

Perth and Kinross Council
Planning & Development Management Committee – 5 June 2019
Report of Handling by Interim Development Quality Manager (Report No. 19/167)

PROPOSAL: Erection of 3 dwellinghouses and garages (matters specified by conditions 17/02057/IPL).

LOCATION: Land north of Morvich House, Golf Course Road, Blairgowrie.

Ref. No: [19/00146/AML](#)
Ward No: P3- Blairgowrie & Glens

Summary

This report recommends approval of an application for the approval of matters specified relating to a consented planning in principle application for a residential development on Woodlands Road, Blairgowrie. The development is considered to comply with the relevant provisions of the Development Plan and there are no material considerations apparent which outweigh the Development Plan.

BACKGROUND AND DESCRIPTION OF PROPOSAL

- 1 This planning application seeks the approval of matters specified relating to a planning in principle consent for a residential development on a site located in Blairgowrie, within an area locally known as 'Rosemount'. The site is a former small holding which is currently unkempt grass, and generally flat across the majority of the site. There are two groups of trees inside the site's boundary at both its eastern and western edges, with a mix of mature hedging and significant trees along its boundaries.
- 2 The site is surrounded by existing residential curtilages to the north, south and east. Immediately to the north of the site is a private access serving a neighbouring residential property, whilst to the west is Woodlands Road - a narrow, but adopted public road. Further to the west are undeveloped paddock areas.
- 3 The site is located immediately to the east of Woodlands Road, and is broadly rectangular in its shape with a length ranging from 120m-140m (east to west) and a width of approx. 55m.
- 4 A planning in principle permission for a residential development on the site was approved at the Planning and Development Management Committee on 14 March 2018. This planning application seeks the approval of the specific (detailed) matters relating to that in principle permission.
- 5 The specific matters which have been brought forward relate to a small residential development consisting of three detached dwelling houses, all with

detached garages. All three dwelling houses are of the same house type, which offers living accommodation over two levels with the upper level contained partly within the roof space via the use of dormer windows.

- 6 Vehicular access to the site is proposed via an existing field access which is proposed to be improved. A new private, shared and surfaced driveway would then serve the three proposed dwellings. The private driveway would be located along the southern part of the site, with the proposed dwellings then taking their individual accesses from the shared driveway. To deliver an acceptable and safe access with Woodlands Road, the two sections of the western boundary hedge - on either side of the proposed access are proposed to be removed. It is proposed to replant the northern section of hedge in a setback location to allow for a suitable forward visibility to be achieved. The southern section is not proposed to be replaced, with the visibility splay to the south to be kept clear of any new planting/structures.

ENVIRONMENTAL IMPACT ASSESSMENT (EIA)

- 7 Directive 2011/92/EU (as amended) requires the 'competent authority' (in this case Perth and Kinross Council) when giving a planning permission for particular large scale projects to do so in the knowledge of any likely significant effects on the environment. The Directive therefore sets out a procedure that must be followed for certain types of project before 'development consent' can be given.
- 8 This procedure, known as Environmental Impact Assessment (EIA), is a means of drawing together, in a systematic way, an assessment of a project's likely significant environmental effects. The EIA Report helps to ensure that the importance of the predicted effects, and the scope for reducing any adverse effects, are properly understood by the public and the relevant competent authority before it makes its decision.
- 9 An EIA Report was not required to be submitted with the proposal as the scale of development falls below the EIA thresholds.

NATIONAL POLICY AND GUIDANCE

- 11 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

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

Scottish Planning Policy 2014

- 13 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.
- 14 The following sections of the SPP will be of particular importance in the assessment of this proposal:
- Sustainability: paragraphs 24 – 35
 - Placemaking: paragraphs 36 – 57

Planning Advice Notes

- 15 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 75 Planning for Transport
 - PAN 77 Designing Safer Places

Creating Places 2013

- 16 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

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

National Roads Development Guide 2014

- 18 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

- 19 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

- 20 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.”

- 21 The following sections of the TAYplan are relevant in the assessment of this application.

