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Council Building  
2 High Street  
Perth  
PH1 5PH

25 June 2020

A Meeting of the **Planning and Development Management Committee** will be held virtually via Microsoft Teams on **Wednesday, 01 July 2020 at 10:00**.

If you have any queries please contact Committee Services - [Committee@pkc.gov.uk](mailto:Committee@pkc.gov.uk).

**KAREN REID**  
Chief Executive

***Those attending the meeting are requested to ensure that all notifications are silent on their device and other devices are in silent mode.***

***Please note that the meeting will be broadcast via Microsoft Teams and recorded. The recording will be publicly available on the Council's website following the meeting.***

**Members:**

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



**Planning and Development Management Committee**

**Wednesday, 01 July 2020**

**AGENDA**

***MEMBERS ARE REMINDED OF THEIR OBLIGATION TO DECLARE ANY FINANCIAL OR NON-FINANCIAL INTEREST WHICH THEY MAY HAVE IN ANY ITEM ON THIS AGENDA IN ACCORDANCE WITH THE COUNCILLORS' CODE OF CONDUCT.***

- 1 WELCOME AND APOLOGIES**
- 2 DECLARATIONS OF INTEREST**
- 3 DEPUTATIONS**
- 4 MINUTE OF MEETING OF THE PLANNING AND DEVELOPMENT MANAGEMENT COMMITTEE OF 3 JUNE 2020 FOR APPROVAL AND SIGNATURE (copy herewith) 5 - 26**
- 5 APPLICATIONS FOR DETERMINATION**
- 5(1) APPLICATIONS PREVIOUSLY CONSIDERED**
- 5(1)(i) 19/01130/AMM - STANLEY - ERECTION OF 183 DWELLINGHOUSES AND 4 FLATS, FORMATION OF A VEHICULAR ACCESS, PLAY PARK, LANDSCAPING AND ASSOCIATED WORKS (APPROVAL OF MATTERS SPECIFIED IN CONDITIONS OF 17/00088/IPM), LAND AT STANLEY VILLAGE (LDP2 SITE H30) 27 - 88**  
Report of Handling by Head of Planning and Development (copy herewith 20/109)
- 5(2) RELATED LOCAL APPLICATIONS**
- 5(2)(i) 19/01373/FLL - STANLEY - ALTERATIONS TO PUBLIC ROAD (B9099), FORMATION OF VEHICULAR ACCESS AND ASSOCIATED WORKS, LAND WEST OF TAYBANK COTTAGE, PERTH ROAD, STANLEY 89 - 120**  
Report of Handling by Head of Planning and Development (copy herewith 20/110)

<b>5(2)(ii)</b>	<b>20/00096/FLL - STANLEY - FORMATION OF A CROSSING POINT AND ASSOCIATED WORKS, LAND NORTH OF 53 DUCHESS STREET, STANLEY</b> Report of Handling by Head of Planning and Development (copy herewith 20/111)	<b>121 - 150</b>
<b>5(3)</b>	<b>MAJOR APPLICATIONS</b>	
<b>5(3)(i)</b>	<b>19/00917/FLM - KINROSS - ERECTION OF 169 DWELLINGHOUSES, FORMATION OF OPEN SPACE, LANDSCAPING AND ASSOCIATED INFRASTRUCTURE (PHASE 2), LAND 300 METRES NORTH WEST OF LATHRO FARM, KINROSS</b> Report of Handling by Head of Planning and Development (copy herewith 20/112)	<b>151 - 184</b>
<b>5(4)</b>	<b>LOCAL APPLICATIONS</b>	
<b>5(4)(i)</b>	<b>20/00524/FLL - MARYBURGH - ERECTION OF 4 DWELLINGHOUSES AND ASSOCIATED WORKS, LAND SOUTH OF HILLCREST, MARYBURGH</b> Report of Handling by Head of Planning and Development (copy herewith 20/113)	<b>185 - 204</b>
<b>5(5)</b>	<b>PROPOSAL OF APPLICATION NOTICE (PAN)</b>	
<b>5(5)(i)</b>	<b>20/00004/PAN - GLENFARG - ERECTION OF ENERGY FROM WASTE FACILITY AND ASSOCIATED WORKS, BINN FARM, GLENFARG</b> Pre-Application Report by Head of Planning and Development (copy herewith 20/114)	<b>205 - 212</b>

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## PLANNING AND DEVELOPMENT MANAGEMENT COMMITTEE

Minute of meeting of the Planning and Development Management Committee held virtually via Microsoft Teams on Wednesday 3 June 2020 at 10.00am.

Present: Councillors R McCall, B Brawn, H Anderson, M Barnacle, E Drysdale, T Gray, D Illingworth, I James, C Purves, C Reid, R Watters, M Williamson and W Wilson.

In Attendance: D Littlejohn, K Smith, J Scott, C Brien, D Salman, L Reid, A Rennie G Fogg, D Williams, A Brown and A Taylor (all Corporate and Democratic Services); C Wright and S Watt (both IT).

Councillor R McCall, Convener, Presiding.

### . WELCOME AND APOLOGIES

The Convener welcomed everyone present to the meeting.

### . DECLARATIONS OF INTEREST

Councillor E Drysdale declared a non-financial interested in Arts. (20/00007/FLL and 20/00061/CON).

### . MINUTES

The minute of meeting of the Planning and Development Management Committee of 29 April 2020 (Arts.) was submitted, approved as a correct record and authorised for signature.

### . DEPUTATIONS

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

Planning Application No.	Art. No.
19/01429/LBC	.....(2)(i)
19/01673/AML	.....(2)(ii)
20/00007/FLL	.....(2)(iii)
20/00061/CON	.....(2)(iv)
20/00217/FLL	.....(2)(v)

### . APPLICATIONS FOR DETERMINATION

#### (1) Major Applications

- (i) **19/01900/FLM - PERTH - Erection of 82 dwellinghouses and associated works (changes to house type/layout on plots**

**0024 - 0091 of permission 15/01109/FLM), land at Bertha Park, Perth – Report 20/93 – Bertha Park Ltd**

This application was withdrawn from the agenda.

- (ii) **20/00020/AMM-ALYTH-Site masterplan & erection of care/nursing home, 20 dwellinghouses & 8 garages, 3 Class 4 business units, biomass boiler house/store, pumping station, 2 entrance buildings/stores & boundary treatments, formation of 2 vehicular accesses, service/access road & temporary bridge, SUDS pond, parking areas, site infrastructure, burn re-alignment, landscaping & associated works (Phase 1)(S42 to modify condition 22(ii) of permission 18/01214/AMM), north of Pitcrocknie Farmhouse, Alyth – Report 20/94 – Glenisla Developments Ltd**

**Resolved:**

**Grant**, subject to the following conditions and informatives:

**Conditions**

1. The approved development must be completed in accordance with the approved drawings and documents, unless otherwise provided for by conditions imposed by this decision notice. For the avoidance of doubt, the masterplan (drawing ref: 20/00020/2) is approved insofar as the identification of general land uses and the phasing of development across the whole site. This approval does not grant permission for any operational development outwith Phase 1 or beyond the specific development approved within that phase as follows (and detailed on drawing ref: 20/0020/07):
  - a) Erection of a 60-bed care home;
  - b) Erection of 20 dwellinghouses (including 8 associated garages);
  - c) Erection of 3 business units (Class 4);
  - d) Erection of an Energy Centre;
  - e) Erection of 2 Entrance/Storage buildings;
  - f) De-culverting and realignment of Back Burn;
  - g) Erection of a Pumping station; and
  - h) The provision of a temporary haul road, including a temporary bridge over Back Burn. (drawing ref:20/00020/12)

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

2. Prior to the approved development being completed or brought into use, all matters regarding access, car parking, road layout, design and specification, including the disposal of surface water, shall be in accordance with

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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 2014.

3. No biomass boilers shall be installed to the approved energy centre (drawing ref: 20/00020/23), without the prior written approval of the Council as Planning Authority or the submission of a revised air quality assessment. The methodology for the assessment shall be agreed in writing with the Council as Planning Authority, prior to the assessment being undertaken.

Reason: In the interests of residential amenity.

4. All plant and equipment shall be so enclosed, attenuated and/or maintained such that any noise therefrom shall not exceed Noise Rating 35 between 0700 and 2300 hours daily, or Noise Rating 20 between 2300 and 0700 hours daily, within any neighbouring residential property, with all windows slightly open, when measured and/ or calculated and plotted on a rating curve chart.

Reason: In the interests of residential amenity.

5. Construction work shall be limited to Monday to Friday 0700 hours to 1900 hours and Saturday 0800 hours to 1300 hours with no noisy works out with these times or at any time on Sundays or bank holidays.

Reason: In the interests of residential amenity.

6. The development shall continue to be implemented in line with the approved programme of archaeological work and in accordance with the agreed written scheme of archaeological investigation (drawing ref: 20/00020/08) submitted by the applicant, and agreed by the Council as Planning Authority, in consultation with Perth and Kinross Heritage Trust. Thereafter, the developer shall ensure that the programme of archaeological works is fully implemented including that all excavation, preservation, recording, recovery, analysis, publication and archiving of archaeological resources within the development site is undertaken. In addition, the developer shall afford access at all reasonable times to Perth and Kinross Heritage Trust or a nominated representative and shall allow them to observe work in progress.

Reason: To ensure a programme of archaeological works is carried out to safeguard and record any archaeological remains within the development area.

7. The approved protective fencing (Drawing ref: 20/00020/10) shall continue be erected around SM1575 Pitcrocknie Stone. No works shall take place within the area inside that fencing without prior written agreement of

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the Council as Planning Authority in consultation with Perth and Kinross Heritage Trust.

Reason: To ensure the preservation of the historic environment.

8. All trees and hedgerows shown to be retained (drawing ref: 20/00020/11) shall continue to be protected by suitable fencing in accordance with BS5837 2012 (Trees in Relation to Construction). No materials, supplies, plant, machinery, soil heaps, changes in ground levels or construction activities shall be permitted within the protected areas without the written agreement of the Council as Planning Authority.

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

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

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

10. The adopted core paths (ALTH/100 and ALTH/4) must not be obstructed during building works or on completion of the development. Any damage done to the route and/or the associated signage during building works must be made good before the development is completed or brought into use, whichever is the earlier.

Reason: To ensure continued public access to the public paths and in the interests of public safety within the site.

11. Following approval by SEPA, the approved realignment design of the Back Burn (drawing ref: 20/00020/13) shall be implemented in full prior to the occupation of the first dwelling.

Reason: In order to take account of the flood risk from the adjacent watercourse.

12. Following approval by SEPA of the topographic information (drawing ref: 20/00020/14) showing the height differences between the realigned Back Burn, existing ground levels, and finished floor levels of the proposed development shall be implemented in full prior to the occupation of the first dwelling.

Reason: In order to take account of the flood risk from the adjacent watercourse.

13. All water-crossings including temporary crossings over the Back Burn shall be designed to convey the 1:200-



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year peak flow, giving due consideration to climate change, and a freeboard to mitigate against bridge blockage potential. The crossings shall be implemented in full prior to the occupation of the first dwelling.

Reason: In order to take account of the flood risk from the adjacent watercourse.

14. The approved Phase 1 planting scheme (drawing ref: 20/00020/11) shall be implemented in full. For the avoidance of doubt this should include:

- Woodland enhancement for red squirrels
- Ecological corridor and Back Burn edges
- Ponds and surrounding area

Reason: In the interests of protecting and enhancing biodiversity.

15. During Phase 1 all road gullies within 500m of the SUDS pond shall have a Wildlife Kerb installed adjacent to it to allow amphibians to pass safely.

Reason: In the interests of protecting biodiversity.

16. During Phase 1 no works which include the creation of trenches or culverts or the presence of pipes shall commence until measures to protect animals from being trapped in open excavations and/or pipe and culverts are submitted to and approved in writing by the Council as Planning Authority. The measures may include creation of sloping escape ramps which may be achieved by edge profiling of trenches/excavations or by using planks placed into them at the end of each working day and open pipework greater than 150mm outside diameter being blanked off at the end of each working day.

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. The approved Bat brick(s)/Bat nest box(s) and Swift brick(s) (drawing ref: 20/00020/09) shall be installed in accordance with the agreed details prior to the occupation of the relevant residential unit.

Reason: In the interests of enhancing biodiversity.

18. No removal of hedgerows, trees or shrubs or works to or demolition of buildings or structures 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

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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).

19. The approved specification and colour of the proposed external finishing materials (drawing ref: 20/00020/04) to be used in Phase 1 shall be finished in accordance with the approved scheme.

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

20. During construction the public road shall be kept free from mud and debris at all times and suitable wheel cleaning facilities shall be provided within the site to prevent the deposition of mud and debris on to the public road.

Reason: In the interest of proper site management and to protect the amenity of the area.

21. The Construction Traffic Management Scheme (TMS) as approved (drawing ref: 20/00020/05) shall continue to 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;

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- (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 interest of proper site management and to protect the amenity of the area.

22. The approved construction programme (drawing ref: 20/00020/06) detailing the phasing and timing of delivery of the elements approved in Phase 1 shall specifically provide for the following:

- (i) the 3 business units must be fully serviced before the occupation of the first residential dwelling; and
- (ii) prior to the occupation of the first residential dwelling, the construction of the care home shall be completed to the following specification:
  - the timber kit fully erected on the foundations;
  - all windows and doors fitted; and
  - the roofing and wall membranes applied.

The construction programme and phasing shall be implemented in accordance with the approved scheme.

Reason: To ensure the delivery of the care home and employment generating uses in early phases of the development.

#### **Justification**

The proposal is considered to be in accordance with the Development Plan and there are no material considerations which justify refusal of the planning application.

#### **Procedural Notes**

None required. A Section 75 is in place and future proofed to deal with the agreed upgrade works of Losset Road Core Path (ALTH/100 and ALTH/4) and bus service provision.

#### **Informatives**

1. 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

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(Scotland) Act 1997 (as amended) to give the Planning Authority written notice of that position.

2. This development will require the 'Display of notice while development is carried out', under Section 27C (1) of the Town and Country Planning Act 1997, as amended, and Regulation 41 of the Development Management Procedure (Scotland) Regulations 2013. The form of the notice is set out in Schedule 7 of the Regulations and a draft notice is included for your guidance. According to Regulation 41 the notice must be:
  - Displayed in a prominent place at or in the vicinity of the site of the development
  - Readily visible to the public
  - Printed on durable material.
3. The developer is advised to contact Mr David Strachan, Archaeologist to discuss terms of reference for work required Tel 01738 477080.
4. 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.
5. The applicant is advised that in terms of Sections 56 of the Roads (Scotland) Act 1984 they must obtain from the Council as Roads Authority consent to open an existing road or footway prior to the commencement of works. Advice on the disposal of surface water must be sought at the initial stages of design from Scottish Water and the Scottish Environment Protection Agency (SEPA).
6. 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.
7. 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.
8. The applicant is encouraged to provide for hedgehog shelter, hibernation in, and commuting through the development, through the design of gardens, decking and access to gardens and greenspace. Access gaps in wooden fences should be 13cm x 13cm. Advice and

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assistance is available from the Tayside Biodiversity Partnership.

9. For future development phases of the masterplan and In Principle approval, there will be no structures within 46 metres of Pitcrocknie Stone Scheduled Monument to the east (Phase 2); within 62 metres of the stone to the southeast (Phase 3); and within 72 metres of the stone to the south (Phase 4).
10. For future development phases of the masterplan and In Principle approval, no structures within Phase 2, 3 and 4 and/or within the 100-metre radius around the Pitcrocknie Stone Scheduled Monument shall be above single storey in height.
11. This permission continues to be tied by the Section 75 legal agreement for upgrading of Losset Road core path and bus service provision associated with 18/01214/AMM and the associated requirements will continue to apply. The terms of the obligation can be viewed via PKC Public Access or at the Registers of Scotland ([www.ros.gov.uk](http://www.ros.gov.uk)).

**(2) Local Applications**

- (i) **19/01429/LBC - COUPAR ANGUS - Alterations and extension to outbuilding to form a dwellinghouse, land east of Abbeyhill, Precinct Street, Coupar Angus – Report 20/95 – Clarencebank Developments Ltd**

Mr K Miles, objector to the application, addressed the Committee via audio conference.

**Motion (Councillors R McCall and W Wilson)**

**Grant, subject to the following conditions and informatives:**

**Conditions**

1. **The development hereby approved must be carried out in accordance with the approved drawings and documents, unless otherwise provided for by conditions imposed by this decision notice.  
Reason: To ensure the development is carried out in accordance with the approved drawings and documents.**
2. **All external doors and windows shall be of timber construction. Prior to the commencement of the development hereby approved, precise specification details of all external doors and windows shall be submitted to and approved in writing by the Council as Planning Authority. The approved details shall thereafter be implemented in full.**

**Reason:** In the interest of protecting the character and historic setting of the listed building.

3. Prior to the commencement of any development precise details relating to the construction materials, and finish of any entrance gate(s) shall be submitted shall be submitted to and for the further written agreement by the Council as Planning Authority. The agreed details shall thereafter be implemented in full to the satisfaction of the Council as Planning Authority.

**Reason:** In the interest of protecting the character and historic setting of the listed building.

4. The proposed UPVc rainwater goods are not approved. Prior to the commencement of the development, precise details of relating to the construction materials, and finish of all rainwater goods shall be submitted to and approved in writing by the Council as Planning Authority. The approved details shall thereafter be implemented in full to the satisfaction of the Council as Planning Authority.

**Reason:** In the interest of protecting the character and historic setting of the listed building.

5. Prior to the commencement of the development hereby approved, samples of all external finishes for both the dwellinghouse and the outbuilding shall be submitted to and approved in writing by the Council as Planning Authority. The agreed details shall thereafter be implemented in full to the satisfaction of the Council as Planning Authority.

