application, further pre-application consultation (PAC) is not necessary beyond that already undertaken for the in-principle (PPP) application.

National Policy and Guidance

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

National Planning Framework 4 2022

- 10 The revised draft 4 National Planning Statement was published on 8 November 2022 and approved at Parliament on 11 January 2023. In this instance the primary policies relevant seek to encourage, promote and facilitate development that meet with the six overarching spatial principles, which include: local living, compact urban growth and the creation of sustainable and liveable places. This development proposal accords with the principal intentions of this document.

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
 - 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 69 Planning and Building standards Advice on Flooding
 - PAN 75 Planning for Transport
 - PAN 77 Designing Safer Places
 - PAN 79 Water and Drainage
 - PAN 83 Masterplanning

Creating Places 2013

- 12 Creating Places is the Scottish Government's policy statement on architecture and place. It sets out the comprehensive value good design can deliver. It notes that successful places can unlock opportunities, build vibrant

communities and contribute to a flourishing economy and set out actions that can achieve positive changes in our places.

Designing Streets 2010

- 13 Designing Streets is the policy statement in Scotland for street design and changes the emphasis of guidance on street design towards place-making and away from a system focused upon the dominance of motor vehicles. It was created to support the Scottish Government's place-making agenda, alongside Creating Places.

National Roads Development Guide 2014

- 14 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

- 15 The Development Plan for the area comprises the Perth and Kinross Local Development Plan 2 (2019).

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

- 16 The Perth and Kinross LDP 2 2019 (LDP2) was adopted by the Council on 29 November 2019. It 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.
- 17 The principal relevant policies are, in summary;
- Policy 1A: Placemaking
 - Policy 1B: Placemaking
 - Policy 2: Design Statements
 - Policy 5: Infrastructure Contributions
 - Policy 14B: Open Space Retention and Provision: Open Space within New Developments
 - Policy 15: Public Access
 - Policy 17: Residential Areas
 - Policy 20: Affordable Housing
 - Policy 25: Housing Mix
 - Policy 32: Embedding Low & Zero Carbon Generating Technologies in New Development
 - Policy 34A: Sustainable Heating &Cooling: Heat Networks, Major Development and LDP Site Allocations
 - Policy 27A: Listed Buildings
 - Policy 38A: Environment and Conservation: International Nature Conservation Sites

- Policy 39: Landscape
- Policy 40A: Forestry, Woodland and Trees: Forest and Woodland Strategy
- Policy 40B: Forestry, Woodland and Trees: Trees, Woodland and Development
- Policy 41: Biodiversity
- Policy 42: Green Infrastructure
- Policy 47: River Tay Catchment Area
- Policy 52: New Development and Flooding
- Policy 53A: Water Environment and Drainage: Water Environment
- Policy 53B: Water Environment and Drainage: Foul Drainage
- Policy 53C: Water Environment and Drainage: Surface Water Drainage
- Policy 53D: Water Environment and Drainage: Reinstatement of Natural Watercourses
- Policy 53E: Water Environment and Drainage: Water Supply
- Policy 56: Noise Pollution
- Policy 57: Air Quality
- Policy 60B: Transport Standards and Accessibility Requirements: New Development Proposals

LDP2 Allocation – Site References H30-H34: Stanley

- 18 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 H31 are:

- Development phased to ensure that there is adequate infrastructure to accommodate it;
- The identification and provision of 1ha of employment land;
- Flood Risk Assessment required for site H31 which must consider risk of flooding from adjacent reservoir;
- 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
- Retain ancient semi-natural woodland at allocation H31.

Other Policies

- 19 The following supplementary guidance and documents are of particular importance in the assessment of this application;
- Placemaking Supplementary Guidance July 2020
 - Developer Contributions and Affordable Housing Supplementary Guidance July 2020.
 - Flood Risk and Flood Risk Assessments – Developer Supplementary Guidance January 2021

Site History

- 20 [09/01788/FLL](#) Erection of 34 dwellinghouses and associated infrastructure and landscaping. Approved June 2014.
- 21 [11/01109/FLL](#) Formations of SUDS area and associated works. Approved September 2011.
- 22 [14/01536/FLL](#) Renewal of permission (11/01109/FLL) for formation of SUDS area and associated works. Approved October 2014.
- 23 [15/00010/PAN](#) A Proposal of Application Notice (PoAN) relating to a Proposed masterplan for village expansion was considered sufficient in June 2015.
- 24 [16/01867/SCRN](#) EIA Screening Opinion for expansion of Stanley Village. EIA not required January 2017.
- 25 [17/00088/IPM](#) Mixed use development (in principle). Approved August 2018.