Policy 1 - Locational Priorities

- 22 Seeks to focus the majority of development in the region's principal settlements. Blairgowrie is identified as a Tier 2 settlement which has 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

- 23 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

- 24 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

- 25 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 9 - Managing TAYplans Assets

- 26 Seeks to respect the regional distinctiveness and scenic value of the TAYplan area through safeguarding the integrity of natural and historic assets; including habitats, wild land, sensitive green spaces, forestry, water environment, wetlands, floodplains (in-line with the Water Framework Directive), carbon sinks, species and wildlife corridors, and also geo-diversity, landscapes, parks, townscapes, archaeology, historic battlefields, historic buildings and monuments; and by allowing development where it does not adversely impact upon or preferably enhances these assets.

Perth and Kinross Local Development Plan 2014

- 27 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.
- 28 The site lies within the settlement boundary of Blairgowrie, within an area which has been identified as being residential with compatible uses. In addition to this, the site is within the wider setting of a listed building and there are existing trees / hedges scattered across the site, and along its boundaries. To this end, the following policies are applicable to the proposal;

Policy HE2 - Listed Buildings

- 29 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 NE3 - Biodiversity

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

Policy PM1A - Placemaking

- 31 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

- 32 Proposals should meet all eight of the placemaking criteria.

Policy PM3 - Infrastructure Contributions

- 33 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 RD1 - Residential Areas

- 34 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 RD4 - Affordable Housing

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

Policy NE2B - Forestry, Woodland and Trees

- 36 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 EP3B - Water, Environment and Drainage

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

Policy EP3C - Water, Environment and Drainage

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

Proposed Perth and Kinross Local Development Plan 2

- 39 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 LDP2 was approved at the Special Council meeting on 22 November 2017.

- 40 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.
- 41 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.
- 42 There are no policies or proposals contained within the LDP2 which materially alter the assessment, recommendation or decision in relation to this planning application.

SITE HISTORY

[17/02037/IPL](#) Residential development in principle. Approved by the Planning and Development Management Committee March 2018

CONSULTATIONS

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

External

Scottish Water

- 45 No objection to the proposal in terms of public infrastructure matters. Scottish Water has indicated that the applicant should be fully aware that they are unable to reserve capacity at the local water and/or waste water treatment works for the proposed development at this point in time. Once a formal connection application has been submitted to Scottish Water, they will be able to review the availability of capacity at that time and advise the applicant accordingly.

Internal

Transport Planning

- 46 No objection to the proposal in terms of the proposed new vehicular access, internal access/driveway, parking provision or the potential impact on the local road network.

Development Negotiations Officer

- 47 No objection to the proposal, subject to a Developer Contribution in relation to Primary Education being secured prior to the release of any consent.

Biodiversity Officer

- 48 The submitted Environmental, Habitat and Biodiversity Survey, provides a satisfactory level of information, and that based on the survey, there are no protected species are currently using the site. Recommends that retaining some rough grassland at the edges of the site would enhance the value of the site for wider biodiversity, and recommends that a number of conditions and informative notes should be attached to any permission.

Community Waste Team

- 49 No objection to the proposals, subject to the provision of a bin presentation area adjacent to Woodlands Road. They have indicated that the end of the private driveway would be the collection point for bins.

REPRESENTATIONS

- 50 Twelve letters of representations have been received, all of which are objecting to the proposal. The main points which have been raised within the representations are:
- Roads safety
 - Inappropriate house types
 - Impact on trees
 - Out of character with the area
 - Impact on Residential amenity
 - Land ownership dispute
- 51 These issues are addressed in the Appraisal section of the report.
- 52 In terms of land ownership disputes, this is not ordinarily a material planning consideration. The applicant has, nevertheless, confirmed to the Council that the details which they have declared on the submitted application form / land ownership are correct insofar as their client is the sole owner of the land contained within the red line application site boundary. Any further dispute will therefore be a private legal matter between the two parties.