**Reason:** In the interest of protecting the character and historic setting of the listed building.

#### **Justification**

The proposal is in accordance with the Development Plan and the requirements of the Planning (Listed Buildings and Conservation Areas) Act 1997 and there are no material reasons which justify departing from the Development Plan.

#### **Informatives**

1. This listed building consent will last only for 3 years from the date of this decision notice, unless the development has been started within that period (see section 16 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997, as amended by Section 20 of the Planning etc (Scotland) Act 2006).
2. This is approval of your application Ref no 19/01429/LBC for listed building consent only. It does not include any approval for your related

planning application Ref no 19/00090/FLL. No work should commence until all the associated pre-commencement conditions attached to the planning permission have been discharged in writing.

3. For the avoidance of doubt, the internal dwarf garden wall is listed and any proposed works to it will require a separate LBC.
4. This consent 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. Please send the required information to us at [developmentmanagement@pkc.gov.uk](mailto:developmentmanagement@pkc.gov.uk). Please be aware that the Council has two months to consider the information. You should therefore submit the required information more than two months before your consent 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 consent lapses.

Amendment (Councillors C Purves and R Watters)

Refuse, on the grounds that the listed building proposal fails to preserve or enhance the setting of Abbeyhill or the Conservation Area.

In accordance with Standing Order 58, a roll call vote was taken.

8 members voted for the Motion as follows:

Councillors H Anderson, B Brawn, T Gray, D Illingworth, I James, R McCall, M Williamson and W Wilson

5 members voted for the Amendment as follows:

Councillors M Barnacle, E Drysdale, C Purves, C Reid and R Watters

**Resolved:**

In accordance with the Motion.

- (ii) **19/01673/AML - CROOK OF DEVON - Erection of 10 dwellinghouses with associated infrastructure and landscaping (approval of matters specified in conditions of 18/01855/IPL), land north west of Schiehallion, Crook of Devon – Report 20/96 – Mr, Mr and Ms Duncan, George and Catriona Shand**

Councillor W Robertson, local member, addressed the Committee via audio conference.

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Motion (Councillors R McCall and I James)

Grant, subject to the conditions and informatives contained in Report 20/96.

Amendment (Councillors M Barnacle and T Gray)

**Refuse, as the proposal is contrary to the following policies of the 2019 Perth & Kinross Local Development Plan 2:**

**Placemaking Policy 1A as it fails to contribute positively to the quality of the surrounding built and natural environment;**

**Residential Areas Policy 17 as it fails to provide infill residential development at a density representing the most efficient use of the site while respecting its environs;**

**Affordable Housing Policy 20 as it has not been demonstrated through a viability assessment that development proposal which incorporates affordable housing on-site is not possible.**

In accordance with Standing Order 58, a roll call vote was taken.

Due to a loss of internet connection, Councillor H Anderson did not take part in the vote.

4 members voted for the Motion as follows:

Councillors B Brawn, D Illingworth, I James and R McCall

8 members voted for the Amendment as follows:

Councillors M Barnacle, E Drysdale, T Gray, C Purves, C Reid, R Watters, M Williamson and W Wilson

**Resolved:**

In accordance with the Amendment.

THERE FOLLOWED A 15 MINUTE RECESS

HAVING DECLARED A NON-FINANCIAL INTEREST IN ARTS. (20/00007/FLL and 20/00061/CON) COUNCILLOR E DRYSDALE LEFT THE MEETING AT THIS POINT.

Prior to consideration of applications 20/00007/FLL and 20/00061/CON Councillor E Drysdale, local member, followed by Ms T Fleuchar, objector, addressed the Committee via audio conferencing.

- (iii) **20/00007/FLL - PERTH - Demolition of gym, conversion and erection of 12 flats, formation of communal courtyard and**



**associated works, 15 Canal Street, Perth – Report 20/97 –  
Mr Binning and**

**Motion (Councillors T Gray and C Purves)**

**Grant, subject to the following conditions and informatives:**

- 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 specification and colour of the proposed external finishing materials to be used shall be submitted to and agreed in writing by the Council as Planning Authority. The scheme as agreed shall be implemented prior to the completion or bringing into use of the development, whichever is the earlier.  
Reason: In order to protect the traditional character of the building and the appearance of the Conservation Area.**
- 3. Prior to the commencement of the development hereby approved, details of the specification, finish and colour of the proposed replacement and new windows and doors to be used shall be submitted to and agreed in writing by the Council as Planning Authority. The scheme as agreed shall be implemented prior to the completion or bringing into use of the development, whichever is the earlier.  
Reason: In order to protect the traditional character of the building and the appearance of the Conservation Area.**
- 4. Development shall not commence until the developer has secured the implementation of a programme of archaeological work in accordance with a written scheme of archaeological investigation which has been submitted by the applicant and agreed in writing by the Council as Planning Authority, in consultation with Perth and Kinross Heritage Trust. Thereafter, the developer shall ensure that the programme of archaeological works is fully implemented including that all excavation, preservation, recording, recovery, analysis, publication and archiving of archaeological resources within the development site is undertaken. In addition, the developer shall afford access at all**

reasonable times to Perth and Kinross Heritage Trust or a nominated representative and shall allow them to observe work in progress.

Reason: To ensure a programme of archaeological works is carried out to safeguard and record any archaeological remains within the development area.

5. Prior to the commencement of development a Construction Management Plan which should include mitigation measures and monitoring to control dust emissions from the site from demolition and construction activities shall be submitted to and agreed in writing by the Council as Planning Authority. The plan as subsequently agreed shall be implemented throughout the demolition and construction stage of the development.

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

6. The sound insulation and sound transmission properties of the structure and finishes of residential units shall be such that any airborne noise from the operations within the adjoining commercial hotel premises does not constitute a statutory noise nuisance as determined by the Council as Planning Authority.

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

7. During the construction phase no machinery shall be operated, no process shall be carried out and no deliveries taken at or despatched from the site which would result in noise which could be considered a statutory nuisance outside the following times: Monday-Friday 07.00 to 19:00-hours, Saturday 08.00 to 13:00 nor at any time on Sundays, Bank or Public Holidays.

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

8. Prior to the commencement of works on site, an evaluation for the potential of the site to be affected by contamination by a previous use should be undertaken and as a minimum, a Preliminary Risk Assessment (Phase 1 Desk Study) will be submitted for consideration by the Council as Planning Authority. If after the preliminary risk assessment identifies the need for further assessment, an intrusive investigation should be undertaken to identify;

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

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

Validation that the scheme has been fully implemented must also be submitted to the Council as Planning Authority.

Reason: In order to deal with any potential contamination of the site as a result of its former use.

9. No part of the development shall be occupied until a Residential Travel Plan (RTP), aimed to encourage more sustainable means of travel, has been submitted and approved in writing by the Council as Planning Authority. The RTP will have particular regard to provision for walking, cycling and public transport access to and within the site and will identify the measures to be provided. The agreed RTP should be issued to residents at the time of their occupation.

Reason: To promote sustainable transport options and to meet advice within Scottish Planning Policy on transport.

10. Prior to the occupation or use of the approved development a secure waterproof cycle parking facility for a minimum of 14 cycles shall be provided within the site to the satisfaction of the Planning Authority.

Reason: To encourage active travel and meet advice within Scottish Planning Policy on transport.

#### **Justification**

The proposal is in accordance with the Development Plan and there are no material reasons which justify departing from the Development Plan.

#### **Informatives**

1. This planning permission will last only for three years from the date of this decision notice, unless the development has been started within that period. (See section 58(1) of the Town and Country Planning (Scotland) Act 1997 (as amended)).

2. Under section 27A of the Town and Country Planning (Scotland) Act 1997 (as amended) the person undertaking the development is required to give the planning authority prior written notification of the date on which it is intended to commence the development. A failure to comply with this statutory requirement would constitute a breach of planning control under section 123(1) of that Act, which may result in enforcement action being taken.
3. As soon as practicable after the development is complete, the person who completes the development is obliged by section 27B of the Town and Country Planning (Scotland) Act 1997 (as amended) to give the planning authority written notice of that position.
4. The developer is advised to contact Mr David Strachan, Archaeologist to discuss terms of reference for work required Tel 01738 477080.
5. 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. Please send the required information to us at [developmentmanagement@pkc.gov.uk](mailto:developmentmanagement@pkc.gov.uk) . Please be aware that the Council has two months to consider the information (or four months in the case of a Major planning permission). You should therefore submit the required information more than two months (or four months) before your permission expires. We cannot guarantee that submissions made within two months (or four months) of the expiry date of your permission will be able to be dealt with before your permission lapses.
6. The applicant is advised to refer to Perth & Kinross Council's Supplementary Guidance on Flood Risk and Flood Risk Assessments 2014 as it contains advice relevant to your development.
7. The applicant is advised that there is an abandoned lade which runs along Canal Street. This is believed to run underneath the main road, however if this is exposed during excavation works, contact should be made with the flooding team.
8. 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.**

- 9. Please apply to the Street Naming and Numbering Officer, The Housing & Environment Service, Perth and Kinross Council, Pullar House, 35 Kinnoull Street, Perth PH1 5GD for a new postal address. The form is downloadable from [www.pck.gov.uk](http://www.pck.gov.uk) and should be returned to [snn@pck.gov.uk](mailto:snn@pck.gov.uk).**

Amendment (H Anderson and R Watters)

Refuse on the basis the proposal is contrary to Policy 16 of the 2019 Perth & Kinross Local Development Plan 2 as it entails the loss of a building which is currently used, in part, for community purposes and will seriously affect the availability of such community facilities in the City centre;  
The proposal is contrary to Policy 5 of TayPlan 2016-2036;  
The loss of the current gymnasium and its associated customer base will have a detrimental impact on the economic wellbeing and vitality of the City centre.

DUE TO CONVENER'S INTERNET CONNECTION FAILING THERE WAS A SHORT RECESS.

In accordance with Standing Order 58, a roll call vote was taken.

Due to a loss of internet connection, Councillor D Illingworth did not take part in the vote.

7 members voted for the Motion as follows:

Councillors M Barnacle, B Brawn, T Gray, I James, R McCall  
C Purves and W Wilson

4 members voted for the Amendment as follows:

Councillors H Anderson, C Reid, R Watters and M Williamson

**Resolved:**

In accordance with the Motion.

- (iv) 20/00061/CON - PERTH - Demolition of building, 15-17 Canal Street, Perth – Report 20/98 – Mr Binning**

**Grant**, subject to the following conditions and informatives:

**Conditions**

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

PERTH AND KINROSS COUNCIL  
PLANNING AND DEVELOPMENT MANAGEMENT COMMITTEE  
3 JUNE 2020

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

2. Prior to commencement of the demolition works, evidence of the letting of a contract(s) for the carrying out of the works for redevelopment of the site shall be submitted to, and agreed in writing by, the Council as Planning Authority.

Reason: To avoid the site being left vacant and to protect the character of the Conservation Area.

3. Development shall not commence until the developer has secured the implementation of a programme of archaeological work in accordance with a written scheme of archaeological investigation which has been submitted by the applicant and agreed in writing by the Council as Planning Authority, in consultation with Perth and Kinross Heritage Trust. Thereafter, the developer shall ensure that the programme of archaeological works is fully implemented including that all excavation, preservation, recording, recovery, analysis, publication and archiving of archaeological resources within the development site is undertaken. In addition, the developer shall afford access at all reasonable times to Perth and Kinross Heritage Trust or a nominated representative and shall allow them to observe work in progress.

Reason: To ensure a programme of archaeological works is carried out to safeguard and record any archaeological remains within the development area.

**Justification**

The proposal is in accordance with the Development Plan and there are no material reasons which justify departing from the Development Plan.

**Informatives**

1. This Conservation Area Consent will last only for 3 years from the date of this decision notice, unless the development has been started within that period (see section 16 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997, as amended by Section 20 of the Planning etc (Scotland) Act 2006.
2. No work shall be commenced until an application for building warrant has been submitted and approved.
3. The developer is advised to contact Mr David Strachan, Archaeologist to discuss terms of reference for work required Tel 01738 477080.
4. This conservation area consent 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. Please send

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the required information to us at [developmentmanagement@pkc.gov.uk](mailto:developmentmanagement@pkc.gov.uk) . Please be aware that the Council has two months to consider the information. You should therefore submit the required information more than two months before your consent expires. We cannot guarantee that submissions made within two months of the expiry date of your consent will be able to be dealt with before your consent lapses

(v) **20/00217/FLL - ABERARGIE - Erection of indoor equestrian facility, Riding Establishment, Netherton Farm, Aberargie, Perth – Report 20/99 – Mr David Wilkie**

Mr R Taylor, agent on behalf of the applicant, addressed the Committee via audio conferencing.

**Resolved:**

**Grant**, subject to the following amended conditions and informatives:

**Conditions**

1. The development hereby approved must be carried out in accordance with the approved drawings and documents, unless otherwise provided for by conditions imposed by this decision notice.  
Reason: To ensure the development is carried out in accordance with the approved drawings and documents.
2. Prior to commencement of development a Waste Management Plan for the stables shall be submitted for the approval of the Planning Authority. The Plan shall include: the frequency that manure will be removed from the equestrian building; how waste will be handled and managed; provisions for storage including locations; and any provisions for removing waste from the site, so as to ensure that odour and infestation is minimised. The Plan as approved shall thereafter be implemented to the satisfaction of the Council as Planning Authority.  
Reason: In order to safeguard the residential amenity of the area.
3. The delivery and collection of goods and horses at the premises shall only take place between 0630 and 2100 Monday to Saturday and 0800 and 1900 on Sunday and at no other time.  
Reason: In order to safeguard the residential amenity of the area.
4. The development hereby approved shall be designed and constructed so as to be flood resilient, in order to reduce the extent of potential flood damage and thereby reduce

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repair costs and speed up building restoration should a flood event occur.

Reason: In order to take account of the flood risk from the River Farg.

5. Prior to commencement of the development, a condition survey shall be undertaken for the length of the private access from the A913 to the development site. The survey shall inform a detailed drawing which must be submitted to and approved by the Council as Planning Authority in writing prior to commencement of any development.

The scope of the submission shall include:

- a. Provision of a passing place as Figure 1 below, at approximately half distance between the existing passing place located to the north-east of Farndale and the junction with A913;
- b. Specification for upgrade and repair of the track over its entire length to a bituminously bound surface;
- c. Incorporate signage for both directional and advisory speed limit at identified locations along the length of the private access.

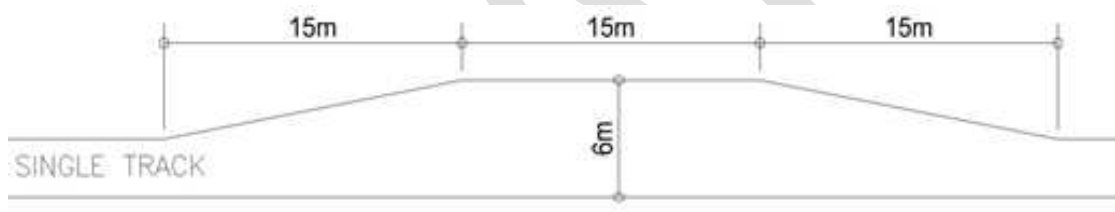


Figure 1

The details as subsequently approved shall be implemented in full prior to the development hereby approved being brought into use and thereafter be maintained for a period of not less than 12 months.

Reason: In the interests of pedestrian and traffic safety and free traffic flow.

6. All external lighting shall be sufficiently screened and aligned so as to ensure that there is no direct illumination of neighbouring land and that light spillage beyond the boundaries of the site is minimised to a degree that it does not adversely affect the amenity of the neighbouring land.

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



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**Justification**

The proposal is in accordance with the Development Plan and there are no material reasons which justify departing from the Development Plan.

**Informatives**

1. This planning permission will last only for three years from the date of this decision notice, unless the development has been started within that period (see section 58(1) of the Town and Country Planning (Scotland) Act 1997 (as amended)).
2. Under section 27A of the Town and Country Planning (Scotland) Act 1997 (as amended) the person undertaking the development is required to give the planning authority prior written notification of the date on which it is intended to commence the development. A failure to comply with this statutory requirement would constitute a breach of planning control under section 123(1) of that Act, which may result in enforcement action being taken.
3. As soon as practicable after the development is complete, the person who completes the development is obliged by section 27B of the Town and Country Planning (Scotland) Act 1997 (as amended) to give the planning authority written notice of that position.
4. No work shall be commenced until an application for building warrant has been submitted and approved.
5. The applicant is advised to refer to Perth & Kinross Council's Supplementary Guidance on Flood Risk and Flood Risk Assessments 2014 as it contains advice relevant to your development.  
<http://www.pkc.gov.uk/article/15061/Supplementary-guidance-Flood-risk-and-flood-risk-assessments>
6. Regulatory advice with regard drainage to the nearby River Farg should be sought from the Scottish Environmental Protection Agency (SEPA).
7. The applicant should take note of the information and advice contained within the consultation response from Scottish Water.

**PROPOSAL OF APPLICATION NOTICE (PAN)**

**20/00003/PAN - MURTHLY - Erection of poultry rearing sheds, managers dwellinghouse, amenity and storage buildings and associated works, Murthly – Report 20/100 – Aviagen Ltd**

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Councillor Wilson requested that consideration be given to the relationship with neighbouring uses, including; proximity of the school in respect of assessment for noise and colour, transport considerations and the need to pay attention to heavy vehicle movements, and the concerns of residents including size, scale and location.

Councillor James requested that consideration be given to the size and location of the development, and access and traffic to the site.

Members noted the issues identified by the Head of Planning and Developments Report.