CONSULTATIONS

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

External

- 27 **Perth And Kinross Heritage Trust:** No objection.
- 28 **Historic Environment Scotland:** No comments.
- 29 **RSPB:** No comments.
- 30 **Stanley and District Community Council:** No comments.
- 31 **Stanley Development Trust:** No comments.
- 32 **Sport Scotland:** No comments.
- 33 **NatureScot:** No comments.
- 34 **Scottish Water:** No objections. Advise of water and wastewater capacity in the area and that Scottish Water will review the availability of capacity at the time a formal connection application is submitted to Scottish Water. Scottish Water records indicate that there is live infrastructure in the proximity of the development, therefore, the applicant must contact Scottish Water for an appraisal of the proposals.
- 35 **Transport Scotland:** No objections.

Internal

- 36 **Environmental Health (Noise Odour):** No objection on noise or air quality grounds, related standard condition recommended for noise.
- 37 **Environmental Health (Contaminated Land):** No comments.
- 38 **Biodiversity/Tree Officer:** No objections subject to condition.
- 39 **Planning and Housing Strategy:** No objection subject to condition.
- 40 **Development Contributions Officer:** Due to the impact of the proposal a Section 75 Legal Agreement will be required to secure the necessary infrastructure and associated contribution payments.
- 41 **Affordable Housing Enabler:** No comments.
- 42 **Community Greenspace:** No objection.
- 43 **Transport Planning:** No objections subject to conditions.
- 44 **Structures and Flooding:** No objections subject to conditions.
- 45 **Community Waste Advisor:** No objection but provide detailed advice on the requirements for bin provision, vehicle and operative access, road specifications and vehicle turning requirements.
- 46 **Conservation Team:** No objections.
- 47 **Scottish Environment Protection Agency:** No objections.

Representations

- 48 One representation was received. The main issues raised within the representations are:
- Visual amenity
 - Inappropriate land use
 - Loss of Trees
 - Noise Pollution
 - Overlooking
- 49 These issues are addressed in the Appraisal section of the report.

ADDITIONAL STATEMENTS

50

Screening Opinion	Screened (16/01867/SCRN). EIA Not Required
Environmental Impact Assessment (EIA): Environmental Report	Not Required

Appropriate Assessment	AA Not Required
Design Statement or Design and Access Statement	Submitted
Report on Impact or Potential Impact eg Flood Risk Assessment	Pre Application Consultation Report Arboricultural Impact Assessment Drainage Statement Transport Statement Preliminary Ecological Appraisal Bat Roost Assessment Air Quality Assessment Flood Risk Assessment

APPRAISAL

- 51 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 Perth and Kinross Local Development Plan 2019. The relevant policy considerations are outlined in the policy section above and are considered in more detail below. In terms of other material considerations, this involves considerations of the Council's other approved policies and supplementary guidance.

Principle

- 52 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.
- 53 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

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

Density

- 56 The site capacity range of 248-387 units for sites H30-H34 covers the five sites approved under the PPP without identifying a capacity range for neither all sites collectively, nor individual sites. The Site-Specific Developer Requirements does identify H31 as requiring a Flood Risk Assessment for the site due to a risk of flooding from an adjacent reservoir and for the retention of the ancient semi-natural woodland.
- 57 The applicant has taken account of some initial feedback following submission regarding the car dominated street frontages, parking provision for 2 bed properties and garden sizes for 2 and 3 bed properties and has provided the Council with an updated site layout which has reduced the number of dwellinghouses proposed from 89 to 81.
- 58 The scale of development proposed here is for 81 dwellinghouses. This is more than the combined 74 units, 34 dwellings approved in the extant consent (09/01788/FUL) and additional 40 units indicated in the PPP stage. Nonetheless, that figure was indicative as highlighted by condition 2 of the PPP and is not binding.
- 59 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 that can be enjoyed by all residents in the area, further demonstrating the sites capacity for the number of dwellings proposed. A good level of rear private amenity space will be provided along with landscaped frontages. The scale of development for this site is acceptable.
- 60 Whilst it is not a matter for this application, it is noted that, should similar densities be sought for the remaining sites approved under the PPP (Sites H32 and H34) this may result in the cumulative capacity range (248-387) and the PPP limit of 431 residential units being reached before all sites have detailed approval. This may result in the need to seek planning permission for an increased range on the other Stanley sites.