ADDITIONAL STATEMENTS

53

Environment Statement	Not Required
Screening Opinion	Not Required
Environmental Impact Assessment	Not Required
Appropriate Assessment	Not Required
Design Statement / Design and Access Statement	Not Required
Reports on Impact or Potential Impact	Tree Survey, Drainage Assessment and Environmental Survey

APPRAISAL

- 54 Sections 25 and 37(2) of the Town & Country Planning (Scotland) Act 1997 (as amended) require the determination of the proposal to be made in accordance with the provisions of the Development Plan, unless material considerations indicate otherwise. The adopted Development Plan comprises the TAYplan Strategic Development Plan 2016–2036 and the Perth and Kinross Local Development Plan 2014. The relevant policy considerations are outlined in the policy section above and are considered in more detail below. In terms of other material considerations, this involves considerations of the Council's other approved policies and supplementary guidance, namely the Developer Contributions and Affordable Housing 2016 document, as well as the site's recent planning history.

Principle

- 55 The principle of a residential development on the site has been firmly established through the approval of the planning permission in principle for a residential development on the site. In addition to this, the site is also located within the settlement boundary of Blairgowrie, where infill residential developments are generally encouraged by the LDP (through Policy RD1: Residential Areas), providing that the density proposed represents the most efficient use of the site and that the development respects the surrounding environs. In light of the planning in principle permission, and as the surrounding land uses are all largely residential, the key consideration for this proposal is whether or not the layout, house types and access arrangements are acceptable in this location. As the site benefits from a 'live' planning in principle permission this is an application for the approval of the specific matters referred to in that permission, it is not considered reasonable to reassess the acceptability of the principle of a residential land use on this site as part of this current application.

Design and Layout

- 56 Three dwelling houses are proposed across the site which is considered to be an appropriate number for the size of site. The layout is centred on a small cul-de-sac arrangement, which will be accessed directly from a new vehicular

access from Woodlands Road. The regular shape of the site makes this arrangement the most logical, and allows for all of the plots to have a suitable level of private amenity space whilst at the same time delivering an acceptable separation between themselves and the existing properties. The position of the dwellings is such that the more noteworthy trees and hedges can all be retained – with the exception of the existing hedge along the western boundary, which is to be removed and replanted in a setback location to deliver the necessary forward visibility splay. Clarification on the final landscaping scheme will be sought prior to the commencement of any development (Condition 4).

- 57 In terms of the proposed house type, the dwellings are large family homes which will offer living accommodation over two levels, with the upper level partly in the roofspace via dormer windows. All three dwelling houses will have associated detached garages. The finishes proposed are tiles for the roofs, and a mix of render and stone features for the external walls. The surrounding area has a number of different house types and styles, all of various scales – with a large portion having living accommodation over two levels. The proposed house type is of a high quality it in terms of its appearance would contribute positively to the surrounding built environment. In terms of their appearance, height, scale, mass and finishes, the house type would be in keeping with other existing properties within the area.
- 58 Concerns have been raised within some of the letters of representation that the development constitutes overdevelopment of the site, which in turn would have an adverse impact on the character and amenity of the general area. It is suggested within the representations that a two house development would be more acceptable than the proposed three house development. As stated above, I am satisfied over the proposed design and layout of three houses. The proposed plots are all generous in their size, and this is a reduction on the indicative layout of four house shown by the applicant at the in principle stage.. Excluding the shared access, and landscaping outwith the immediate curtilages of the dwelling houses, the individual plot sizes are approximately 0,17ha for plots 1 and 2, and 0.2ha for plot 3 which are all extremely generous. The surrounding plots comprise a range of house sizes, plot sizes and varying sizes of curtilages, with some being larger and some smaller than those of the three proposed plots. I therefore consider the development accords with the existing building pattern and density within the local area, respecting the surrounding building pattern.
- 59 From a design and layout point of view it is considered that the proposal is in accordance with the Council's Placemaking Standards, the aims and objectives of the Placemaking Policies of the LDP (Policies PM1A and B) and also the objectives of Policy RD1 of the LDP which seeks to ensure that all new development respects the existing environs of the area concerned.

Visual Impact

- 60 In terms of the impact on the visual amenity of the area, the site is an infill opportunity which is surrounded on three sides by existing housing of varying design and scale. The proposed dwelling houses are of a good, modern design

with traditional proportions which would not impact negatively on the visual amenity of the area.