DRAFT

Perth and Kinross Council  
Planning & Development Management Committee – 1 July 2020  
Report of Handling by Head of Planning & Development (Report No. 20/109)

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

**LOCATION:** Land at Stanley Village (LDP2 Site H30)

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

### Summary

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

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

### BACKGROUND AND DESCRIPTION OF PROPOSAL

- 1 This application was previously considered by the Planning and Development Committee (PDMC) at its meeting on 11 March 2020. A copy of the previous Committee Report is appended to this report for determination (Appendix 1).
- 2 At the meeting of 11 March 2020, Committee resolved to defer the determination of the application for the following reasons:
  - (i) The application to be presented to the Committee at the same time as the relevant roads applications (Ref: 19/01373/FLL – for the proposed vehicular access, bus stops and pedestrian crossing on the B9099 Road and Ref: 20/00096/FLL – for a pedestrian crossing at the western end of Duchess Street);
  - (ii) The Road Safety Audit associated with the application be made available to members of the Committee; and
  - (iii) An unaccompanied site visit by members was to take place before the above applications were presented to the Committee.
- 3 All other issues in relation to this application remain the same.
- 4 In respect of deferral reason (i), both application 19/01373/FLL and 20/00096/FLL are on this Agenda for determination. In respect of deferral

reason (ii) the requested road safety audit carried out by the applicant's transport consultant is included with the application documents and is provided as Appendix 2 to this report.

- 5 In respect of deferral reason (iii) the unaccompanied site visit, since the deferral of the application, and before an unaccompanied site visit could be arranged by Committee Services, the country went into 'lockdown' due to the COVID-19 pandemic on 23 March 2020. At the time of writing, Scotland is in Phase 2 of the route map within the [Scottish Government's Framework for Decision Making](#); which continues to limit non-essential travel for business purposes and prohibits public gatherings. This has therefore prevented any unnecessary travel from taking place and consequently no site visit by Members has to date been possible. Individual site visits by members would also be permissible if there is no alternative. It is understood that remote working will remain the default position until Phase 3 of the route map; which would allow travel beyond local areas and gatherings in extended groups, subject to physical distancing measures. Given the nature of the pandemic, it is difficult to predict a date as to when Phase 3 might take effect.
- 6 In accordance with guidance which has been issued by the Scottish Government's Chief Planner, it is incumbent on the Council to determine planning applications where this is possible. Given the current circumstances, it is appropriate to consider alternative approaches to allow the determination of this application. Following discussion between officers and the Convenor, it was agreed that it was in the interest of the Council as planning authority, to complete its consideration these planning applications rather than leaving the applicant to appeal on non-determination grounds. Accordingly, it was agreed that a video recorded site visit should be made by officers and presented to the Committee, as a reasonable and pragmatic substitution for an arranged Member site visit or indeed individual sites visits by Members'.
- 7 The video recorded site visit was carried out by two officers on 11 June 2020, with physical distancing being observed.

## **CONSULTATIONS**

- 8 No additional consultations were required beyond those set out in Appendix 1.

## **REPRESENTATIONS**

- 9 No re-notification has been required and no further valid representations were received as a result of the deferral. All representations associated with the original application are as detailed in Appendix 1.

## **APPRAISAL**

- 10 There have been no physical changes made to the proposal since the deferral on 11 March 2020. As noted above, the associated planning applications for the proposed vehicular access, bus stops and pedestrian crossing on the B9099 Road (Ref: 19/01373/FLL) and pedestrian crossing at the western end of Duchess Street (Ref: 20/00096/FLL) are being determined separately on the

same Agenda. This application recognises both applications in the original assessment (Appendix 1).

- 11 The issues regarding access into and out of the site are well understood due to its location and constraint for a northern access, with limitations for access from Duchess Street. The submitted Road Safety Audit (RSA) (Appendix 2) considered the road safety impact of the proposed vehicle and pedestrian access points and the two bus stops. The RSA was first received on 27 September 2019 and updated in February 2020, following submission of the pedestrian crossing application on Duchess Street. Both have been available on the Council's Public Access service since these times.
- 12 The Council's Transport Planning team have assessed this aspect of the proposal in detail and confirmed that the proposed access points are in the optimum locations to allow safe access and egress and crossing for vehicles and pedestrians. The assessment of the proposed means of access to the site, as detailed in Appendix 1, therefore remains consistent.
- 13 In respect of all other considerations, the assessment of the application as presented to PDMC on 11 March 2020 is unchanged, as set out in Appendix 1. The proposal continues to comply with the provisions of the Development Plan and the PPP. Subject to the conditions below the application is recommended for approval.

## **LEGAL AGREEMENTS**

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

## **DIRECTION BY SCOTTISH MINISTERS**

- 15 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**

- 16 To conclude, the application must be determined in accordance with the PPP and the adopted Development Plan, unless material considerations indicate otherwise. In this respect, account of the terms of the PPP and the Local Development Plan 2019 (LDP2) and other material considerations and in this case that the development proposal accords with these.
- 17 Accordingly, the proposal is recommended for approval subject to the following conditions.

## **RECOMMENDATION**

### **Approve the application**

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

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

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

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

Reason: In the interest of vehicle and pedestrian safety and in accordance with the policies of the adopted Perth and Kinross Local Development Plan 2019.

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

Reason: In the interests of road and pedestrian safety.

- 4 Prior to the commencement of works on the development, the applicant shall submit for the written approval of the Planning Authority a Construction Traffic Management Scheme (TMS) which shall include the following:

- a) restriction of construction traffic to approved routes and the measures to be put in place to avoid other routes being used;
- b) timing of construction traffic to minimise impact on local communities particularly at school start and finishing times, on days when refuse collection is undertaken, on Sundays and during local events;
- c) arrangements for liaison with the Roads Authority regarding winter maintenance;
- d) emergency arrangements detailing communication and contingency arrangements in the event of vehicle breakdown;
- e) arrangements for the cleaning of wheels and chassis of vehicles to prevent material from construction sites associated with the development being deposited on the road;
- f) arrangements for cleaning of roads affected by material deposited from construction sites associated with the development;

- g) arrangements for signage at site accesses and crossovers and on roads to be used by construction traffic in order to provide safe access for pedestrians, cyclists and equestrians;
- h) details of information signs to inform other road users of construction traffic;
- i) arrangements to ensure that access for emergency service vehicles are not impeded;
- j) monitoring, reporting and implementation arrangements; and
- k) arrangements for dealing with non-compliance.

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

Reason: In the interests of road safety.

- 5 No part of the development shall be occupied until an updated Travel Plan, aimed to encourage more sustainable means of travel, has been submitted and approved in writing by the Council. The Travel Plan will have regard to provision for walking, cycling and public transport access to and within the site and will identify the measures to be provided (including the provision of new and/or enhanced public transport services), the system of management, monitoring, review, reporting and the duration of the plan.

Reason: In the interests of sustainable transport.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

- 13 Prior to the commencement of development, details of the location and specification of the bat and swift brick(s) shall be submitted and approved in



writing by the Council as Planning Authority. A minimum of 30% of all completed two storey houses shall incorporate one bat brick and one swift brick each and shall be incorporated at eaves height and positioned appropriately. The agreed detail shall be installed prior to the occupation of the relevant residential unit.

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

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

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

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

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

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

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

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

Reason: In the interests of environmental quality.

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

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

- 19 Concurrent with the initiation of the development hereby approved and for the duration of construction, a temporary surface water treatment facility shall be

implemented on site and maintained for the duration of the approved development works. The temporary surface water treatment facility shall remain in place until the permanent surface water drainage scheme is implemented.

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

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

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

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

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

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

Reason: In the interests of residential amenity.

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

Reason: In the interests of residential amenity.

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

Reason: In the interests of residential amenity.

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

Reason: In the interests of residential amenity.

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

Reason: In the interests of residential amenity.

## **B JUSTIFICATION**

The proposal is in accordance with the Development Plan and there are no material reasons which justify departing from the Development Plan.

## **C PROCEDURAL NOTES**

None required, a Section 75 Legal Agreement is already in place for the site.

## **D INFORMATIVES**

- 1 The development hereby permitted shall be commenced no later than the expiration of two years from the date of this consent or from the date of subsequent approval of matters specified in conditions, or three years from the date of planning permission in principle, whichever is the later.
- 2 Under Section 27A of the Town and Country Planning (Scotland) Act 1997 (as amended) the person undertaking the development is required to give the Planning Authority prior written notification of the date on which it is intended to commence the development. A failure to comply with this statutory requirement would constitute a breach of planning control under Section 123(1) of that Act, which may result in enforcement action being taken.
- 3 As soon as practicable after the development is complete, the person who completes the development is obliged by Section 27B of the Town and Country Planning (Scotland) Act 1997 (as amended) to give the Planning Authority written notice of that position.
- 4 This development will require the 'Display of notice while development is carried out', under Section 27C (1) of the Town and Country Planning Act 1997, as amended, and Regulation 41 of the Development Management Procedure (Scotland) Regulations 2013. The form of the notice is set out in Schedule 7 of the Regulations and a draft notice is included for your guidance. According to Regulation 41 the notice must be:

- Displayed in a prominent place at or in the vicinity of the site of the development
  - Readily visible to the public
  - Printed on durable material.
- 5 The applicant should be advised that in terms of Section 56 of the Roads (Scotland) Act 1984 they must obtain from the Council as Roads Authority consent to open an existing road or footway prior to the commencement of works. Advice on the disposal of surface water must be sought at the initial stages of design from Scottish Water and the Scottish Environment Protection Agency.
  - 6 The applicant should be advised that in terms of Section 21 of the Roads (Scotland) Act 1984 they must obtain from the Council as Roads Authority consent to construct a new road prior to the commencement of roadworks. Advice on the disposal of surface water must be sought at the initial stages of design from Scottish Water and the Scottish Environment Protection Agency.
  - 7 The applicant should be advised that all proposed structures supporting the road, or which the developer is intending the Council adopt, will require technical approval in accordance with the Design Manual for Roads & Bridges standard BD 2/12 (& HD 22/08 where relevant). Bridges and culverts shall also be designed in accordance with the requirements contained within Perth & Kinross Council's Developers Guidance Note on Flooding & Drainage. The developer is advised to contact Perth & Kinross Council's Structures & Flooding Team (tel 01738 475000, email [structuresplanning@pkc.gov.uk](mailto:structuresplanning@pkc.gov.uk)) for further information and prior to commencing designs in order to ensure technical compliance.
  - 8 The applicant is reminded that this site is still subject to a Section 75 Legal Agreement, securing Developer Contribution requirements and other matters, as secured as part of planning permission 17/00088/IPM. This permission continues to be tied by this legal agreement and the associated requirements will continue to apply.
  - 9 The applicant is reminded that, should any protected species be present a licence may be required from Scottish Natural Heritage. Failure to obtain a licence may constitute a criminal act under the Habitats Regulations and penalties are severe for non-compliance.
  - 10 Trees and scrub are likely to contain nesting birds between 1st March and 31st August inclusive. Trees and scrub are present on the application site and are to be assumed to contain nesting birds between the above dates. The applicant is reminded that, under the Wildlife and Countryside Act 1981, as amended (section 1), it is an offence to remove, damage or destroy the nest of any wild bird while that nest is in use or being built. Planning permission for a development does not provide a defence against prosecution under this Act.
  - 11 Hedgehogs are a key species in the Tayside LBAP and enhancing connectivity is an objective. Gardens will provide suitable habitat for hedgehogs and

commuting should be made possible by creating access gaps in wooden fences 13cm x 13cm at ground level.

- 12 The applicant is recommended to discuss with the Council's Public Transport Unit the supply of bus services and public transport infrastructure to ensure an adequate public transport provision for the site.
- 13 The applicant is advised that the granting of planning consent does not guarantee a connection to Scottish Water's assets. The applicant must make a separate application to Scottish Water Planning & Development Services team for permission to connect to the public wastewater system and/or water network and all their requirements must be fully adhered to.
- 14 Construction work should minimise the impact on amenity to neighbouring residents, which could be achieved by limiting noise generating activities to Monday to Friday 07:00 to 19:00 and Saturday 08:00 to 13:00 with no noisy works out with these times or at any time on Sundays or Bank Holidays.
- 15 All planning conditions attached to the Planning Permission in Principle (PPP) approved on 21 December 2018 (application reference: 17/00088/IPM) continue to apply to the development hereby approved, unless otherwise provided for by condition of this application for the Approval of Matters Specified in Condition.
- 16 The stopping up or diversion of the Core Path STAN/117 is subject to agreement under Section 208 of the Town and Country Planning (Scotland) Act 1997 (as amended). All relevant approvals in this regard should be in place prior to any stopping up or diversions taking place.
- 17 Construction works must be undertaken in a safe manner which does not disturb the operation of the neighbouring railway. Applicants must be aware of any embankments and supporting structures which are in close proximity to their development.
- 18 Details of all changes in ground levels, laying of foundations, and operation of mechanical plant in proximity to the rail line must be submitted to Network Rail's Asset Protection Engineer for approval prior to works commencing on site. Where any works cannot be carried out in a "fail-safe" manner, it will be necessary to restrict those works to periods when the railway is closed to rail traffic i.e. by a "possession" which must be booked via Network Rail's Asset Protection Engineer and are subject to a minimum prior notice period for booking of 20 weeks.

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

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

Background Papers: 19/01130/AMM Committee Report 11 March 2020;  
Road Safety Audit associated with 19/01130/AMM;  
19/01373/FLL and 20/00096/FLL; and  
14 letters of representation.

Contact Officer: Steve Callan  
Date: 18 June 2020

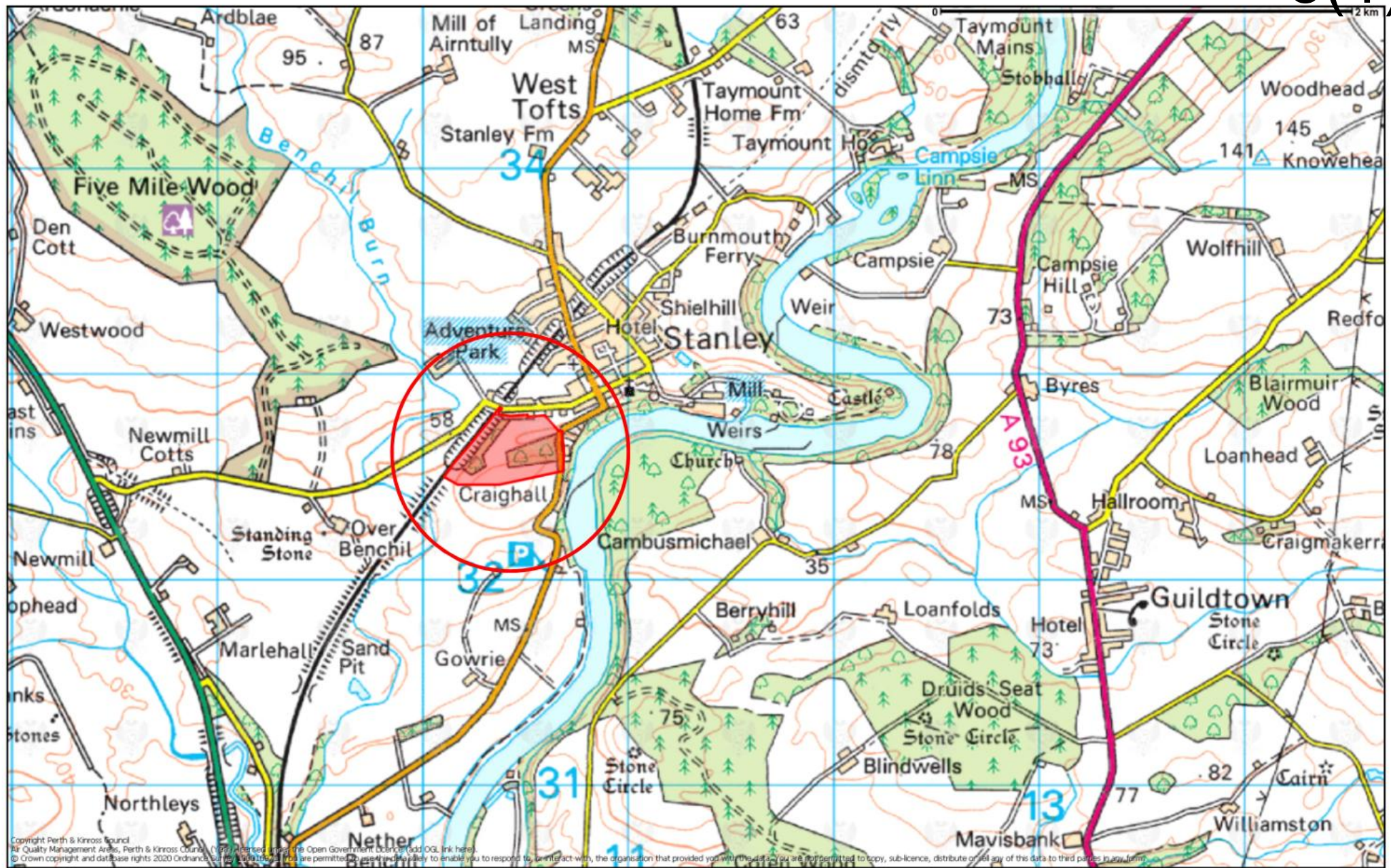
**DAVID LITTLEJOHN**  
**HEAD OF PLANNING & DEVELOPMENT**

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Scale 1:25000



19/01130/AMM

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







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**19/01130/AMM**

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





**Appendix 1**

Perth and Kinross Council  
Planning & Development Management Committee – 11 March 2020  
Report of Handling by Head of Planning & Development

<b>PROPOSAL:</b>	Erection of 183 dwellinghouses and 4 flats, formation of a vehicular access, play park, landscaping and associated works (approval of matters specified in conditions of 17/00088/IPM)
<b>LOCATION:</b>	Land at Stanley Village (LDP Site H30)

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

**Summary**

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

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

**BACKGROUND AND DESCRIPTION OF PROPOSAL**

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

south west of the village and is bounded by residential properties to the north, the B9099 to the east, agricultural land to the south and a core path and railway line to the west. The topography is mixed; with a hill and high point to the south, with a series of undulations towards the northern boundary.