Design and Layout

- 61 In terms of housing mix, the development proposes a mix of 2-4-bedroom properties. The revised proposals have resulted in the reduction of the number of 2-bedroom mainstream properties from 8 to 4, as a result of design & layout changes sought by the case officer in relation to garden size, parking provision and garden frontages. This is less than 10%, as prescribed by Policy 25, and whilst this results in a minor departure from policy, this reduction accommodates better parking solutions together with improved rear garden sizes and greatly improves the green frontages, overall contributing positively to the streetscape and providing a more balanced approach in terms of plot density, parking and green frontage.

- 62 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.
- 63 The proposed layout has been dictated by the existing woodland to the south and west which requires to be retained. It provides an acceptable design solution for the site with development focussed on the northern and central parts of the site with open space located to the south, including a play area and SUDs. The topography of the woodland area of the site falls steeply towards the southeast boundary and as such is the best location for the SUDs. Path linkages are proposed throughout creating a strong connection between the core path to the north and the woodland to the south.
- 64 In terms of the proposed design of each house type, there is an acceptable range of design and materials reflective of recent developments elsewhere in Stanley. All house types have a focal entrance feature. Feature panels of timber cladding, facing brick or roughcast are incorporated to break up large areas of singular material. Finishing materials comprise of random coursed stone (buff and grey), roughcast (buff and grey), precast (buff and grey), anthracite cladding and concrete roof tiles. Windows will be double glazed upvc finished in anthracite grey and doors/side screens will also be anthracite as will garage doors.
- 65 A phasing plan has been submitted, as per condition 3 of PPP 17/00088/IPM, with the application and the intention is to build out as 3 phases. Phase 1 being the northern part of the site, phase 2 being central and phase 3 being the southern part of the site. The site has been well laid out and designed, taking into account the key constraints and opportunities of the site including incorporating the development in relation to the existing ancient semi-natural woodland. The site provides good connectivity, both within the development and with the surrounding area, including providing access to existing core path provision. The Design & Access Statement has provided a sound justification for the design and layout of the site, considering a range of key design parameters such as hierarchy of streets, broad development parameters of the site, connectivity, use of landscaping, surface & external finishes, etc. The site also incorporates a range of 2–4-bedroom units, with the affordable housing units well interspersed within the site. The site also mixes the size range of properties across the development. Overall, the general layout, house designs and materials proposed are acceptable and in accordance with LDP2 Policy 1 – Placemaking.

Open space and Landscaping

- 66 The LDP2 requires the “identification and provision of suitable open space” to support the expanded requirements of the village. This site provides an area of open space that will benefit the local community. It is positive to see that the ancient semi-natural woodland is being retained, enclosing the development. To integrate the site into the wider context, however, and to provide better connections with the surrounding residential buildings it was suggested that a footpath link be introduced on the western boundary leading down towards Stanley Mills. This was explored by the applicant, however, due

to the topography of the site and extent of excavation required to install steps, it would have regrettably resulted in a significant loss of trees, contrary to the Site-Specific Developer Requirements which requires the retention of the ancient semi-natural woodland.

- 67 The PPP requires landscaping to be addressed, together with a landscaping specification. The proposal sees tree planting throughout the development including mixed native hedging and ornamental shrub planting as well as other soft landscaping which will assist in breaking up views and integrating the proposal into the landscape. Over time the proposed development will blend in with the existing urban environment of Stanley. Subject to ongoing maintenance, which can be secured through condition, the proposal complies with LDP2 Policy 42 (Condition 10).