- 61 The removal of the hedges along the western boundary – to north and south of the proposed access – will have an impact on the visual amenity of the area, and the impact could be seen as being a negative impact. However, the northern section of the hedge is proposed to be replaced as part of the final landscaping scheme - which is welcomed and will go some way to restoring the attractive local feature which is being removed. The hedges within the Rosemount area which align the local roads are distinctly attractive, however, they are unprotected. Other boundary hedges and the better quality trees which contribute positively to the visual amenity of the site are proposed for retention, and proposed removals are to be suitably compensated by new additions. The applicant has shown root protection areas for the trees and hedges which are to be retained, and the implementation of suitable protection measures as per the British Standards will be secured (Conditions 5 & 6).

Residential Amenity

- 62 In terms of impact on existing residential amenity I have no concerns. The proposed dwelling houses are all located an acceptable distance away from their respective boundaries which negates the potential for direct loss of privacy or overlooking to neighbours from occurring. Existing trees and hedges, and proposed new landscaping and boundary treatments will also assist in minimising any potential impact.
- 63 A concern has been raised regarding the potential for light spillage to occur from the headlights of vehicles shining towards an existing dwelling. In a residential built up area, it would be extremely challenging to eliminate all light from the headlights of vehicles reaching residential windows, and this development would be no different. However, any potential impact will be reduced by retaining existing landscaping, and introducing new appropriate landscaping and boundary treatments to the southern edge of the site in particular. This requirement is secured (Conditions 2 & 4).
- 64 I am satisfied that the proposed layout offers a suitable level of residential amenity for the future occupiers of the three dwelling houses. All the dwelling houses will have large private, usable garden areas in excess of 700 sqm.. Good separation distances are delivered between the existing neighbouring properties and the proposed dwelling houses to ensure that unacceptable overlooking and / or loss of privacy does not occur. To the south the proposed dwelling houses will be no closer than 18m to the southern boundary, with plot 1 and 2 approximately 27m away. To the north, plots 1 and 2 will be approx. 17m away from the north boundary, with plot 3 approximately 15m away. To the east, plot 3 is approximately 16m away from its boundary. Clarification of the proposed internal boundary treatments between the garden areas of the proposed dwelling houses will be secured by condition (Condition 2).

Roads and Access

- 65 As was the case during the assessment of the planning in principle application, the majority of the comments made within the representations relate to road and pedestrian safety concerns. The representations make reference to the potential increase in traffic movements arising from the proposal, and the ability of the local road network to accommodate any such increases. In addition to this, the suitability of the existing Woodlands Road / Golf Course Road junction to accommodate the development has also been raised as an area of specific concern, as has the proposed new vehicular access into the development from Woodlands Road.
- 66 The development relates to three family homes. The number of additional vehicular movements which are likely to be generated by this development will therefore be extremely low in actual numbers, and in the context of the existing volume of vehicles using the local roads, the level of additional movements which this development may generate will not exceed a typical daily variance in vehicular movements within the local area.
- 67 The junction of Woodlands Road and Golf Course Road has been raised as an area of concern, as has the narrow width of Woodlands Road - which does not have any formal pedestrian provision. Road and pedestrian safety issues associated with Woodlands Road have previously been subject to extensive consultation by the Council's Traffic and Network Team. In 2016, the Council received a request from parents of school-age children asking the Council to introduce traffic calming measures in the local area, and for an upgrade of pedestrian facilities on Woodlands Road as the road formed part of their walk route to school. After consideration of the request, a number of options were considered including the lowering of the speed limit, speed reduction features and a one-way system along Woodlands Road. The outcome of the public consultation exercise undertaken with Ward Councillors, the Community Council and local residents was varied, but was largely negative to any of the tabled suggestions with no clear consensus of opinion about what would be suitable for Woodlands Road. It was noted at the time that several respondents did not consider traffic calming measures to be appropriate or necessary. In the absence of sufficient community support, the project was cancelled and the interested parties were advised of this position in early 2017. Since then, the Council has not re-visited the issue, but traffic flows, vehicle speeds and pedestrian movements have continued to be monitored.
- 68 Since 2017 there is no evidence to suggest that there has been a significant change in traffic flow, vehicle speeds or pedestrian movements on Woodlands Road or Golf Course Road. As the present position is being monitored by the Council, and taking into account the (small) scale of this development and the likely level of additional vehicular movements which are likely to be associated with this particular proposal, it is not appropriate to try to address any existing issues on the nearby public roads through this planning application.
- 69 In terms of the vehicular access to and from site onto Woodlands Road, as already indicated, the western boundary hedge to the north and the south of the proposed access is to be removed to deliver the required visibility splay. To the