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

#### Open Market

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

#### Affordable Housing

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

#### Infrastructure

- Vehicle access from B9099– Perth Road;
- Core Path connection and upgrade;
- Accessible paths – with links to core path;
- Open space provision;
- Play area provision;
- Sustainable Urban Drainage System (SUDs) basin;
- Retained and enhanced woodland

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

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

### **PRE-APPLICATION CONSULTATION**

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

## **NATIONAL POLICY AND GUIDANCE**

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

### **National Planning Framework**

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

### **Scottish Planning Policy 2014**

- 9 The Scottish Planning Policy (SPP) was published in June 2014 and sets out national planning policies which reflect Scottish Ministers' priorities for operation of the planning system and for the development and use of land. The SPP promotes consistency in the application of policy across Scotland whilst allowing sufficient flexibility to reflect local circumstances. It directly relates to:
- The preparation of development plans;
  - The design of development, from initial concept through to delivery; and
  - The determination of planning applications and appeals
- 10 The following sections of the SPP are of importance in the assessment of this proposal:
- Sustainability: paragraphs 24 - 35
  - Placemaking: paragraphs 36 – 57
  - Valuing the Natural Environment: paragraphs 193 – 218
  - Maximising the Benefits of Green Infrastructure: paragraphs 219 – 233
  - Managing Flood Risk and Drainage: paragraphs 254 – 268
  - Promoting Sustainable Transport and Active Travel: paragraphs 269 - 291

### **Planning Advice Notes**

- 11 The following Scottish Government Planning Advice Notes (PANs) and Guidance Documents are of relevance to the proposal:
- PAN 2/2010 Affordable Housing and Housing Land Audits
  - PAN3/2010 Community Engagement
  - PAN 1/2011 Planning and Noise

- PAN 40 Development Management
- PAN 51 Planning, Environmental Protection and Regulation
- PAN 60 Planning for Natural Heritage
- PAN 61 Planning and Sustainable Urban Drainage Systems
- PAN 68 Design Statements
- PAN 69 Planning & Building Standards Advice on Flooding
- PAN 75 Planning for Transport
- PAN 77 Designing Safer Places
- PAN 79 Water and Drainage
- PAN 83 Masterplanning

### **Designing Streets 2010**

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

### **Creating Places 2013**

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

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

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

### **DEVELOPMENT PLAN**

- 15 The Development Plan for the area comprises the TAYplan Strategic Development Plan 2016-2036 and the Perth and Kinross Local Development Plan 2 (2019) (LDP2).

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

- 16 TAYPlan sets out a vision for how the region will be in 2036 and what must occur to bring about change to achieve this vision. The vision for the area as set out in the plans states that:  
*"By 2036 the TAYplan area will be sustainable, more attractive, competitive and vibrant without creating an unacceptable burden on our planet. The quality of*

*life will make it a place of first choice where more people choose to live, work, study and visit, and where businesses choose to invest and create jobs.”*

- 17 The following sections of the TAYplan 2016 are of particular importance in the assessment of this application:

- Policy 1: Locational Priorities
- Policy 2: Shaping Better Quality Places
- Policy 4: Homes
- Policy 6: Developer Contributions
- Policy 8: Green Networks
- Policy 9: Managing TAYplans Assets

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

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

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

- Policy 60: Transport and Accessibility Requirements

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

- 19 Five sites covering an area of 25.7ha are allocated for an indicative capacity of 248-387 residential units. The Site-Specific Developer Requirements relative to H30 are:
- Development phased to ensure that there is adequate infrastructure to accommodate it;
  - Cycle paths, core paths and pedestrian routes incorporated into masterplan;
  - The development of a comprehensive landscape masterplan for the village creating a robust landscape framework maximising the potential to enhance biodiversity and protection of habitats;
  - Contributions to enhanced community facilities; and
  - Flood Risk Assessment required for site H30, as the developable area of the site may be constrained by flood risk from a field drain along the southern and western part of the site.

### **OTHER POLICIES**

- 20 The following supplementary guidance and documents are of particular importance in the assessment of this application;
- Flood Risk and Flood Risk Assessments – Developer Guidance June 2014

### **SITE HISTORY**

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

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

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

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



## CONSULTATIONS

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

### External

- 23 **Scottish Environment Protection Agency (SEPA)** – No objection to the proposal.
- 24 **Scottish Natural Heritage (SNH)** - No objection to the proposal.
- 25 **Scottish Water** – No objection to the proposal, although there may be capacity issues in terms of foul drainage.
- 26 **Transport Scotland** – No objection to the proposal.
- 27 **Royal Society of Protection of Birds (RSPB)** – No response received.
- 28 **Network Rail** – No objection to the proposal provided requested informatives are included in any approval.
- 29 **Forestry Commission Scotland (FCS)** – No objection to the proposal provided compensatory planting is delivered.
- 30 **Stanley and District Community Council** - Object to the proposal mainly on the grounds of traffic and pedestrian safety and consider the proposed access should be relocated.
- 31 **Stanley Development Trust** – Object to the proposal as they have concerns about the proposed access and the impact of additional traffic as well as concerns about the proposed bus stop locations on the Perth Road.

### Internal

- 32 **Community Greenspace** – No objection following the relocation of the proposed play area.
- 33 **Structures and Flooding** – No objection to the proposal.
- 34 **Biodiversity/Tree Officer** – No objection to the proposal subject to standard conditions being imposed.
- 35 **Transport Planning** – No objection to the proposal following amendments made to the proposed entrance to the site.
- 36 **Strategy and Policy** – No objection as it generally meets with the requirements set out in LDP2. The site has the potential to provide some really attractive

open space and good connections into the village and out into the wider landscape.

- 37 **Community Waste** - No objection to the proposal provided recycling facilities are delivered on-site.
- 38 **Development Negotiations Officer** – No objection to the proposal as a Section 75 legal agreement is already in place covering the required developer contributions.
- 39 **Environmental Health** – Following submission of an addendum Noise Impact Assessment no objection to the proposal.

## REPRESENTATIONS

- 40 The following points were raised in the 14 representation(s) received:
- Increased volume of traffic;
  - Road safety concerns especially proposed access and bus stop locations;
  - Cycle path connections;
  - Inaccurate landscape plans;
  - Physical impact on nearby properties (vibration etc.); and
  - Air Pollution
- 41 These issues are addressed in the Appraisal section of the report.

## ADDITIONAL STATEMENTS

42

Environment Statement	Not Required
Screening Opinion	Undertaken at PPP stage – EIA Not Required
Environmental Impact Assessment	Not Required
Appropriate Assessment	Not Required
Design and Access Statement	Submitted
Reports on Impact or Potential Impact	Transport Assessment; Green Travel Plan; Site Investigation Report; Flood Risk Assessment; Drainage Strategy; Habitat Assessment including Protected Species;

	Biodiversity Management Plan; Tree Survey; Arboricultural Impact Assessment; Woodland Management Plan; Air Quality Assessment; CEMP; Construction Traffic Management Plan; District Heating Statement.
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## APPRAISAL

- 43 Sections 25 and 37(2) of the Town & Country Planning (Scotland) Act 1997 (as amended) require the determination of the proposal to be made in accordance with the provisions of the Development Plan, unless material considerations indicate otherwise. The adopted Development Plan comprises the TAYplan Strategic Development Plan 2016–2036 and the Perth and Kinross Local Development Plan 2 (2019) (LDP2). The relevant policy considerations are outlined in the policy section above and are considered in more detail below. In terms of other material considerations, this involves considerations of the Council's other approved policies and supplementary guidance, the terms of the PPP and matters raised in representations.

### Principle

- 44 The principle of residential development on the site is well established through the allocation in LDP2 (and previous Local Development Plan) and by virtue that the site forms part of PPP (Ref: 17/00088/IPM) granted in August 2018. In addition, TAYplan Policy 1 – Locational Priorities seeks to focus most development to the region's principal settlements. Stanley is identified as a Tier 1 Settlement as it is within the Perth Core Area with the potential to make a major contribution to the region's economy.
- 45 The principle of residential development is thus established. It is, however, necessary to undertake an assessment of the detail of this proposal. In terms of the number of dwellinghouses proposed versus those indicated in the PPP, this application is further assessed below.

### Density, Design and Layout

- 46 The applicant has submitted a supporting Design & Access Statement, as required for an allocated site under LDP2 - Policy 2 and a Supporting Planning Statement.

- 47 The matters specified in Condition 3 of the PPP sets the required detail in respect of the layout and design considering: phasing, levels, the siting, design, height and external materials of all buildings and structures. The PPP also requires further detail in respect of fencing, landscaping and other technical matters. Several other related planning conditions support these specified matters, which are addressed here or in other sections below, as appropriate. LDP2 Policy 1: Placemaking is relevant in considering these matters.

#### Density

- 48 The site capacity range of 248-387 units for Sites H30-34 covers the five sites approved under the PPP, without identifying a capacity range for neither all sites collectively nor individual sites. However, the indicative PPP masterplan assumed 120 units for H30. The Site-Specific Developer Requirements does identify H30 as requiring a Flood Risk Assessment for the site due to a field drain located within the site. The applicant has taken account of some initial feedback following submission regarding the site layout and has provided the Council with an updated layout and visualisations as requested.
- 49 The scale of development proposed here for this site is 187 dwellinghouses. This is significantly more than the 120 units previously indicated at the PPP stage. Nonetheless, that figure was indicative, as highlighted by Condition 2 of the PPP, and is not binding. It is recognised that this is a very large site and the number of units proposed would still result in the site being low density (13 dwellings per hectare across the whole site). Large areas of open space are proposed within the site that can be enjoyed by all residents in the area, further demonstrating the site's capacity for the number of dwellings proposed.
- 50 The proposed number of units can be physically accommodated within the site, along with retained woodland, enhanced core path provision, a SUDs pond, open space and a play area. The scale of development for this site is acceptable.
- 51 While it is not a matter for this application, it is noted that, should similar densities be sought for the other sites approved under the PPP (Sites H31-34), this may result in the cumulative capacity range (248-387 units) and indeed the PPP limit of 431 residential units being reached before all sites have detailed approval. The applicant is aware of the PPP limit and potentially the need to seek planning permission for an increased range on the other Stanley sites.

#### Design and Layout

- 52 This site is a significant extension to Stanley, and it is essential that should be designed with a sense of local identity and context. The applicant has a significant presence in the village, with their development at Linn Road for 69 dwellings almost complete and interest in the other allocated sites following the PPP approval. The proposed dwellings designs are reasonably similar to those

already built and occupied on Linn Road but have been updated slightly to meet current Building Regulation requirements.

- 53 Whilst there is a high percentage of 3 and 4 bedroom detached and semi-detached dwellinghouses, there are areas of terraced housing and bungalows which creates a more defined street scene. This provides an acceptable mix of house types that meets the requirements of LDP2 Policy 25. The proposed rear gardens are in excess of the Council's minimum standards and will not compromise daylight or privacy of each other or any of the existing dwellings immediately adjacent to the site boundary.
- 54 The proposed layout provides an acceptable design solution for the site; with open space located centrally, including a play area, further areas of open space to the northwest and southwest and paths linkages throughout. In terms of the proposed design of each house type, there is an acceptable range of designs and materials, reflective of recent developments elsewhere in Perth and Kinross. Finishing materials are dry dash render (white and buff colour) with slate grey flat concrete tile roofs and white uPVC window and door frames which is also acceptable. A Phasing Plan has been submitted with the application and the intention is to build out as one development. The general layout, house designs and materials proposed are acceptable and in accordance with LDP2 Policy 1 - Placemaking.

#### Open Space and Landscaping

- 55 The LDP2 requires the "identification and provision of suitable public open space/playing fields" to support the expanded requirements of the village. This site provides a large area of open space that will benefit the local community. It is positive to see that the woodland being retained and proposed to be opened up and made accessible, creating paths and clearings.
- 56 The PPP requires landscaping to be addressed, together with a landscaping specification. The proposal sees 'heavy duty' tree planting along the southern boundary of the site and adjacent to the neighbourhood units; and hedge and staggered areas of flower planting, as well as other soft landscaping along the road frontage. Structural tree planting to the eastern boundary. Smaller areas of planting are proposed throughout the site that will assist in breaking up views and integrating the proposal in to the landscape, minimising impacts. In addition, the existing woodland belts will be opened up, paths formed through them to connect with new paths and will then maintained by the community. Over time the proposed development will blend in with the existing urban environment of Stanley. Subject to a refinement of the landscape species and ensuring ongoing maintenance, which can be secured through condition, the proposal complies with LDP2 Policy 42 (Condition 7 and 8).

### Play area

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

### **Landscape and Visual Amenity**

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

### **Residential Amenity**

- 62 Residential amenity requires to be considered under LDP Policy 1 – Placemaking and Policy 17 – Residential Areas. Policy 1D requires consideration of impacts from housing developments on itself and to also consider associated impacts on infrastructure and open space.

### Existing Residential Amenity

- 63 The submitted Transport Assessment estimates approximately 139 and 136 vehicle trips generated in the respective AM & PM peak periods. The equates to

an increase of just over 2 cars per minute in traffic on the local road network, the B9099 Perth Road. This is deemed by Transport Planning to be an acceptable impact on existing traffic flow in the area. Consequently, it is considered that there would be a minimal impact on existing residential properties in the area. The implementation of a Construction Traffic Management Scheme (TMS) will further assist with any residual amenity impacts (Condition 4). The proposal is therefore considered to comply with LDP2 Policy 17 – Residential Areas as the proposed use and impact is considered acceptable.

- 64 Specific LDP2 policies consider noise and air quality; Policy 56 and Policy 57 respectively. Addressing noise attenuation is also a specific requirement of H30's allocation and the PPP.

#### Air Quality

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

#### Noise and Dust

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

#### **Roads and Access**

- 68 One of the key issues expressed by Community Council and the Development Trust was the impact of the proposed increased density on the road network. A Transport Assessment (TA) has been submitted in support of the application and has been assessed by both Transport Scotland and the Council's Transport Planning team.
- 69 There are well understood issues regarding access into and out of the site due to its location and through constraint for a northern access, with it being partially cut off from the village by the line of housing along Duchess Street. Vehicular access to the north cannot be achieved without compromising Network Rail's infrastructure. Due to this constraint, it is only possible for one vehicular access point, off the B9099 Perth Road, for the site. It is therefore even more important

that other forms of access and connectivity with Stanley Village are maximised and improved.

#### Vehicle Access

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

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

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



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

#### Parking

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

#### **Drainage and Flooding**

##### Flood Risk

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

##### Drainage

##### *Foul Drainage*

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

#### *Surface Water Drainage*

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

#### **Natural Heritage and Biodiversity**

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

#### Trees/Woodland

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

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

#### Protected Species

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

## **Sustainability**

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

## **Rail Infrastructure**

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

## **Waste Collection**

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

## **Developer Contributions**

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

## Affordable Housing

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

## Primary Education

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

## **Health Provision**

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

there may be an impact will be on the local health infrastructure. As the proposed number of dwellings is well below the total number approved in the PPP application, it is not necessary to consider this matter further at this stage.

### **Economic Impact**

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

### **LEGAL AGREEMENTS**

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

### **DIRECTION BY SCOTTISH MINISTERS**

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

### **CONCLUSION AND REASONS FOR RECOMMENDATION**

- 111 To conclude, the application must be determined in accordance with the PPP and the adopted Development Plan, unless material considerations indicate otherwise. In this respect, account of the terms of the PPP and the Local Development Plan 2019 (LDP2) and other material considerations and in this case that the development proposal accords with these.
- 112 Accordingly, the proposal is recommended for approval subject to the following conditions.

### **RECOMMENDATION**

#### **Approve the application**

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

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

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

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

Reason: In the interest of vehicle and pedestrian safety and in accordance with the policies of the adopted Perth and Kinross Local Development Plan 2019.

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

Reason: In the interests of road and pedestrian safety.

- 4 Prior to the commencement of works on the development, the applicant shall submit for the written approval of the Planning Authority a Construction Traffic Management Scheme (TMS) which shall include the following:

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

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

Reason: In the interests of road safety.

- 5 No part of the development shall be occupied until an updated Travel Plan, aimed to encourage more sustainable means of travel, has been submitted and approved in writing by the Council. The Travel Plan will have regard to provision for walking, cycling and public transport access to and within the site and will identify the measures to be provided (including the provision of new and/or enhanced public transport services), the system of management, monitoring, review, reporting and the duration of the plan.

Reason: In the interests of sustainable transport.

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

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

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

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

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

- 8 The landscaping scheme, as approved, shall thereafter be implemented in full, in accordance with the approved scheme. Further, any planting which, within a period of 5 years from the completion of the approved phase of development, in the opinion of the Planning Authority is dying, has been severely damaged or is



becoming seriously diseased, shall be replaced by plants of similar size and species to those originally required to be planted.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Reason: In the interests of environmental quality.

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

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

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

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

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

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

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

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

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

Reason: In the interests of residential amenity.

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

Reason: In the interests of residential amenity.

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

Reason: In the interests of residential amenity.

- 25 Prior to the commencement of development an updated Dust Management Plan shall be submitted for the written approval of the Council as Planning Authority.

The approved plan shall be implemented throughout the construction phase of the development.

Reason – In the interests of residential amenity.

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

Reason – In the interests of residential amenity.

## **B JUSTIFICATION**

The proposal is in accordance with the Development Plan and there are no material reasons which justify departing from the Development Plan.

## **C PROCEDURAL NOTES**

None required, a Section 75 Legal Agreement is already in place for the site.