Play Area

- 68 The play area is to be located together with the SUDs and open space at the southern edge of the site in an area which will benefit from natural surveillance through the houses which are orientated to face towards the open space. A condition will be required to ensure its delivery (Condition 22).
- 69 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

- 70 In terms of the impact on visual amenity of the area, a residential development will inevitably change the visual appearance of the area, however, the application site has been identified for residential use in the LDP, therefore this degree of change was envisaged in the site allocation and permission granted under the PPP. The design and layout of the site, along with the proposed landscaping and retention of the ancient semi-natural woodland enclosing the development is considered to be acceptable in landscape terms and will not cause any unacceptable visual impacts. The proposal accords with the provisions of PPP and meets the objectives of LDP2 Policy 1, Policy 39 and Policy 40B with delivery of landscaping being secured as detailed above.

Residential Amenity

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

Existing Residential Amenity

- 72 The location of the proposed dwellinghouses relevant to existing residential properties is such that there will be no loss of privacy or loss of daylight or overshadowing. Similarly, the new properties are adequately spaced out to prevent any impact on amenity in terms of loss of privacy, daylight or overshadowing. The proposal is therefore considered to comply with Policy 17

– Residential Areas as the proposed use and impact is considered acceptable.

- 73 Specific LDP2 policies consider noise and air quality; Policy 56 and 57 respectively.

Air Quality/Dust

- 74 Air quality was assessed at in principle stage and concluded as negligible significance for both nitrogen dioxide and particulates, however consideration was required for dust management during the construction phase and as such condition 25 of 17/00088/IPM requires that a Dust Management Plan be prepared and submitted prior to commencement of works. Following comments received from Environmental Health a Dust Management Plan was submitted. This has since been reviewed by Environmental Health and found to be acceptable, therefore, the proposal complies with LDP2 Policy 57.

Noise

- 75 Condition 26 of 17/00088/IPM asks that noise be reassessed at the detailed planning stage for each site to ensure that a suitable level of residential amenity can be achieved. It is noted however, that given the location of H31 in relation to proximity to the road and railway, this site was scoped out of the noise impact assessment undertaken by CSP Acoustics LLP and therefore reassessment is not required for this site. The applicant should however ensure that noise from the proposed substation does not impact on the residential amenity of any existing or proposed residential receptors. There are therefore no conflicts with LDP2 Policy 56, subject to condition (Condition 6).

Roads and Access

- 76 A Transport Statement has been submitted in support of the application and has been assessed by both Transport Scotland and the Council's Transport Planning team.
- 77 The access into the site is proposed from the north west corner on Mill Brae forming a staggered junction with King Street. Concerns noted within the representation relate to the location of the access with a suggestion that the entrance be located further north at the top of Mill Brae where it joins with Mill Street, utilising the existing access into the field. Whilst using this existing access would seem logical and would prevent a large section of the stone wall from being demolished alongside the requirement to fell trees, the existing access into the field is not deemed to be the best location for access and egress. The bell-mouth proposed has been off-set from the existing road junction to improve road safety. Whilst an opening within the wall will be required for the new access and will require the removal of trees, the stone wall, albeit a historic feature within the area, is neither listed nor in a conservation area. A primary road will follow on from the access point forming an internal loop. A footpath will connect the core path at the northern boundary to the landscape/open space at the southern boundary.

Parking

- 78 The original drawings generally designed parking to be located at the front of dwellings creating car dominated frontages. Perth and Kinross Council Placemaking Guide 2020, page 39 specifies for off-street parking that parking within the plot should not dominate the front garden of houses. Similarly Designing Streets specifies that car parking should be level with, or behind the main building line which is more aesthetically pleasing in streetscape terms. It further references that parking within the front curtilage should generally be avoided as it breaks up the frontage, can be unsightly and restricts informal surveillance. To positively improve the placemaking quality of the site, some terraced rows were divided into 2 semi-detached properties to allow parking provision to be included down the side of houses allowing the frontage to provide a greater level of amenity. This is further enhanced by border planting which helps create a streetscape that is designed for people rather than cars.
- 79 Proposed electric vehicle charging points are also welcomed within the site. (Condition 21).
- 80 Overall, the proposal accords 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 18-21).