north of the access, the hedge is proposed to be replaced in an amended location so that an acceptable visibility splay is maintained. To the south, the hedge is not proposed to be replaced and the splay is to remain clear of any new planting/structures. This is a short stretch of hedge and will assist in visibility for the existing access to the neighbouring property to the south. These measures, and the proposed geometrics of the new bellmouth will ensure that an acceptable level of forward visibility is delivered (Conditions 8 & 9).

- 70 Concerns have also been raised that the private driveway has been over specified; particularly in its width and that it is not appropriate for a three house development to be served by such a high standard of private driveway. The representations have suggested that the specification of the driveway could encourage Council refuse vehicles and other HGV's to enter and leave the site – which in turn, would compromise road and pedestrian safety. The driveway has been shown as a private shared access, and is considered to be acceptable for the purposes of serving three dwellings. It would be a matter for the applicant to decide upon whether or not they wish to ask the Council to consider it for potential adoption at a later stage. In turn, it would then be a matter for the Council to decide whether or not to consider it for adoption.
- 71 Similarly, once completed it would be a matter for the Council's Community Waste Team to decide whether or not their refuse vehicles will enter the site for bin collections. Their consultation response suggests this is not likely and the presence of a bin presentation storage area at the end of the private driveway end on the submitted plans suggests the applicant accepts this position. Ultimately, for the quality of dwelling houses proposed I do not consider it unreasonable for the applicant to provide a high standard of private access, and as it does not result in any adverse visual impact (it is considered to be acceptable as proposed).
- 72 Despite the level of representation focusing on road and pedestrian safety concerns, at the present time the local road network is being monitored, but it is considered safe for both road and pedestrian users. In isolation, the development would have limited impact on the network, and the individual new vehicular access to/from the site onto Woodlands Road is acceptable and meets the Council's standards. I therefore have no concerns in relation to road or transport related matters and consider the proposal to be in accordance with criterion e) of Policy PM1B of the LDP which states that all proposals should create safe places.

Drainage and Flooding

- 73 In terms of drainage and flooding matters I have no concerns. As the site lies within an area covered by a public drainage system, the foul drainage will be connected to the public sewerage system. It would be a matter for Scottish Water to confirm (when an application is made to them for connections) whether or not capacity is available to accommodate the development.
- 74 With regards to the disposal of surface water, this will be through individual soakaway systems associated with each dwelling and these will need to be constructed to the standards required by Building Standards.

- 75 In terms of flooding, there is no known flooding history associated with the site nor has it been identified by either the Council or SEPA as being an area under risk from either fluvial or surface water flooding.

Waste Collection

- 76 The applicant has proposed a bin / recycling point at the entrance to the site. In principle I have no objection to this, and this view is shared by my colleagues in the Community Waste Team. Prior to the commencement of the development, clarification on the level of bin storage will be sought to ensure that the storage area is large enough to accommodate provision for three dwelling (Condition 3).

Impact on Setting of Listed Building

- 77 The site is considered to be within the wider setting associated with the property named Shian, which is located to the north of the site. Between the Shian and the site are existing trees and hedges which limits the inter-visibility between the two. The proposed development is low density, and retains the northern boundary hedge and other trees which will protect the historic setting. Whilst the removal of the hedge along the western boundary will have an immediate impact on the setting, this impact will be temporary and subject to the replacement of the hedge, the long term historic setting will be restored once the replacement hedge matures.

Natural Heritage and Biodiversity

- 78 The applicant has submitted a environmental survey for the site which has identified no protected species. However, the site may still contain some local wildlife, and the Council has a duty to inform the applicant of their responsibilities in terms of the Wildlife Acts. (Conditions 10, 11 & 12) and (Informatives 6, 7 & 8).