## **D INFORMATIVES**

- 1 The development hereby permitted shall be commenced no later than the expiration of two years from the date of this consent or from the date of subsequent approval of matters specified in conditions, or three years from the date of planning permission in principle, whichever is the later.
- 2 Under section 27A of the Town and Country Planning (Scotland) Act 1997 (as amended) the person undertaking the development is required to give the planning authority prior written notification of the date on which it is intended to commence the development. A failure to comply with this statutory requirement would constitute a breach of planning control under section 123(1) of that Act, which may result in enforcement action being taken.
- 3 As soon as practicable after the development is complete, the person who completes the development is obliged by section 27B of the Town and Country Planning (Scotland) Act 1997 (as amended) to give the planning authority written notice of that position.
- 4 This development will require the 'Display of notice while development is carried out', under Section 27C (1) of the Town and Country Planning Act 1997, as amended, and Regulation 41 of the Development Management Procedure (Scotland) Regulations 2013. The form of the notice is set out in

Schedule 7 of the Regulations and a draft notice is included for your guidance. According to Regulation 41 the notice must be:

- Displayed in a prominent place at or in the vicinity of the site of the development
  - Readily visible to the public
  - Printed on durable material.
- 5 The applicant should be advised that in terms of Section 56 of the Roads (Scotland) Act 1984 they must obtain from the Council as Roads Authority consent to open an existing road or footway prior to the commencement of works. Advice on the disposal of surface water must be sought at the initial stages of design from Scottish Water and the Scottish Environmental Protection Agency.
  - 6 The applicant should be advised that in terms of Section 21 of the Roads (Scotland) Act 1984 they must obtain from the Council as Roads Authority consent to construct a new road prior to the commencement of roadworks. Advice on the disposal of surface water must be sought at the initial stages of design from Scottish Water and the Scottish Environmental Protection Agency.
  - 7 The applicant should be advised that all proposed structures supporting the road, or which the developer is intending the Council adopt, will require technical approval in accordance with the Design Manual for Roads & Bridges standard BD 2/12 (& HD 22/08 where relevant). Bridges and culverts shall also be designed in accordance with the requirements contained within Perth & Kinross Council's Developers Guidance Note on Flooding & Drainage. The developer is advised to contact Perth & Kinross Council's Structures & Flooding Team (tel 01738 475000, email [structuresplanning@pkc.gov.uk](mailto:structuresplanning@pkc.gov.uk)) for further information and prior to commencing designs in order to ensure technical compliance.
  - 8 The applicant is reminded that this site is still subject to a Section 75 Legal Agreement, securing Developer Contribution requirements and other matters, as secured as part of planning permission 17/00088/IPM. This permission continues to be tied by this legal agreement and the associated requirements will continue to apply.
  - 9 The applicant is reminded that, should any protected species be present a licence may be required from Scottish Natural Heritage. Failure to obtain a licence may constitute a criminal act under the Habitats Regulations and penalties are severe for non-compliance.
  - 10 Trees and scrub are likely to contain nesting birds between 1st March and 31st August inclusive. Trees and scrub are present on the application site and are to be assumed to contain nesting birds between the above dates. The applicant is reminded that, under the Wildlife and Countryside Act 1981, as amended (section 1), it is an offence to remove, damage or destroy the nest of any wild

bird while that nest is in use or being built. Planning permission for a development does not provide a defence against prosecution under this Act.

- 11 Hedgehogs are a key species in the Tayside LBAP and enhancing connectivity is an objective. Gardens will provide suitable habitat for hedgehogs and commuting should be made possible by creating access gaps in wooden fences 13cm x 13cm at ground level.
- 12 The applicant is recommended to discuss with the Council's Public Transport Unit the supply of bus services and public transport infrastructure to ensure an adequate public transport provision for the site.
- 13 The applicant is advised that the granting of planning consent does not guarantee a connection to Scottish Water's assets. The applicant must make a separate application to Scottish Water Planning & Development Services team for permission to connect to the public wastewater system and/or water network and all their requirements must be fully adhered to.
- 14 Construction work should minimise the impact on amenity to neighbouring residents, which could be achieved by limiting noise generating activities to Monday to Friday 07:00 to 19:00 and Saturday 08:00 to 13:00 with no noisy works out with these times or at any time on Sundays or Bank Holidays.
- 15 All planning conditions attached to the Planning Permission in Principle (PPP) approved on 21 December 2018 (application reference: 17/00088/IPM) continue to apply to the development hereby approved, unless otherwise provided for by condition of this application for the Approval of Matters Specified in Condition.
- 16 The stopping up or diversion of the Core Path STAN/117 is subject to agreement under Section 208 of the Town and Country Planning (Scotland) Act 1997 (as amended). All relevant approvals in this regard should be in place prior to any stopping up or diversions taking place.
- 17 Construction works must be undertaken in a safe manner which does not disturb the operation of the neighbouring railway. Applicants must be aware of any embankments and supporting structures which are in close proximity to their development.
- 18 Details of all changes in ground levels, laying of foundations, and operation of mechanical plant in proximity to the rail line must be submitted to Network Rail's Asset Protection Engineer for approval prior to works commencing on site. Where any works cannot be carried out in a "fail-safe" manner, it will be necessary to restrict those works to periods when the railway is closed to rail traffic i.e. by a "possession" which must be booked via Network Rail's Asset Protection Engineer and are subject to a minimum prior notice period for booking of 20 weeks.

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

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

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

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

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.
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You can also send us a text message on 07824 498145.
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All Council Services can offer a telephone translation facility.
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## STAGE 1 & 2 ROAD SAFETY AUDIT REPORT FOR SITE H30, PERTH ROAD, STANLEY, PERTHSHIRE.






Report Ref 85820(1&2)

Issue Date 13-Feb-20

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Issue / Revision	Issue 1	Revision A	Revision B	Revision C
Remarks / Status	Final			
Prepared by	B. Wyllie			
Signature				
Checked by	D. Lodge			
Signature				
Issued by	B. Wyllie			
Signature13				
Report No	85820(1,2)			
Date Issued	13/02/2020			

## 1. INTRODUCTION.

1.1. The objective of a Road Safety Audit (RSA) is to identify any aspects of a road design or construction scheme that could give rise to road safety concerns and, where possible, to suggest modifications that would improve the road safety of the resultant scheme. This report results from a Stage 1 & 2 RSA carried out on the design of a new junction on the B9099, Perth Road, Stanley and a pedestrian crossing point on Duchess Street Stanley, Perthshire. The audit was instructed by WSP and was carried out by Wyllie Lodge Ltd, Independent Road Safety Consultants.

1.2. The Audit Team members were;

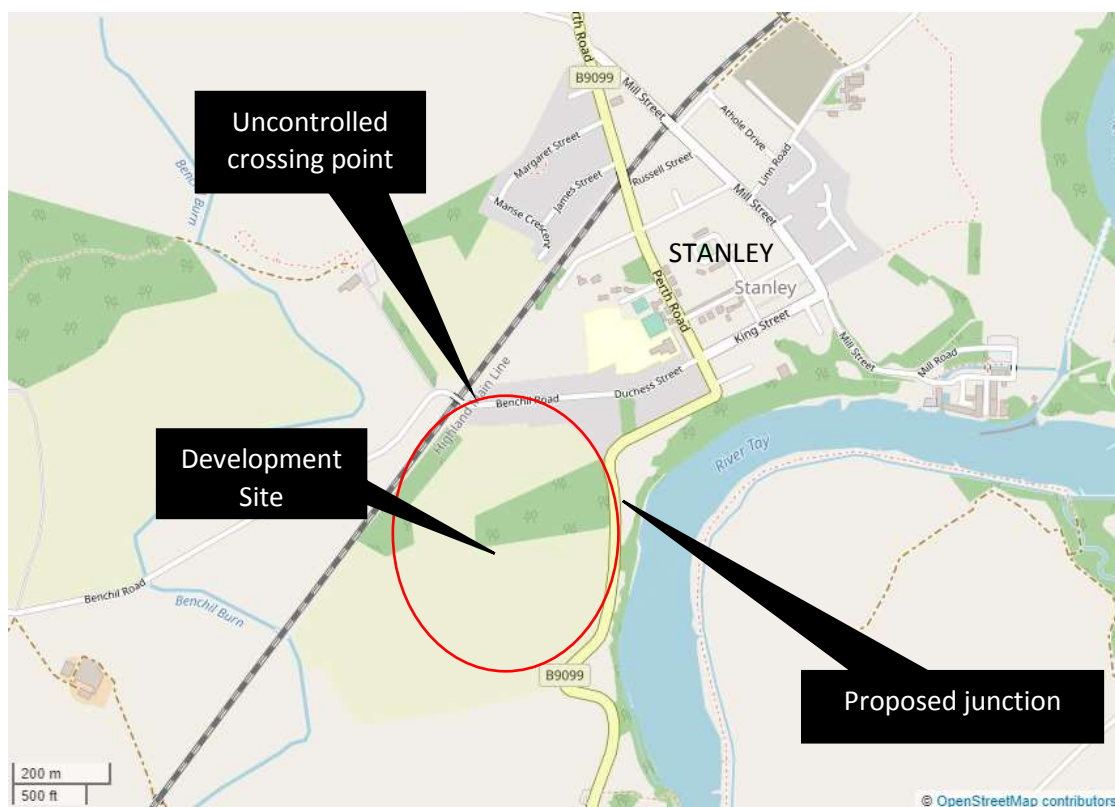
Audit Team Leader	Blair Wyllie, I Eng, MCIHT, MSoRSA
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Audit Team Member	David Lodge, BSc, MSc, CMILT, MCIHT, MSoRSA.
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## 2. PROJECT DETAILS.

- 2.1. The project consists of the formation of a new priority T-junction with right turn ghost island, footways, a controlled pedestrian crossing and bus stops on the B9099, Perth Road, and also an uncontrolled pedestrian crossing on Duchess Street, both in Stanley Perthshire. The new junction is to access a proposed residential development of 183 units to be located on a green field site at the south boundary of Stanley and to the west of the B9099. The B9099 at this location is a 6m wide, two lane single carriageway road with detached residential properties and a footway along its east side, and a grass verge and fields along its west side. The junction is within the 30mph limits of Stanley and will have sightlines of 4.5m x 70m.

The uncontrolled pedestrian crossing on Duchess Street is at the western limit of the village, just where the 30mph speed limit terminates and the road crosses a railway bridge. Plans of the proposed junction are shown in appendix A.



Location Plan

Site H30, Perth Road, Stanley, Perthshire.  
Road Safety Audit Stage 1&2

2.2. The information made available for the audit is listed below;

Drawing Ref.	Title
6148-PL-100-1001-P01	Duchess Street, General Arrangement.
6148-GA-103-P07	Perth Road Junction. General Arrangement.
6148-PL-100-2000-P08	Perth Road Junction Location Plan.
6148-PL-100-2001-P08	Perth Road Junction Adoptable Extents Layout, Sheet 1.
6148-PL-100-2101/P09	Perth Road Junction General Arrangements Layout, Sheet 1.
6148-PL-100-2201 P08	Perth Road Junction Proposed Levels and Contours Layout, Sheet 1.
6148-PL-100-2301 P08	Perth Road Junction Proposed Drainage Layout, Sheet 1.
6148-PL-100-2501 P09	Perth Road Junction Kerbing Layout, Sheet 1.
6148-PL-100-2601/P06	Perth Road Junction Road Markings, Sheet 1.

2.3. Road traffic collision information has also been retrieved from [Crashmap.co.uk](https://crashmap.co.uk) . See appendix B. This shows one collision near the proposed junction during the 5 year period 2014-18. This took place at 2:00pm on Friday 17<sup>th</sup> January 2017 as a consequence of a single vehicle losing control during frost or icy conditions. It resulted in a slight injury to the car driver.

### 3. PROCEDURE

- 3.1. The audit was carried out in accordance with procedures set out in GG 119 of the Design Manual for Roads and Bridges (DMRB) with the addition of comments, in section 6, to assist the designers where appropriate. The Road Safety Audit procedure is not an examination or verification of compliance to a design standard. Any notified departures from the design standard have been referenced within the report. The recommendations in this report are considered by the audit team to be appropriate and proportionate to the concerns and problems identified.
- 3.2. The audit was carried out between 4<sup>th</sup> September 2019 and 12<sup>th</sup> February 2020 at the offices of Wyllie Lodge and on site. A daytime site visits was carried out between 12:10 and 12:50 hours by both audit team members on Wednesday, 29 January 2020.
- 3.3. During the site visit traffic flows were moderate and flowed without interruption. The weather was raining, there was a slight covering of snow on the verges and the road surface was wet.
- 3.4. In accordance with GG 119, the Overseeing Organisation should consider the recommendations contained within this audit. In doing so, the Overseeing Organisation shall consult with the Design Team. The design team shall prepare a road safety audit response report that has been agreed with the Overseeing Organisation and signed by both parties indicating their agreement on the RSA actions.
- 3.5. For the purposes of this audit the following are defined as:

Organisation	Contact
Overseeing Organisation	Perth & Kinross Council.
3 <sup>rd</sup> Party Organisation /Project Promoter	Muir Homes.
Design Organisation	WSP.
Road Safety Audit Organisation	Wyllie Lodge Limited.

4. PREVIOUS ROAD SAFETY AUDITS.

- 4.1. A previous stage 1 & 2 road safety audit of an earlier junction design was carried out in September 2019 by Wyllie Lodge Road Safety consultants, report reference 73019(1&2). This report raised two problems that have since been addressed by the designer, and the report was subsequently updated in October 2019, ref 73019(1&2)A. None of the problems raised in the previous report are still relevant within the context of the current design.

## 5. IDENTIFIED PROBLEMS

### Local Alignment.<sup>1</sup>

No local alignment road safety problems have been identified.

### General.

#### 5.1 PROBLEM

Location B9099, Perth Road.

Summary Risk of aquaplaning type collisions.

The carriageway is to be widened on its west side and a footway added. This will give a greater surface area to be drained. When heading north the road profile falls away from the new junction towards a tight right hand bend. The additional carriageway width could result in additional surface water crossing the carriageway towards the road gullies at the bend. During periods of heavy rainfall this could result in excessive surface water crossing the carriageway which may contribute to aquaplaning type collisions.

#### Recommendation

It is recommended that the additional carriageway width and footways are drained towards the development and not across the carriageway in advance of the bend.

### Junctions.

No junction roads safety problems have been identified.

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<sup>1</sup> DMRB GG-119 standard list



Walking, Cycling and Horse Riding.

## 5.2 PROBLEM

Location Duchess Street.

Summary Risk of pedestrian injury collisions.

Sightlines between eastbound approaching drivers and pedestrians at the uncontrolled crossing point are restricted by the concrete parapets of the adjacent railway bridge. The eastbound approach road alignment towards the bridge has a tight right hand bend which limits approaching speeds. Drivers however may not see, nor expect, pedestrians waiting to cross the road immediately on the west side of the bridge. This could result in a pedestrian stepping out into the path of an eastbound vehicle, resulting in a serious injury collision.



## Recommendation

It is recommended that;

1. The drop kerbs and tactile paving on the north kerblines are positioned to optimise sightlines between pedestrians and eastbound drivers.
2. A danger ahead warning sign (Diag 562) with a "Pedestrians Crossing" sub-plate is provided on the eastbound approach to the crossing point.

Traffic Signs, Carriageway Markings and Lighting.

5.3 PROBLEM

Location B9099, Perth Road.

Summary Risk of vehicle striking turning traffic or pedestrians.

A new junction and altered alignment will generate new turning manoeuvres that some drivers may not expect to encounter. There is a risk that approaching drivers who are not aware of the new junction or road alignment will not adjust their speed accordingly and this could lead to a loss of control type collision.

Recommendation

It is recommended that temporary New Road Layout Ahead signs (Diag 7014)<sup>2</sup> are provided on both approaches.

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<sup>2</sup> The Traffic Signs Regulations and General Directions 2016.

6. COMMENTS

The following comments identify issues that are not considered by the audit team to be road safety problems that are likely to cause a collision or increase the severity of an injury. The audit team does not consider it appropriate or proportionate to recommend actions in relation to these issues based solely on road safety concerns.

- 6.1. The road marking drawing for the Puffin crossing does not show zig-zag markings on the exit from the crossing. A minimum of 2 markings is required.

7. AUDIT TEAM STATEMENT


**AUDIT TEAM STATEMENT**

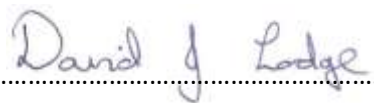
SITE H30 / B9099 PERTH ROAD JUNCTION, STANLEY, PERTHSHIRE.