Drainage and Flooding

Flood Risk

- 81 The PPP (Condition 13) required the submission of a Flood Risk Assessment (FRA). This has been submitted and assessed by both SEPA and the Council's Structures and Flooding team. No objections have been received, therefore the proposal is compliant with LDP2 Policy 52 – New Development and Flooding.

Drainage

Foul Drainage

- 82 Scottish Water have advised that there is insufficient capacity in the Stanley Waste Water Treatment Works to service the development. They further advise, however, that they are committed to supporting development through their investment programme. The developer will be required to undertake a separate consenting process with Scottish Water before development can commence on the site.

Surface Water Drainage

- 83 The PPP (condition 12) 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 development 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. Additional information will be required to inform the detailed design stage. This requirement is requested by Condition 4.

Waste Collection

- 84 Condition 30 of PPP requires a plan specifying the bin storage areas and kerbside collection points be submitted with each AMSC application. These details have not been included in the submitted plans, therefore, this requirement is requested by Condition 13.

Conservation Considerations

- 85 The proposed development is to the north-west of the historic building group at Stanley Mills, including a number of category A and B listed buildings and structures.
- 86 While the development is on elevated ground on the approach to the mill complex, due to the substantial retention of mature trees and woodland along the south-west and south-east boundaries of the site, the setting of the listed buildings is protected. The proposed development, therefore, complies with Policy 27A of LDP2.

Natural Heritage and Biodiversity

- 87 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. The PPP requires a Woodland Management Plan, an updated Ecological Survey and a Protected Species Survey, all of which have been submitted.
- 88 These surveys and the detailed landscape proposals have been assessed by the Council's Biodiversity Officer. Following an update to the plans to provide more information the details are considered acceptable in terms of landscape and biodiversity value. It is concluded that, within the site, the proposal adequately provides biodiversity provision and thereby complies with LDP2 Policies 38, 40 and 41.

Trees/Woodland

- 89 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 an ancient semi-natural woodland which requires to be retained as per the Site Specific-Developer Requirements noted in the LDP2.
- 90 The applicant's Woodland Management Plan and detailed Landscaping Plan has been reviewed by the Council's Biodiversity Officer and found to be satisfactory. The proposal will deliver multiple benefits to biodiversity and

create a more interesting and diverse area for people to live. Overall, the proposal is considered to meet the objectives of LDP2 Policy 40B.

Protected Species

- 91 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.
- 92 The Biodiversity Enhancement 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.
- 93 Planning conditions are proposed to ensure appropriate protection or mitigation of habitats and species during and post-construction (Conditions 14-17). During the construction phase, a Construction Environmental Management Plan (CEMP) is required to ensure adequate controls are in place to preserve environmental quality and biodiversity (Condition 18).

Sustainability

- 94 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. It is noted that solar panels and passive energy efficiency measures are to be incorporated across the development which is welcomed. However, the specific requirements of Policy 32 have not been formally addressed in terms of the 10% requirement for the deployment of Low and Zero Carbon Generating Technology in New Development (LZCGT). As required under Policy 32 the applicant will need to demonstrate compliance in terms of what LZCGTs will be deployed. As such a condition shall be imposed to ensure this requirement is met. (Condition 7).
- 95 In terms of Policy 34 and in line with condition 15 of application ref: 17/00088/IPM, a heat network feasibility study has been submitted in consideration of the potential for a heat network to support the site. The study outlines that it is not currently viable to develop a heat network at the site, with particular emphasis on the residential nature of the proposal and the number of units involved. Furthermore, the study indicates that there is the ability for safeguarding including potential space for a future energy centre if this is required in the future (details of which would need to be subject to approval at that time). As such, a condition requiring that the site is futureproofed for district heating infrastructure will be required (Condition 8). This satisfies the PPP requirements and that of LDP2 Policy 34.

Developer Contributions

- 96 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.

Affordable Housing

- 97 LDP2 Policy 20 requires an Affordable Housing contribution equivalent to 25% of the units being developed. The application provides 20 affordable housing units (out of 81 units) which is slightly under 25% of the total units proposed for the site. The shortfall will be made up by way of a contribution, secured under a new S75.

Primary Education

- 98 Primary Education is not required in this instance as there are no capacity issues in Stanley Primary School.