Impact on Trees / Hedges

- 79 As part of the development, and as stated previously the western hedge is to be removed to deliver an acceptable visibility splay. In addition to this a number of trees at the eastern and western end of the site are proposed to be removed. The planning application has been supported by a tree survey which identifies two groups of trees on the site affected by the development - the eastern and western areas.
- 80 The eastern area comprises approximately 50 mature conifers, and it is proposed to fell the majority of these trees which are identified within the tree survey as being tall, thin, close-grown and of poor quality. Several Hawthorn trees within this area are of a higher amenity value and they are proposed to be transplanted elsewhere in the site. Also at the eastern end, along the southern boundary there are three oak trees which are located outside the site, but have their root protection areas within the site. The closest dwelling (plot 3) is located approximately 18m away from the trunks of these oak trees; however the associated garage of that dwelling is located just inside the identified root protection area. At the distances involved, fatal damage to the main root system

is unlikely to occur, however I propose to seek clarification on the method of foundations of the garage to ensure any impact is minimised and this will be covered by (Condition 7).

- 81 In terms of the western area, this comprises a small group of softwoods and some further conifers. Similar to the eastern grouping, removals are proposed in this area, as well as the retention of the larger trees and the transplanting of the smaller trees which are of higher amenity quality.
- 82 Overall, I am satisfied regarding the proposed tree removals and the removal of the western hedge, subject to additional tree planting being added to the proposed landscaping scheme, and that replanting takes place at the earliest opportunity. Whilst some new planting has been proposed, it is my view that additional replanting, perhaps at the eastern edge and southern boundary would be beneficial to the visual amenity of the area and would promote biodiversity interests, as well as protecting the residential amenity of adjacent neighbours to the south.. These matters will be secured via Condition 4.

Contamination Land Issues

- 83 There is no known contaminated land issues associated with this site.

Archaeology Issues

- 84 There are no known scheduled or local archaeology within the area.

Developer Contributions

Affordable Housing

- 85 As the development comprises three dwelling houses, there is no requirement for any affordable housing provision.

Primary Education

- 86 The local primary school is operating at over 80% capacity. Therefore, a Developer Contribution of £6,460 per dwellinghouse (a total of £19,380) is required to be secured to mitigate this impact prior to any permission being issued.

Transport Infrastructure

- 87 The site is located outwith the catchment area for Transport Infrastructure contributions.

A9 Junction Improvements

- 88 The site is located outwith the catchment area for A9 Junction Improvement contributions.

Economic Impact

- 89 The scale of the proposal is such that it would have limited impact on the local economy.

LEGAL AGREEMENTS

- 90 In the event that the applicant wishes to delay the payment of the required Developer Contributions, a legal agreement will be necessary.

DIRECTION BY SCOTTISH MINISTERS

- 91 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

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

A RECOMMENDATION

Approve the planning application, subject to the following conditions and reasons,

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

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

2. Prior to the commencement of the development hereby approved, details of the proposed boundary treatments for the site (both internally and along the sites wider boundaries) shall be submitted for the further written agreement of the Council as Planning Authority. The scheme as subsequently agreed shall be implemented prior to the completion or bringing into use of the development, whichever is the earlier.

Reason: In the interests of residential amenity; in order to safeguard the privacy and amenity of the residents of the neighbouring dwellinghouse(s) and the proposed.

3. Prior to the commencement of any development hereby approved, detailed drawings showing waste and recycling facility enclosures or waste and recycling

facility storage areas and associated locations for bin presentation shall be submitted for the further written agreement of the Council as Planning Authority. None of the residential units hereby approved shall be occupied until the agreed scheme has been provided in full.