SAFETY AUDIT STAGE 1&2

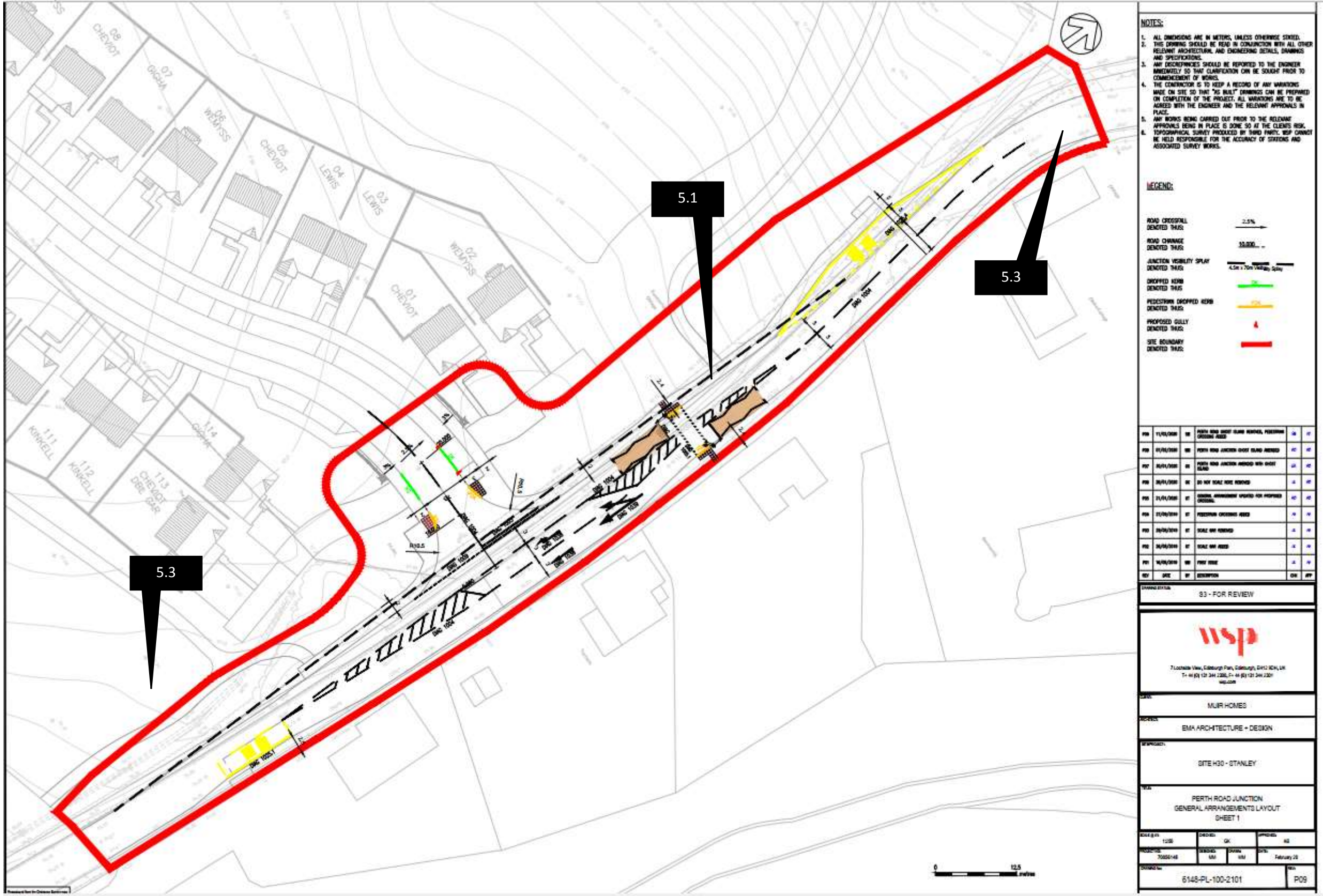
We certify that we have examined the works listed in this report. The examination has been carried out with the sole purpose of identifying any features of design or construction that can be modified in order to improve the safety of the scheme. The problems identified have been noted in this report together with recommendations, which should be studied for implementation.

We certify that this Road Safety Audit has been carried out in accordance with GG 119.

Signed..........Audit Team Leader      Date    13 February 2020.  
Blair Wyllie I Eng, MCIHT, MSoRSA

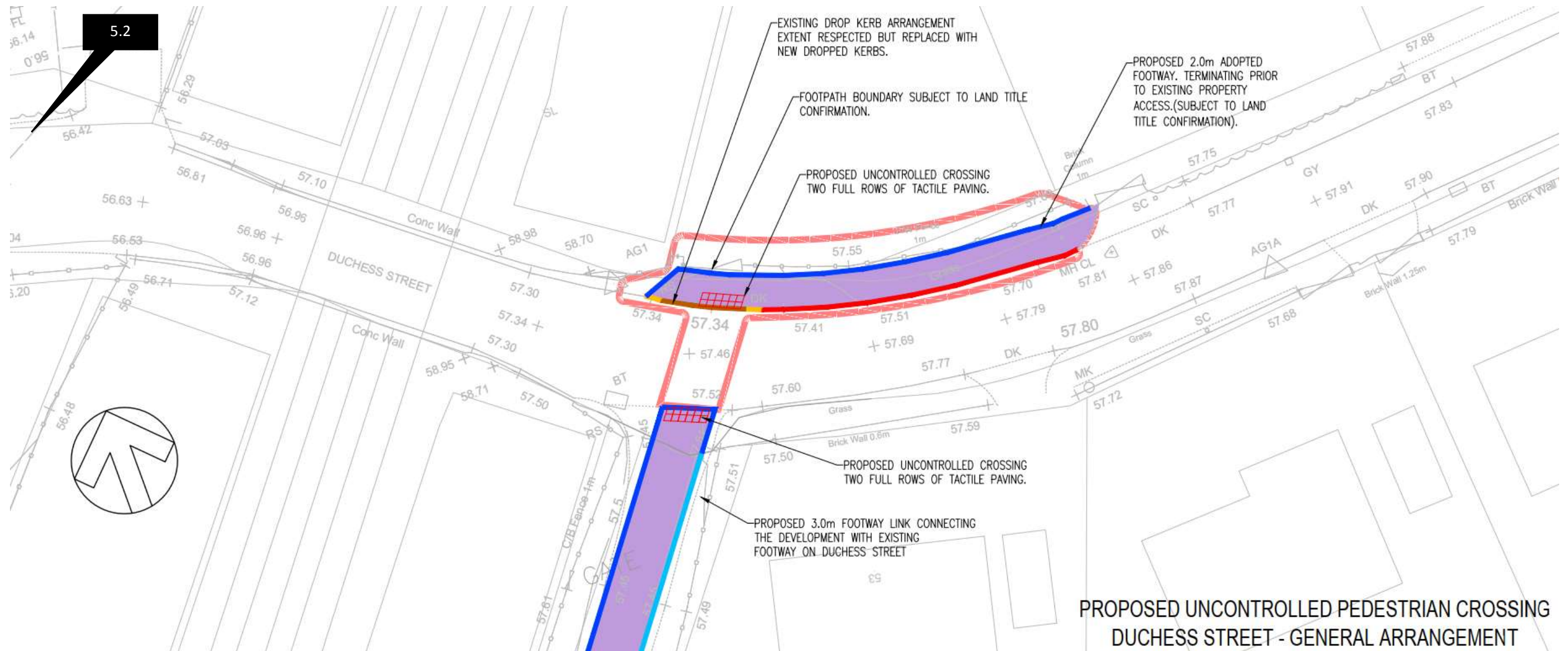
Signed..........Audit Team Member      Date    13 February 2020.  
David Lodge, BSc, MSc, CMILT, MCIHT, MSoRSA.

Wyllie Lodge Road Safety Consultants		T 08450 944512
Blair Wyllie	Blair@wyllielodge.co.uk	M 07952269914
David Lodge	David@wyllielodge.co.uk	M 07999 957344
WYLLIE LODGE Limited. 8 St Andrew's Street Ayr KA7 3AH.		



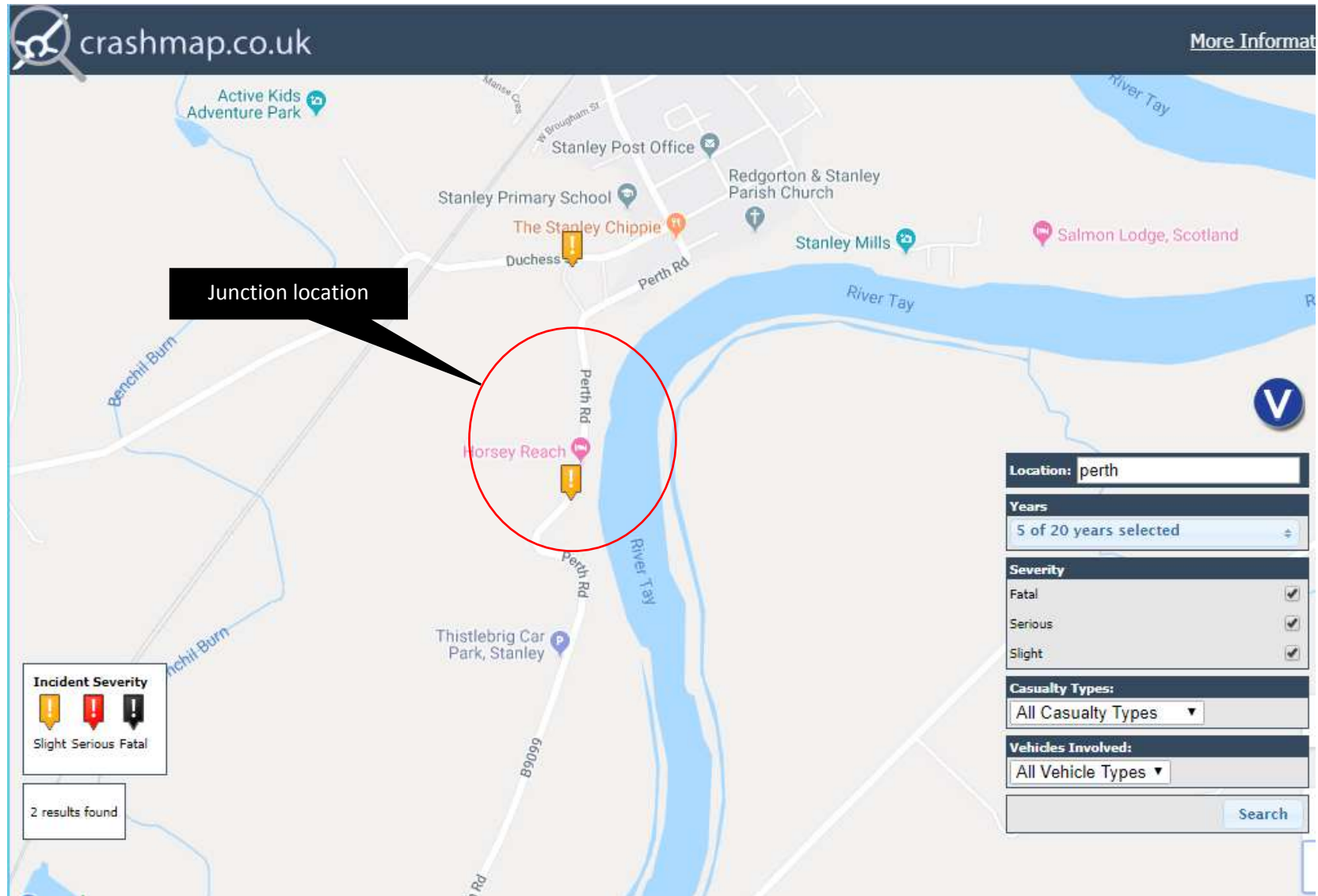
Perth Road, Stanley.





Duchess Street, Stanley.

Appendix B. Location of Recorded Collisions.







Perth and Kinross Council  
Planning & Development Management Committee – 1 July 2020  
Report of Handling by Head of Planning & Development (Report No. 20/110)

**PROPOSAL:** Alterations to public road (B9099), formation of vehicular access and associated works

**LOCATION:** Land west of Taybank Cottage, Perth Road, Stanley

Ref. No: [19/01373/FLL](#)

Ward No: P5 - Strathtay

**Summary**

This report recommends approval of the application as the development is considered to comply with the relevant provisions of the Development Plan and there are no material considerations apparent which outweigh the Development Plan.

**BACKGROUND AND DESCRIPTION OF PROPOSAL**

- 1 The site comprises a section of the B9099 road to the south west of Stanley village and is bounded by a series of 7 residential properties to the east of the road. To the west is an agricultural field that is subject to an application for development of 183 dwellings; 19/01130/AMM which is also on the Agenda for this meeting. That application was deferred at the 11 March 2020 meeting of the Planning and Development Management Committee (PDMC) and the reasons for this deferral were to include: a Member site visit to take place and for this associated application to also be determined by Committee.
- 2 This application proposes the formation of a new priority T-junction with a south-bound right turn ghost island, footpaths, a controlled pedestrian crossing and bus stops on the B9099.
- 3 The new junction is proposed as the sole vehicular access the proposed residential development of 183 dwellings west of the B9099 (19/01130/AMM). Presently, the B9099 at this location is a 6m wide, two lane single carriageway road with a footpath along its east side, and a grass verge along its west side and is within the 30mph speed limits for Stanley. It is now proposed to widen the road westwards, to provide sightlines of 4.5m x 70m in both directions to be achieved and to accommodate a right-hand turn ghost island. The application also seeks to provide a controlled pedestrian crossing, lay by and bus stop between 68 and 90 metres to the north of the proposed access. Further, a south bound bus stop is also proposed 57 metres south of the access.

## **NATIONAL POLICY AND GUIDANCE**

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

### **National Planning Framework**

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

### **Scottish Planning Policy 2014**

- 6 The Scottish Planning Policy (SPP) was published in June 2014 and sets out national planning policies which reflect Scottish Ministers' priorities for operation of the planning system and for the development and use of land. The SPP promotes consistency in the application of policy across Scotland whilst allowing sufficient flexibility to reflect local circumstances. It directly relates to:
  - The preparation of development plans;
  - The design of development, from initial concept through to delivery; and
  - The determination of planning applications and appeals.
- 7 The following sections of the SPP will be of particular importance in the assessment of this proposal:
  - Sustainability: paragraphs 24 – 35
  - Placemaking: paragraphs 36 – 57
  - Valuing the Natural Environment: paragraphs 193 – 218
  - Maximising the Benefits of Green Infrastructure: paragraphs 219 – 233
  - Managing Flood Risk and Drainage: paragraphs 254 – 268
  - Promoting Sustainable Transport and Active Travel: paragraphs 269 - 291

### **Planning Advice Notes**

- 8 The following Scottish Government Planning Advice Notes (PANs) and Guidance Documents are of relevance to the proposal:
  - PAN 40 Development Management
  - PAN 51 Planning, Environmental Protection and Regulation
  - PAN 61 Planning and Sustainable Urban Drainage Systems
  - PAN 68 Design Statements
  - PAN 75 Planning for Transport
  - PAN 77 Designing Safer Places

## **Designing Streets 2010**

- 9 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**

- 10 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**

- 11 The Development Plan for the area comprises the TAYplan Strategic Development Plan 2016-2036 and the Perth and Kinross Local Development Plan 2019.

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

- 12 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."*

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

- Policy 1: Locational Priorities
- Policy 2: Shaping Better Quality Places
- Policy 8: Green Networks
- Policy 9: Managing TAYplans Assets

## **Perth and Kinross Local Development Plan 2019**

- 14 The Local Development Plan 2 (2019) (LDP2) was adopted by Perth and Kinross Council on 29 November 2019. The LDP2 sets out a vision statement for the area and states that, *"Our vision is of a Perth and Kinross which is dynamic, attractive and effective which protects its assets whilst welcoming population and economic growth."* It is the most recent statement of Council policy and is augmented by Supplementary Guidance.

- 15 The principal relevant policies are, in summary;

Policy 1A: Placemaking

Policy 15: Public Access

Policy 17: Residential Areas

Policy 41: Biodiversity

Policy 47: River Tay Catchment Area

Policy 60A: Transport Standards and Accessibility Requirements: Existing Infrastructure

Policy 60B: Transport Standards and Accessibility Requirements: New Development Proposals

## **SITE HISTORY**

- 16 [15/00010/PAN](#) Proposed masterplan for village expansion. Content of PoAN approved June 2015
- 17 [17/00088/IPM](#) Mixed use development (in principle) for expansion of Stanley village. Application approved by Planning & Development Committee August 2018.
- 18 [19/01130/AMM](#) Erection of 183 dwellinghouses and 4 flats, formation of a vehicular access, play park, landscaping and associated works (approval of matters specified in conditions of 17/00088/IPM) (allocated site H30). Being represented to same Planning & Development Management Committee following deferral in March 2020.
- 19 [20/00096/FLL](#) Formation of a crossing point and associated works on Duchess Street. Being presented to same Planning & Development Management Committee.

## **CONSULTATIONS**

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

### **External**

- 21 **Transport Scotland** – No objection.
- 22 **Stanley Community Council** – Object to the proposal based on road safety concerns about the location and design of the access and the southbound bus stop as this stretch of road is well known for speeding. They also expressed concerns about the impact the development will have on existing Perth Road residents from noise and vehicle lights exiting the housing site.

### **Internal**

- 23 **Transport Planning** – No objection.
- 24 **Development Negotiations Officer** – No objection.

## REPRESENTATIONS

- 25 Three comments in objection (including from Stanley Community Council and Stanley Development Trust) raises the following matters:
- Lack of capacity on B9099 for volume of traffic;
  - Road safety concerns, as the road gets blocked by service vehicles stopped at the adjacent 7 dwellings;
  - South bound bus stop will cause overtaking; and
  - The access is in the wrong location and should be relocated.
- 26 These issues are addressed in the Appraisal section of the report.

## ADDITIONAL STATEMENTS

27	Screening Opinion	Not Required
	Environmental Impact Assessment (EIA): Environmental Report	Not applicable
	Appropriate Assessment	Not Required
	Design Statement / Design and Access Statement	Not Required
	Reports on Impact or Potential Impact	Supporting Statement and Stage 1 & 2 Road Safety Audit

## APPRAISAL

- 28 Sections 25 and 37(2) of the Town & Country Planning (Scotland) Act 1997 (as amended) require the determination of the proposal to be made in accordance with the provisions of the Development Plan, unless material considerations indicate otherwise. The adopted Development Plan comprises the TAYplan Strategic Development Plan 2016–2036 and the Perth and Kinross Local Development Plan 2019 (LDP2). The relevant policy considerations are outlined in the policy section above and are considered in more detail below. In terms of other material considerations, this involves considerations of the Council's other approved policies and supplementary guidance.

### Principle

- 29 The principle of residential development on the adjoining land is well established through the allocation in LDP2 as Site H30 and by the Planning Permission in Principle (PPP) permission approved in August 2018 (Ref: 17/00088/IPM).
- 30 The principle of vehicular and pedestrian access to the site is also established, as development of the PPP site requires access to be developed successfully. It is necessary, however, to undertake a specific detailed assessment of the proposed access and transport infrastructure within this proposal.