Legal Agreement

- 99 A draft Heads of Terms is being agreed with the applicants and a Section 75 Legal Agreement is in the process of being prepared and will assess the following matters;
- Affordable Housing provision
 - Transport Infrastructure contribution
 - Open Space Provision and Maintenance
 - Play Area Maintenance
 - Contribution to Sports Pitch Provision/Improvement
 - Contribution to Community Sports Hub development

Economic Impact

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

VARIATION OF APPLICATION UNDER SECTION 32A

- 101 This application was varied prior to determination, in accordance with the terms of section 32A of the Town and Country Planning (Scotland) Act 1997, as amended. The variations incorporate changes to reduce car dominated street frontages, increase parking provision for 2 bed properties and increase garden sizes for 2 and 3 bed properties which has reduced the overall number of dwellinghouses proposed to 81.

LEGAL AGREEMENTS

- 102 A legal agreement is required to secure infrastructure contributions. A Draft Heads of Terms is being agreed with the applicant and a S75 will be required to be finalised before the decision notice can be issued.

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. In this respect, the proposal is considered a minor departure from the Development Plan, specifically Policy 25 of the adopted Local Development Plan 2 (2019). However, material considerations allow this to be outweighed in this instance and justify an approval recommendation.
- 105 Accordingly the proposal is recommended for approval subject to the following conditions.

A RECOMMENDATION

Approve the application

Conditions and Reasons for Recommendation

General

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.

Reason - This is a Planning Permission in terms of Section 58 of the Town and Country Planning (Scotland) Act 1997, as amended by Section 32 of the Planning (Scotland) Act 2019.
2. 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.

Drainage and Flooding

3. Prior to the commencement of any works, a feasibility study with regards to de-culverting the watercourse to restore it to its natural state must be submitted for the approval of the Planning Authority in consultation with SEPA.

Reason - To prevent flood risk.

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

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

5. Concurrent with the initiation of the development hereby approved and for the duration of construction, a temporary surface water treatment facility which accords with Sustainable Urban Drainage System principles shall be implemented for the 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 - To ensure the appropriate management of construction surface water run-off to minimise flooding and avoid discharge of sediment/pollution to the local water environment or neighbouring property, in the interests of residential and environmental amenity.

Residential Amenity

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

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

Sustainability

7. 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 for future potential district heating infrastructure to be incorporated within the site at a future date.

8. Development shall not commence until specifying measures for each residential unit to maximise environmental sustainability through design, orientation and planting or any other means has been submitted for the written agreement of the Council as Planning Authority. These measures shall include a scheme that demonstrates how current carbon emissions reduction set by the Scottish Buildings Standards will be met through the installation and operation of low and zero-carbon technologies, specifying what these technology types are, their location and ongoing operation and maintenance. All works shall be carried out in accordance with the agreed scheme and be operational prior to the occupation of each residential unit.

Reason - In the interest of protecting the environment and sustainability.

Core Paths

9. All existing rights of way, core paths within or adjacent to the completed development shall at all times be protected and remain operational during the construction phases.

Reason - In the interest of sustainable transportation.

Trees and Landscape

10. The detailed landscaping and planting scheme which is hereby approved shall be completed within the first available planting season (October to March) after the completion or bringing into use of the development, whichever is the earlier. The approved scheme shall thereafter be maintained to the satisfaction of the Council as Planning Authority, 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.

11. All landscaped areas outwith the curtilages of the dwellings and shown on the approved drawings shall be permanently retained as such and shall at no time be used as private garden ground nor incorporated within the curtilage of any of the dwellings hereby approved without the express grant of planning permission by the Planning Authority,

Reason - In the interests of the character and appearance of the development.

12. All trees on site, other than those marked for felling on the approved plans, shall be retained.

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

Waste Collection

13. For each phase of the development, a site-specific plan, detailing bin storage areas, kerbside collection locations and recycling facilities shall be submitted to and approved in writing by the Planning Authority and thereafter undertaken in accordance with the approved details.