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

4. Prior to the commencement of the development hereby approved, an updated detailed landscaping and planting scheme for the site which includes additional tree planting, shall be submitted for the further written agreement of the Council as Planning Authority. The scheme shall include details of the height and slopes of any mounding or recontouring of the site, full details of all hard landscaping proposals including materials and installation methods and, species, height, size and density of trees and shrubs to be planted. The scheme as subsequently approved shall be carried out and completed within the first available planting season (October to March) after the completion or bringing into use of the development, whichever is the earlier, and the date of Practical Completion of the landscaping scheme shall be supplied in writing to the Council as Planning Authority within 7 days of that date. The scheme as agreed and implemented shall thereafter be maintained to the satisfaction of the Council as Planning Authority., and any planting failing to become established within five years must be replaced in the following planting season with others of similar size, species and number

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

5. Prior to the commencement of the development hereby approved, a 1:200 site plan which identifies the Construction Exclusion Zone (CEZ) shall be submitted for the further written agreement of the Council as Planning Authority. This plan shall ensure all fencing adheres to BS 5837 2012: Trees in Relation to Design, Demolition and Construction. The CEZ as subsequently agreed shall be strictly adhered to during construction of the development.

Reason: In order to ensure that existing trees and hedges are protected.

6. All trees and hedges identified for retention and any peripheral trees or hedges bounding the site, which may be affected by any element of the approved development and its associated construction, (including land within the blue site area) shall be protected in full accordance with BS 5837: 2012 'Trees in relation to design, demolition and construction'. Approved Tree Protection measures shall not be removed breached or altered without prior written authorisation from the local planning authority but shall remain in a functional condition throughout the entire development or as per the phasing plan. If such protection measures are damaged beyond effective functioning then works that may compromise the protection of trees and hedges shall cease until the protection can be repaired or replaced with a specification that shall provide a similar degree of protection.

Reason: In order to ensure that existing trees and hedges are protected.

7. Prior to the commencement of the development hereby approved, details of the construction methodology for constructing the garage of Plot 3, which is within the root protection area of adjacent trees shall be submitted to the Council for the further approval in writing by the Council. The details shall be undertaken by a suitably qualified tree arboriculturist, and the subsequent approved details shall thereafter be implemented in full.

Reason: In order to ensure that the existing trees are adequately protected during the course of construction

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

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

9. The visibility splays of the access onto Woodlands Road, as shown in purple on plan 19/00146/12, shall be maintained and kept clear of any structures and planting

Reason – In order to ensure that an acceptable level of forward visibility is maintained and that road and pedestrian safety is delivered.

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

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

11. An updated survey to determine presence of red squirrel dreys must be undertaken if any tree / hedge felling is proposed after 1 February 2020. If the survey identifies the presence of dreys(s), Scottish Natural Heritage must be consulted in respect of any need and implications for any application for a licence.

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).

12. Temporary lights used during construction should be fitted with shades to prevent light spillage outside the working area. Temporary and permanent lights must not illuminate the surrounding tree lines, to reduce impact on foraging bats.

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

B JUSTIFICATION

- 96 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

- 97 The planning permission decision notice shall not be issued until such time as the required Developer Contributions have been secured or paid in full.

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.

D INFORMATIVES

1. The development hereby permitted shall be commenced no later than the expiration of two years from the date of this permission 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. An application for Building Warrant will be required.
5. The applicant should be advised that in terms of Section 56 of the Roads (Scotland) Act 1984 he must obtain from the Council as Roads Authority consent to open an existing road or footway prior to the commencement of works. Advice on the disposal of surface water must be sought at the initial stages of design from Scottish Water and the Scottish Environmental Protection Agency.
6. The applicant is advised that deadwood is an important habitat and food source for many rare and threatened species. Leaving some of the felled trees in tact on the ground or cut into small piles, would enhance the biodiversity value of the site, and is advised.

7. The applicant is reminded that, should any protected species be present a licence may be required from Scottish Natural Heritage to disturb a protected species. Failure to obtain a licence may constitute a criminal act under the Habitats Regulations and penalties are severe for non-compliance.
8. The applicant is reminded that, under the Wildlife and Countryside Act 1981, as amended, it is an offence to remove, damage or destroy the nest of any wild birds while that nest is in use or being built. Planning consent for a development does not provide a defence against prosecution under this act.
9. In the event that there is a Section 75 legal obligation associated with this planning permission, which relates to education contributions. A copy is available to view on the Council's Public Access portal.

Background Papers: 12 letters of representation
Contact Officer: Andy Baxter 01738 475339
Date: 23 May 2019

ANNE CONDLIFFE
INTERIM DEVELOPMENT QUALITY MANAGER

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