## **Design of Access and Road Infrastructure**

- 31 One of the key issues expressed in the representation, by the Community Council and the Development Trust was the impact on the road network and access into the site. However, a vehicular access point off the B9099 Perth Road was envisaged in both the LDP2 allocation and PPP. It is also recognised that, due to physical constraints, it is not viable for an alternative or secondary vehicular access to be taken off Duchess Street and only a non-vehicular access is proposed at that location (Application Ref: 19/01130/AMM).
- 32 The Council's Transport Planning team has engaged extensively with the applicant's Transport Consultant and following a number of alterations to the proposed design of the junction, bus stops, ghost island and pedestrian crossing point, they have no objection to the proposed design.

### Vehicle Access

- 33 Transport Planning also assessed the proposed access in detail and confirm that this is the optimum location in terms of road safety and, in particular, visibility in both directions for cars exiting the associated residential development on Site H30 (19/01130/AMM). To further facilitate safe access into the site, a right turn ghost island for southbound traffic accessing Site H30 is also proposed, which requires the road to be widened westwards into the proposed residential site to accommodate it.

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

- 34 Pedestrian access and active travel routes are a specific requirement of Site H30 in LDP2 and the terms of the PPP. Through this application, pedestrian and cycling access to Stanley village is proposed from the eastern boundary, connecting with a path from the proposed residential site onto the B9099 Perth Road. A signalised pedestrian crossing is proposed (slightly off-set from the footpath) at this location, some 68 metres north of the access, to connect with the existing footpath into Stanley. This crossing will help facilitate a safe pedestrian route to Stanley village for residents including for children attending the primary school.
- 35 A new bus stop, also located just north of the proposed access and off the main road in a lay-by, will facilitate public transport provision into the village. A further bus stop is proposed just south of the access to provide a public transport connection to Luncarty and Perth. Transport Planning have raised no issue in terms of design, location or road safety. The proposal is thus considered to comply with LDP2 Policy 60 - Transport Standards and Accessibility Requirements and should be delivered in advance of any residential unit associated with 19/01130/AMM (Condition 2).

### Road Safety Audit

- 36 A Road Safety Audit (RSA) (Appendix 1) was carried out on behalf of the applicant. The objective of an RSA is to identify any aspects of a road design or

construction scheme that could give rise to road safety concerns and, where possible, to suggest modifications that would improve the road safety of the proposal.

- 37 In terms of road traffic collision information, one collision near the proposed junction is recorded during the 5-year period 2014-18. This took place in mid-January 2017 as a consequence of a single vehicle losing control during icy conditions and resulted in a slight injury to the car driver.
- 38 The RSA examined the alignment of the proposed junction and identified no alignment or road safety problems. Transport Planning agree with this conclusion.
- 39 The audit did however identify the potential risk of aquaplaning for vehicles which travel northwards towards the right-hand bend, entering Stanley village. To address this, the proposed design of the carriageway includes the widening of the road on its west side and a footpath added to provide a greater surface area for water to be drained. This additional carriageway width and footways will be drained westwards, towards the development, in advance of the right-hand bend (Condition 3).
- 40 The RSA advises that the new junction and altered alignment will generate new turning manoeuvres. It is therefore recommended that temporary 'New Road Layout Ahead' signs are provided as mitigation on both approaches to raise awareness and to influence driver behaviour and adherence to the 30mph speed limit.
- 41 The RSA did not identify any road safety risks with the proposed pedestrian crossing or either bus stops. Again, Transport Planning agrees with this assessment.

### **Residential Amenity**

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

#### Existing Residential Amenity

- 43 The Transport Assessment submitted with 19/01130/AMM estimates approximately 139 and 136 vehicle trips generated in the AM & PM peak periods respectively. This equates to an increase of just over 2 cars per minute in traffic on the B9099 Perth Road. This is considered by Transport Planning to be an acceptable impact on existing traffic flow. Consequently, it is considered that there would be a minimal impact on the existing residential properties in terms of traffic flow. Otherwise, the proposed access and new road layout is not considered to have any adverse amenity impact – it will not inhibit access or egress to the nearby residential properties. The proposal is therefore considered to comply with LDP2 Policy 17 – Residential Areas as the proposed impact is considered acceptable.

## **Landscape and Visual Amenity**

- 44 To accommodate the proposed access and northbound lay-by, bus stops and pedestrian crossing, some existing roadside verge and hedgerow will be lost. This impact is assessed as part of 19/01130/AMM; however, it is considered that the impact of the access on the landscape is minor and mitigated in the overall scheme. The provision of a safe access and enhanced provision of public transport and pedestrian access would outweigh the loss of this verge area.
- 45 In terms of visual amenity, the degree of change was envisaged in the site's allocation in both the LDP and LDP2 and the permission granted under the PPP. The proposed junction design is considered to sit visibly comfortably in the surrounding landscape context and attention has been paid to the adjacent properties. Overall, the visual impact of the proposed junction design and associated works is appropriate when assessed against LDP2 Policies 1: Placemaking and 17: Residential Areas as part of the urban fabric of Stanley village.

## **Drainage and Flooding**

- 46 The RSA identified that all road surface drainage must flow westwards to prevent any road safety issues from potentially occurring (Condition 3). No flood risk issues have been identified and as such the proposal will not have an impact on the nearby River Tay.

## **Natural Heritage and Biodiversity**

- 47 As already mentioned, to accommodate the proposed works some existing roadside verge and hedgerow will be lost. It is considered that the impact the access will have on biodiversity is minor in the overall scheme.

## **Developer Contributions**

- 48 None required for this element of the overall proposal.

## **Economic Impact**

- 49 Mainly limited to the construction phase in terms of employment opportunities.

## **LEGAL AGREEMENTS**

- 50 None required. There is an existing Section 75 legal agreement in place for all the Stanley Expansion sites under the PPP (17/00088/IPM). This agreement covers: affordable housing, provision of sports facilities, open space, play areas and core path provision and maintenance.



## **DIRECTION BY SCOTTISH MINISTERS**

- 51 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**

- 52 To conclude, the application must be determined in accordance with the adopted Development Plan unless material considerations indicate otherwise. In this respect, I have taken account of the Local Development Plan and material considerations and in this case, I am content that the development proposed does not conflict with the Development Plan. The proposed location of the access is in the optimum location to allow safe access and egress on/off the B9099.
- 53 Accordingly, the proposal is recommended for approval subject to the following conditions.

## **RECOMMENDATION**

### **Approve the application**

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

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

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

- 2 The approved scheme shall be implemented in full, prior to the occupation of the first residential unit on the associated residential site H30, allocated in the Perth and Kinross Local Development Plan 2 (2019) (LDP2).

Reason: In the interests of road and pedestrian safety.

- 3 The developer shall ensure that during and after the construction of the development that all surface water is controlled, treated and discharged along the western boundary of the B9099 road under the principles of SUDS and all to the satisfaction of the Council as Flood Authority.

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

## **B JUSTIFICATION**

The proposal is in accordance with the Development Plan and there are no material reasons which justify departing from the Development Plan.

## **C PROCEDURAL NOTES**

None required.

## **D INFORMATIVES**

- 1 This planning permission will last only for three years from the date of this decision notice, unless the development has been started within that period. (See Section 58(1) of the Town and Country Planning (Scotland) Act 1997 (as amended)).
- 2 Under Section 27A of the Town and Country Planning (Scotland) Act 1997 (as amended) the person undertaking the development is required to give the Planning Authority prior written notification of the date on which it is intended to commence the development. A failure to comply with this statutory requirement would constitute a breach of planning control under Section 123(1) of that Act, which may result in enforcement action being taken.
- 3 As soon as practicable after the development is complete, the person who completes the development is obliged by Section 27B of the Town and Country Planning (Scotland) Act 1997 (as amended) to give the Planning Authority written notice of that position.
- 4 This development will require the 'Display of notice while development is carried out', under Section 27C (1) of the Town and Country Planning Act 1997, as amended, and Regulation 41 of the Development Management Procedure (Scotland) Regulations 2013. The form of the notice is set out in Schedule 7 of the Regulations and a draft notice is included for your guidance. According to Regulation 41 the notice must be:
  - Displayed in a prominent place at or in the vicinity of the site of the development
  - Readily visible to the public
  - Printed on durable material.
- 5 The applicant should be advised that in terms of Section 56 of the Roads (Scotland) Act 1984 they must obtain from the Council as Roads Authority consent to open an existing road or footway prior to the commencement of works. Advice on the disposal of surface water must be sought at the initial stages of design from Scottish Water and the Scottish Environment Protection Agency.
- 6 The applicant should be advised that in terms of Section 21 of the Roads (Scotland) Act 1984 he must obtain from the Council as Roads Authority consent to construct a new road prior to the commencement of roadworks. Advice on the disposal of surface water must be sought at the initial stages of design from Scottish Water and the Scottish Environment Protection Agency. The applicant should be advised that all proposed structures supporting the road, or which the developer is intending the Council adopt, will require technical approval in accordance with the Design Manual for Roads & Bridges

standard BD 2/12 (& HD 22/08 where relevant). Bridges and culverts shall also be designed in accordance with the requirements contained within Perth & Kinross Council's Developers Guidance Note on Flooding & Drainage. The developer is advised to contact Perth & Kinross Council's Structures & Flooding Team (tel 01738 475000, email [structuresplanning@pkc.gov.uk](mailto:structuresplanning@pkc.gov.uk)) for further information and prior to commencing designs in order to ensure technical compliance.

- 7 The applicant is reminded that this site is still subject to a Section 75 Legal Agreement, securing Developer Contribution requirements and other matters, as secured as part of planning permission 17/00088/IPM. This permission continues to be tied by this legal agreement and the associated requirements will continue to apply.
- 8 The applicant is reminded that, should any protected species be present a licence may be required from Scottish Natural Heritage. Failure to obtain a licence may constitute a criminal act under the Habitats Regulations and penalties are severe for non-compliance.
- 9 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.
- 10 The applicant is recommended to discuss with the Council's Public Transport Unit the supply of bus services and public transport infrastructure to ensure an adequate public transport provision for the site.
- 11 Construction work should minimise the impact on amenity to neighbouring residents, which could be achieved by limiting noise generating activities to Monday to Friday 07:00 to 19:00 and Saturday 08:00 to 13:00 with no noisy works out with these times or at any time on Sundays or Bank Holidays.

Background Papers: 1 letter of representation and Stage 1 & 2 Road Safety Audit.

Contact Officer: Steve Callan 01738 475337

Date: 18 June 2020

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

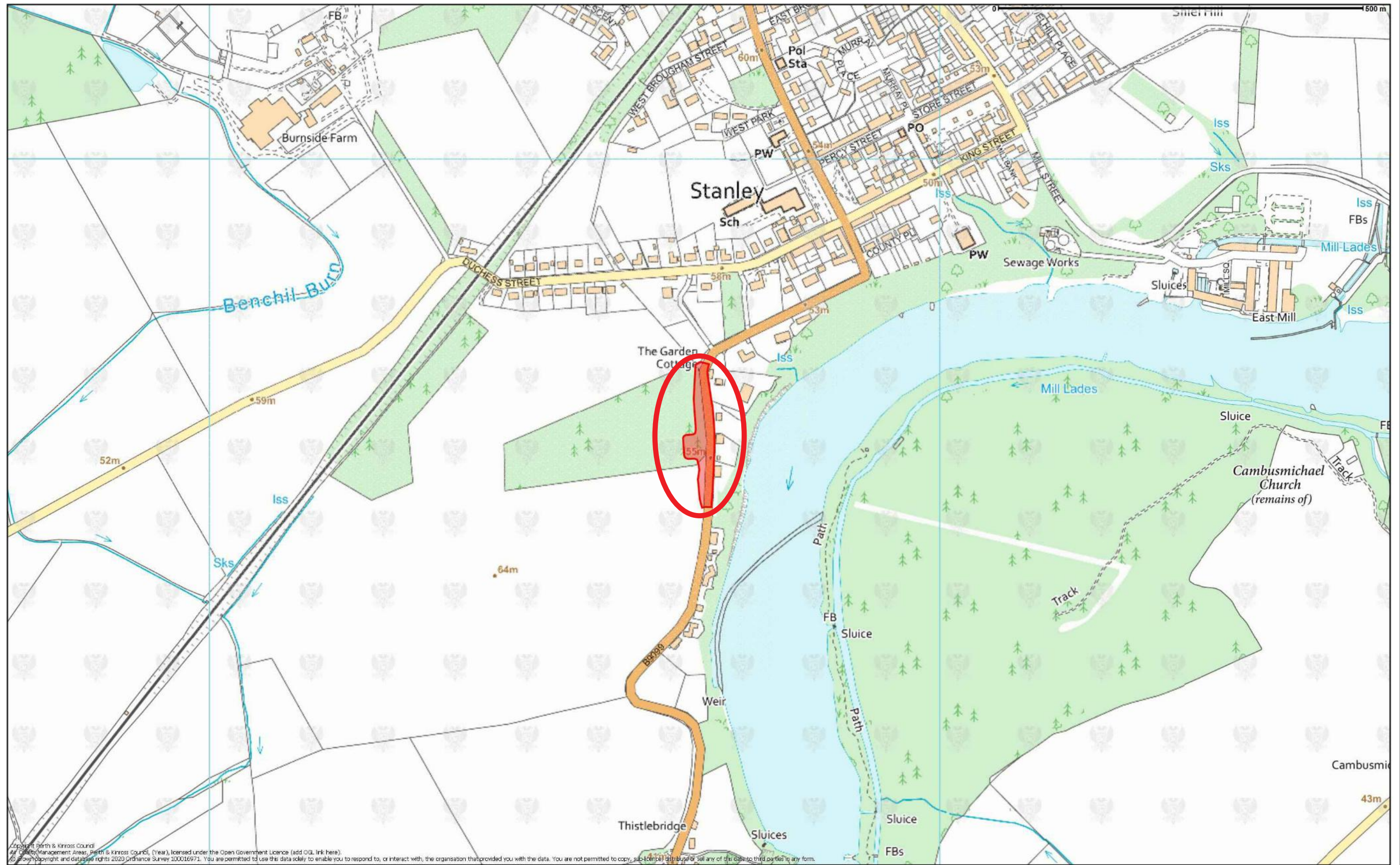
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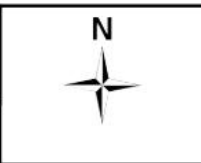






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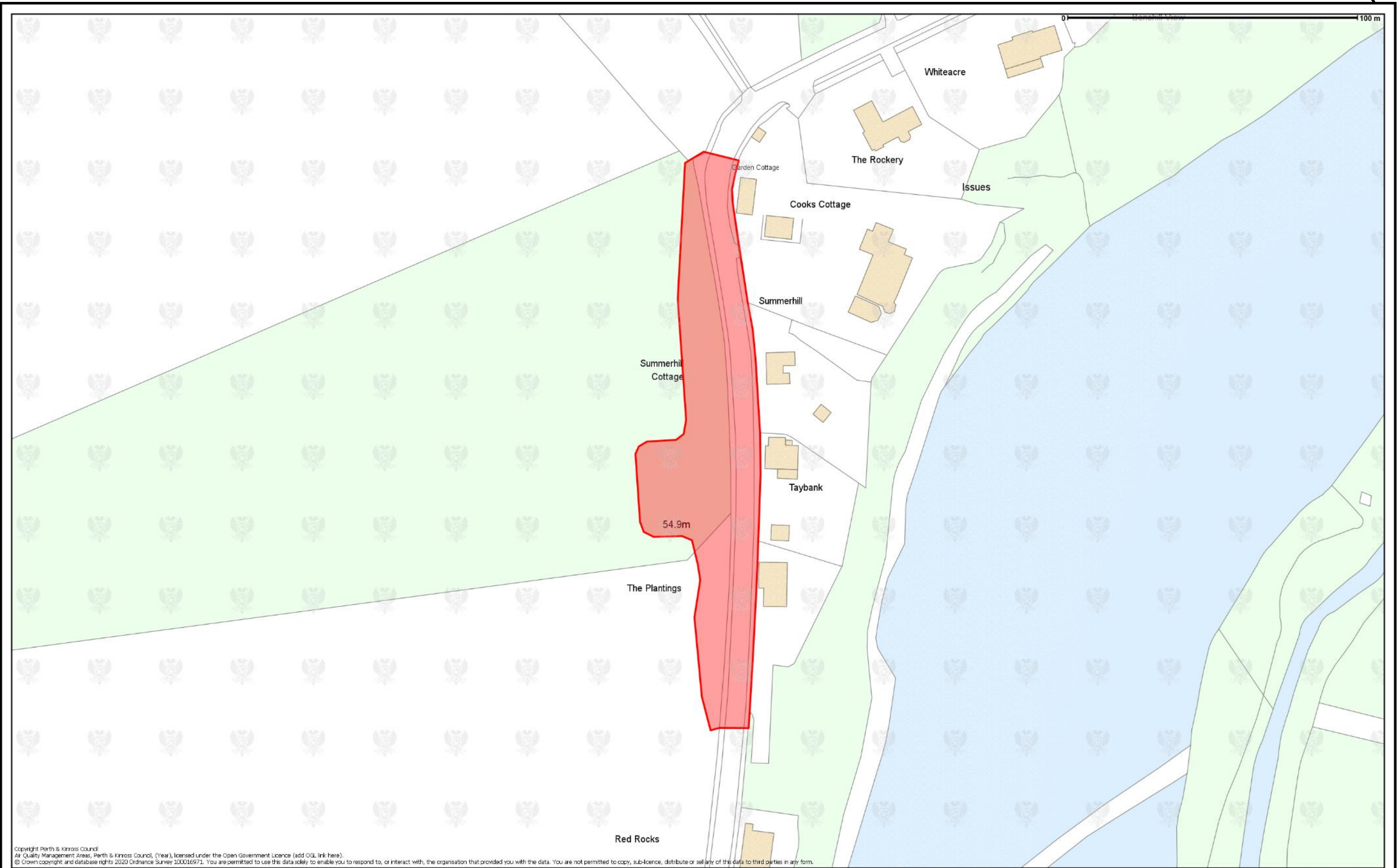


19/01373/FLL  
Alterations to public road, formation of vehicular access and associated works at land west of Taybank Cottage, Perth Road, Stanley









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## STAGE 1 & 2 ROAD SAFETY AUDIT REPORT FOR SITE H30, PERTH ROAD, STANLEY, PERTHSHIRE.