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

Biodiversity

14. The conclusions and recommended action points within the supporting preliminary ecological appraisal, woodland management plan and biodiversity enhancement plan submitted and hereby approved (document(s) 22/01158/103, 22/01158/109 and 22/01158/119 relates) shall be fully adhered to, respected and undertaken as part of the construction phase of development, to the satisfaction of the Council as Planning Authority.

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

15. Prior to the commencement of the development hereby approved, an Invasive Non-Native Species Control Plan shall be provided for the written approval of the Council as Planning Authority. The plan shall contain measures to eradicate and control invasive non-native species. Thereafter, the agreed scheme shall be implemented in full accordance during the construction phase.

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

16. Prior to the completion or occupation of the development hereby approved, whichever is the earlier, hedgehog highways shall be created by providing access gaps in wooden fences on each plot at least 13cm x 13cm at ground level, to allow for the free movement of hedgehogs. Thereafter, the hedgehog highways shall be retained in a reasonable condition for the life of the development, to the satisfaction of the Council as Planning Authority.

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

17. 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.

18. Prior to the commencement of development a 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.

Roads

19. Prior to the commencement of the development hereby approved, the developer shall submit for the further written agreement of the Council as Planning Authority, in consultation with the Roads Authority (Structures), a Construction Traffic Management Scheme (TMS) which shall include the following:
- (a) restriction of construction traffic to approved routes and the measures to be put in place to avoid other routes being used;
 - (b) timing of construction traffic to minimise impact on local communities particularly at school start and finishing times, on days when refuse collection is undertaken, on Sundays and during local events;
 - (c) a code of conduct for HGV drivers to allow for queuing traffic to pass;
 - (d) arrangements for liaison with the Roads Authority regarding winter maintenance;
 - (e) emergency arrangements detailing communication and contingency arrangements in the event of vehicle breakdown;
 - (f) arrangements for the cleaning of wheels and chassis of vehicles to prevent material from construction sites associated with the development being deposited on the road;
 - (g) arrangements for cleaning of roads affected by material deposited from construction sites associated with the development;
 - (h) arrangements for signage at site accesses and crossovers and on roads to be used by construction traffic in order to provide safe access for pedestrians, cyclists and equestrians;
 - (i) details of information signs to inform other road users of construction traffic;

- (j) arrangements to ensure that access for emergency service vehicles are not impeded;
- (k) co-ordination with other significant developments known to use roads affected by construction traffic;
- (l) traffic arrangements in the immediate vicinity of temporary construction compounds;
- (m) the provision and installation of traffic counters at the applicant's expense at locations to be agreed prior to the commencement of construction;
- (n) monitoring, reporting and implementation arrangements;
- (o) arrangements for dealing with non-compliance; and
- (p) details of HGV movements to and from the site.

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

Reason - In the interests of road safety

20. Development shall not commence until a detailed Travel Plan (TP), aimed at encouraging more sustainable means of travel, has been submitted to and agreed in writing by the Council as Planning Authority. The TP will have particular regard to provision for walking, cycling and public transport access to and within the site and will identify the measures to be provided (including the provision of new and/or enhanced public transport services), any phasing, the system of management, monitoring, review, reporting and the duration of the Plan. The TP as agreed shall be fully implemented to the satisfaction of the Council as Planning Authority.

Reason - in the interests of sustainable transport.

21. Prior to the development hereby approved being completed or brought into use, all matters regarding access, car parking, 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.

Play Area

22. The approved children's play area on plan reference 22/01158/44 (drawing number SC14594-01) shall be designed, laid out and equipped in accordance with the Planning Authority's current criteria for play 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.

B JUSTIFICATION

The proposal is considered as a minor departure to the Development Plan as there are material circumstances that would justify a departure from the relevant policy 25 of the LDP2.

C PROCEDURAL NOTES

Permission shall not to be issued until the Section 75 Agreement has been signed and registered to take account of this application. The legal agreement should be concluded and completed within 4 months of the date of any Committee approval. Failure to conclude a legal agreement within 4 months will result in the planning application being re-assessed through failing to comply with the associated developer contributions policy and may be ultimately recommended for refusal under delegated powers.

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. 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.
5. The applicant is advised that any proposed signage will require a further application to be submitted for advertisement consent unless it benefits from express consent as per the Town and Country Planning (Control of Advertisements) (Scotland) Regulations 1984.
 6. The applicant should be aware of the requirements of the Council's Environment and Regulatory Services in relation to waste collection from the site and should ensure adequate measures are provided on site to allow for the collection of waste.
 7. The applicant is advised that in terms of Sections 56 of the Roads (Scotland) Act 1984 he/she/they must obtain from the Council, as Roads Authority, consent to open an existing road or footway prior to the commencement of works. Information on junction types, requirements for Vehicular Access consents (VA1) and application forms are available at www.pkc.gov.uk/vehicleaccess. Advice on the disposal of surface water should be sought at the initial stages of design from Scottish Water and the Scottish Environment Protection Agency.
 8. The applicant is advised that in terms of Sections 21 of the Roads (Scotland) Act 1984 they must obtain from the Council as Roads Authority consent to construct a new road prior to the commencement of roadworks. Advice on the disposal of surface water must be sought at the initial stages of design from Scottish Water and the Scottish Environment Protection Agency.
 9. No work shall be commenced until an application for building warrant has been submitted and approved.
 10. The applicant is advised that the granting of planning permission does not guarantee a connection to Scottish Water's assets. The applicant must make a separate application to Scottish Water Planning & Development Services team for permission to connect to the public wastewater system and/or water network and all their requirements must be fully adhered to.
 11. This application was varied prior to determination, in accordance with the terms of section 32A of the Town and Country Planning (Scotland) Act 1997, as amended. The variations incorporate changes to reduce number of dwellinghouses and revise layout.
 12. Application for a new postal address should be made via the Street Naming and Numbering page on the Perth & Kinross Council website at www.pkc.gov.uk/snn. Please note there is a charge for this service and submission cannot be made until the relevant Building Warrant has been approved.
 13. The applicant is advised to refer to Perth & Kinross Council's Supplementary Guidance on Flood Risk and Flood Risk Assessments 2021 as it contains advice relevant to your development. <https://www.pkc.gov.uk/ldp2floodrisk>

14. An inspection of the proposed development site did not raise any real concerns, although historical mapping indicates there was previously a nearby use which may have resulted in contamination in the vicinity of the site. The applicant is advised that, given historical uses of the wider area, there may be potential for contamination within the site. Should any contamination be found during the approved works, works should cease and the Land Quality team should be contacted on 01738 475000 or es@pkc.gov.uk for further advice.
15. This planning permission is granted subject to conditions, some of which require further information to be submitted to Development Management either before works can start on site or at a certain time. The required information must be submitted via the ePlanning portal if your original application was lodged that way, otherwise send it to us at developmentmanagement@pkc.gov.uk. Please be aware that a fee is payable in respect of each request made, though there is no limit to the number of conditions that can be discharged in a single request. The Fees Charter is available on our website www.pkc.gov.uk.
16. The Council has two months to consider the information. You should therefore submit the required information more than two months before your permission expires. We cannot guarantee that submissions made within two months of the expiry date of your permission will be able to be dealt with before your permission lapses.
17. The planning permission decision notice shall not be issued until such time as the required Developer Contributions have been secured or paid in full.
18. In the event the applicant does not either make the required payment within 28 days from the date the agent/applicant is advised of the need for the contributions, or complete a legal agreement for delayed payment within a 4 month period from the date the agent/applicant is advised of the need for the contributions the application may be refused under delegated powers without any further discussion with the applicant.
19. The applicant is reminded that, should any protected species be present a licence may be required from NatureScot. Failure to obtain a licence may constitute a criminal act under the Habitats Regulations and penalties are severe for non-compliance.
20. 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.
21. The applicant is reminded to discuss with the Council's Transport Unit the supply of a bus service and public transport infrastructure to ensure an adequate public transport provision for the site.

22. The applicant is advised that technical approval will be required for all street lighting apparatus within adoptable areas and should contact the Street Lighting Partnership to obtain technical approval prior to the submission of a Road Construction Consent application.

Background Papers: 1 letter of representation
Contact Officer: Gillian Peebles
Date: 10 February 2023

DAVID LITTLEJOHN
HEAD OF PLANNING & DEVELOPMENT

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.

You can also send us a text message on 07824 498145.

All Council Services can offer a telephone translation facility.