Report Ref 85820(1&2)

Issue Date 13-Feb-20

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Issue / Revision	Issue 1	Revision A	Revision B	Revision C
Remarks / Status	Final			
Prepared by	B. Wyllie			
Signature				
Checked by	D. Lodge			
Signature				
Issued by	B. Wyllie			
Signature13				
Report No	85820(1,2)			
Date Issued	13/02/2020			

## 1. INTRODUCTION.

1.1. The objective of a Road Safety Audit (RSA) is to identify any aspects of a road design or construction scheme that could give rise to road safety concerns and, where possible, to suggest modifications that would improve the road safety of the resultant scheme. This report results from a Stage 1 & 2 RSA carried out on the design of a new junction on the B9099, Perth Road, Stanley and a pedestrian crossing point on Duchess Street Stanley, Perthshire. The audit was instructed by WSP and was carried out by Wyllie Lodge Ltd, Independent Road Safety Consultants.

1.2. The Audit Team members were;

Audit Team Leader	Blair Wyllie, I Eng, MCIHT, MSoRSA
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Audit Team Member	David Lodge, BSc, MSc, CMILT, MCIHT, MSoRSA.
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## 2. PROJECT DETAILS.

- 2.1. The project consists of the formation of a new priority T-junction with right turn ghost island, footways, a controlled pedestrian crossing and bus stops on the B9099, Perth Road, and also an uncontrolled pedestrian crossing on Duchess Street, both in Stanley Perthshire. The new junction is to access a proposed residential development of 183 units to be located on a green field site at the south boundary of Stanley and to the west of the B9099. The B9099 at this location is a 6m wide, two lane single carriageway road with detached residential properties and a footway along its east side, and a grass verge and fields along its west side. The junction is within the 30mph limits of Stanley and will have sightlines of 4.5m x 70m.

The uncontrolled pedestrian crossing on Duchess Street is at the western limit of the village, just where the 30mph speed limit terminates and the road crosses a railway bridge. Plans of the proposed junction are shown in appendix A.



Location Plan

Site H30, Perth Road, Stanley, Perthshire.  
Road Safety Audit Stage 1&2

2.2. The information made available for the audit is listed below;

Drawing Ref.	Title
6148-PL-100-1001-P01	Duchess Street, General Arrangement.
6148-GA-103-P07	Perth Road Junction. General Arrangement.
6148-PL-100-2000-P08	Perth Road Junction Location Plan.
6148-PL-100-2001-P08	Perth Road Junction Adoptable Extents Layout, Sheet 1.
6148-PL-100-2101/P09	Perth Road Junction General Arrangements Layout, Sheet 1.
6148-PL-100-2201 P08	Perth Road Junction Proposed Levels and Contours Layout, Sheet 1.
6148-PL-100-2301 P08	Perth Road Junction Proposed Drainage Layout, Sheet 1.
6148-PL-100-2501 P09	Perth Road Junction Kerbing Layout, Sheet 1.
6148-PL-100-2601/P06	Perth Road Junction Road Markings, Sheet 1.

2.3. Road traffic collision information has also been retrieved from [Crashmap.co.uk](https://crashmap.co.uk) . See appendix B. This shows one collision near the proposed junction during the 5 year period 2014-18. This took place at 2:00pm on Friday 17<sup>th</sup> January 2017 as a consequence of a single vehicle losing control during frost or icy conditions. It resulted in a slight injury to the car driver.

### 3. PROCEDURE

- 3.1. The audit was carried out in accordance with procedures set out in GG 119 of the Design Manual for Roads and Bridges (DMRB) with the addition of comments, in section 6, to assist the designers where appropriate. The Road Safety Audit procedure is not an examination or verification of compliance to a design standard. Any notified departures from the design standard have been referenced within the report. The recommendations in this report are considered by the audit team to be appropriate and proportionate to the concerns and problems identified.
- 3.2. The audit was carried out between 4<sup>th</sup> September 2019 and 12<sup>th</sup> February 2020 at the offices of Wyllie Lodge and on site. A daytime site visits was carried out between 12:10 and 12:50 hours by both audit team members on Wednesday, 29 January 2020.
- 3.3. During the site visit traffic flows were moderate and flowed without interruption. The weather was raining, there was a slight covering of snow on the verges and the road surface was wet.
- 3.4. In accordance with GG 119, the Overseeing Organisation should consider the recommendations contained within this audit. In doing so, the Overseeing Organisation shall consult with the Design Team. The design team shall prepare a road safety audit response report that has been agreed with the Overseeing Organisation and signed by both parties indicating their agreement on the RSA actions.
- 3.5. For the purposes of this audit the following are defined as:

Organisation	Contact
Overseeing Organisation	Perth & Kinross Council.
3 <sup>rd</sup> Party Organisation /Project Promoter	Muir Homes.
Design Organisation	WSP.
Road Safety Audit Organisation	Wyllie Lodge Limited.

4. PREVIOUS ROAD SAFETY AUDITS.

- 4.1. A previous stage 1 & 2 road safety audit of an earlier junction design was carried out in September 2019 by Wyllie Lodge Road Safety consultants, report reference 73019(1&2). This report raised two problems that have since been addressed by the designer, and the report was subsequently updated in October 2019, ref 73019(1&2)A. None of the problems raised in the previous report are still relevant within the context of the current design.

## 5. IDENTIFIED PROBLEMS

### Local Alignment.<sup>1</sup>

No local alignment road safety problems have been identified.

### General.

#### 5.1 PROBLEM

Location B9099, Perth Road.

Summary Risk of aquaplaning type collisions.

The carriageway is to be widened on its west side and a footway added. This will give a greater surface area to be drained. When heading north the road profile falls away from the new junction towards a tight right hand bend. The additional carriageway width could result in additional surface water crossing the carriageway towards the road gullies at the bend. During periods of heavy rainfall this could result in excessive surface water crossing the carriageway which may contribute to aquaplaning type collisions.

#### Recommendation

It is recommended that the additional carriageway width and footways are drained towards the development and not across the carriageway in advance of the bend.

### Junctions.

No junction roads safety problems have been identified.

---

<sup>1</sup> DMRB GG-119 standard list



Walking, Cycling and Horse Riding.

## 5.2 PROBLEM

Location Duchess Street.

Summary Risk of pedestrian injury collisions.

Sightlines between eastbound approaching drivers and pedestrians at the uncontrolled crossing point are restricted by the concrete parapets of the adjacent railway bridge. The eastbound approach road alignment towards the bridge has a tight right hand bend which limits approaching speeds. Drivers however may not see, nor expect, pedestrians waiting to cross the road immediately on the west side of the bridge. This could result in a pedestrian stepping out into the path of an eastbound vehicle, resulting in a serious injury collision.



## Recommendation

It is recommended that;

1. The drop kerbs and tactile paving on the north kerblines are positioned to optimise sightlines between pedestrians and eastbound drivers.
2. A danger ahead warning sign (Diag 562) with a "Pedestrians Crossing" sub-plate is provided on the eastbound approach to the crossing point.

Traffic Signs, Carriageway Markings and Lighting.

5.3 PROBLEM

Location B9099, Perth Road.

Summary Risk of vehicle striking turning traffic or pedestrians.

A new junction and altered alignment will generate new turning manoeuvres that some drivers may not expect to encounter. There is a risk that approaching drivers who are not aware of the new junction or road alignment will not adjust their speed accordingly and this could lead to a loss of control type collision.

Recommendation

It is recommended that temporary New Road Layout Ahead signs (Diag 7014)<sup>2</sup> are provided on both approaches.

---

<sup>2</sup> The Traffic Signs Regulations and General Directions 2016.

6. COMMENTS

The following comments identify issues that are not considered by the audit team to be road safety problems that are likely to cause a collision or increase the severity of an injury. The audit team does not consider it appropriate or proportionate to recommend actions in relation to these issues based solely on road safety concerns.

- 6.1. The road marking drawing for the Puffin crossing does not show zig-zag markings on the exit from the crossing. A minimum of 2 markings is required.

7. AUDIT TEAM STATEMENT


**AUDIT TEAM STATEMENT**

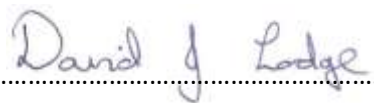
SITE H30 / B9099 PERTH ROAD JUNCTION, STANLEY, PERTHSHIRE.

SAFETY AUDIT STAGE 1&2

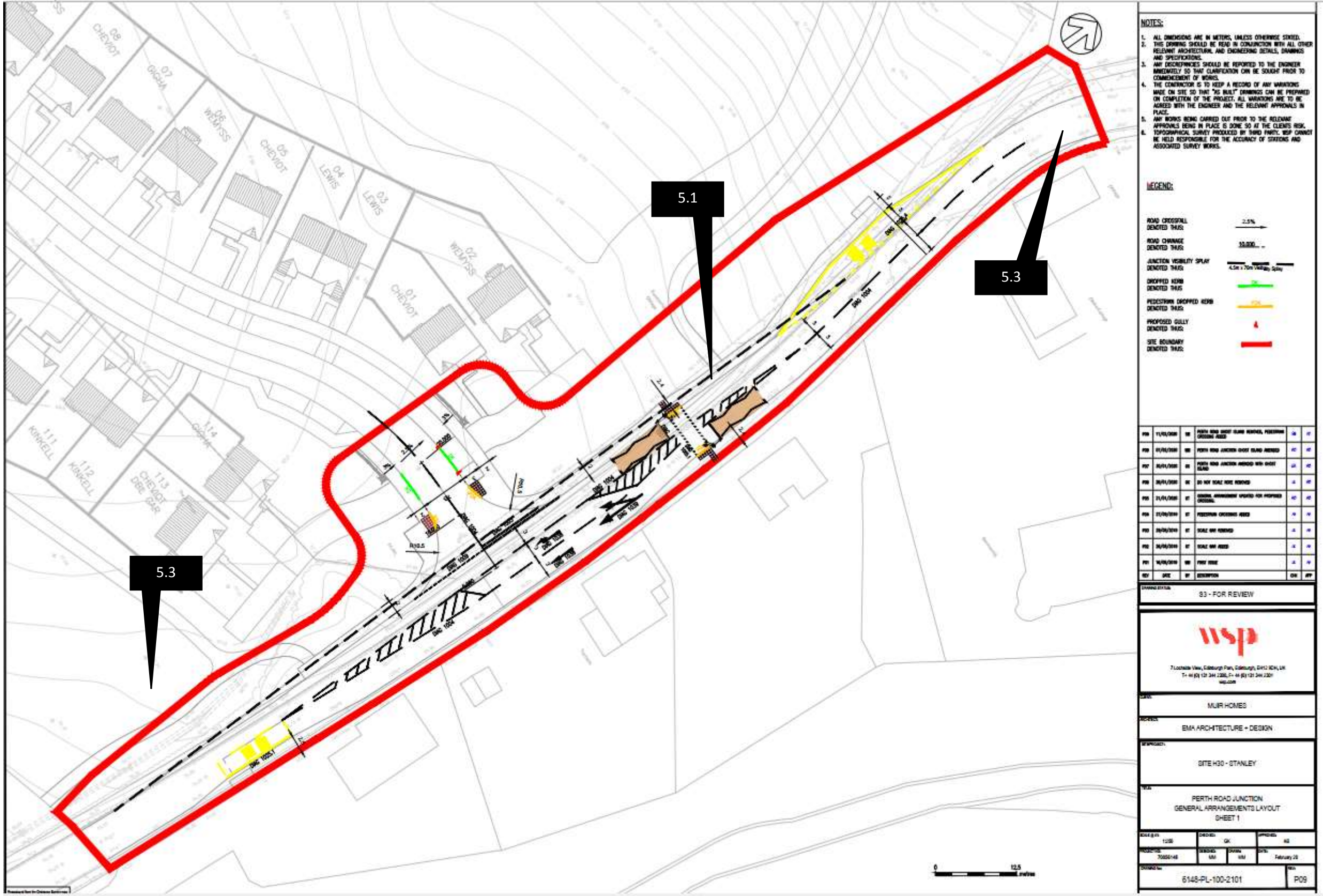
We certify that we have examined the works listed in this report. The examination has been carried out with the sole purpose of identifying any features of design or construction that can be modified in order to improve the safety of the scheme. The problems identified have been noted in this report together with recommendations, which should be studied for implementation.

We certify that this Road Safety Audit has been carried out in accordance with GG 119.

Signed..........Audit Team Leader      Date    13 February 2020.  
Blair Wyllie I Eng, MCIHT, MSoRSA

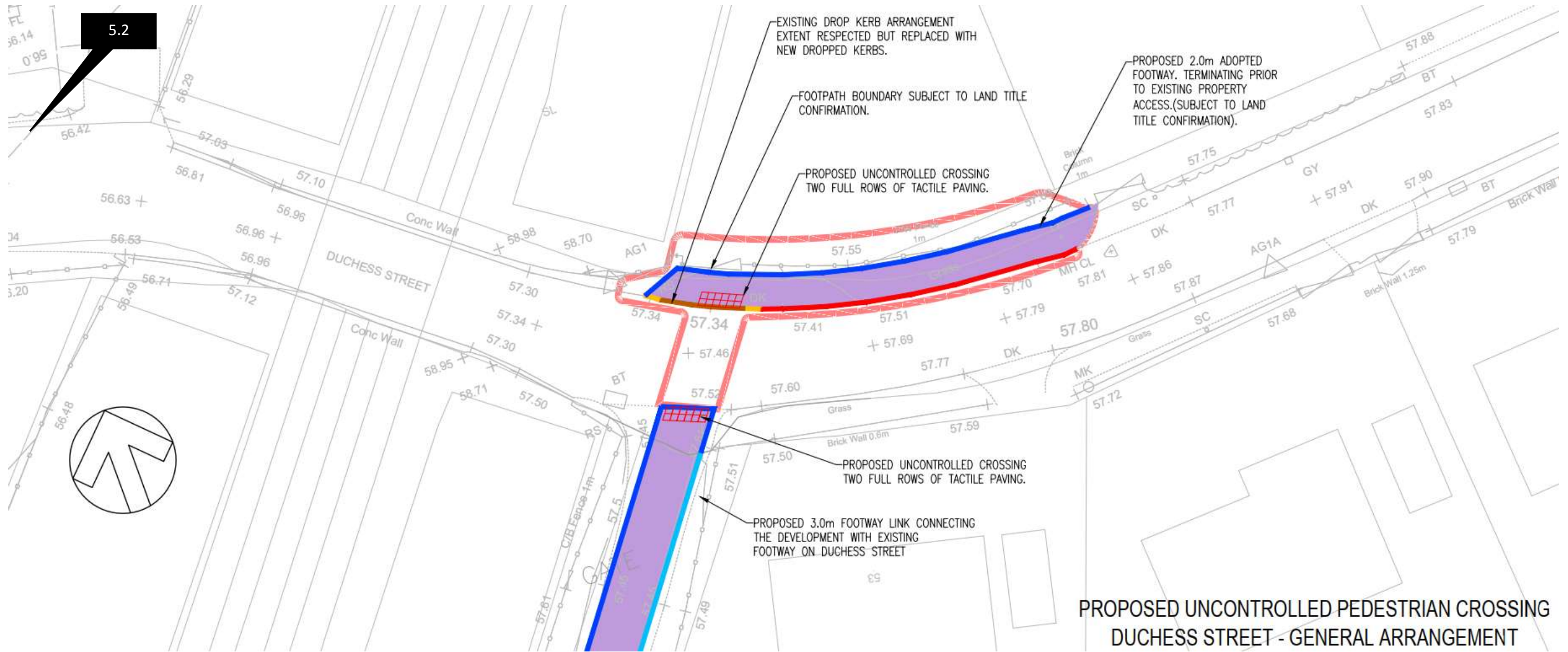
Signed..........Audit Team Member      Date    13 February 2020.  
David Lodge, BSc, MSc, CMILT, MCIHT, MSoRSA.

Wyllie Lodge Road Safety Consultants		T 08450 944512
Blair Wyllie	Blair@wyllielodge.co.uk	M 07952269914
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WYLLIE LODGE Limited. 8 St Andrew's Street Ayr KA7 3AH.		



Perth Road, Stanley.





Duchess Street, Stanley.

crashmap.co.uk

More Information

Active Kids Adventure Park

Stanley Post Office

Stanley Primary School

The Stanley Chippie

Duchess

Perth Rd

Redgorton & Stanley Parish Church

Stanley Mills

Salmon Lodge, Scotland

Perth Rd

Horsey Reach

Thistlebrig Car Park, Stanley

B9099

River Tay

Benchil Burn

Junction location

Location: perth

Years

5 of 20 years selected

Severity

Fatal ☒

Serious ☒

Slight ☒

Casualty Types:

All Casualty Types

Vehicles Involved:

All Vehicle Types

Search

Incident Severity

Slight Serious Fatal

2 results found





Perth and Kinross Council  
Planning & Development Management Committee – 1 July 2020  
Report of Handling by Head of Planning & Development (Report No. 20/111)

**PROPOSAL:** Formation of a crossing point and associated works

**LOCATION:** Land north of 53 Duchess Street, Stanley

Ref. No: [20/00096/FLL](#)  
 Ward No: P5 - Strathtay

### Summary

This report recommends approval of the application as the development is considered to comply with the relevant provisions of the Development Plan and there are no material considerations apparent which outweigh the Development Plan.

## BACKGROUND AND DESCRIPTION OF PROPOSAL

- 1 The site is located at the western end of Duchess Street just before the bridge crossing of the Perth-Inverness railway line, with the access to Active Kids visitor attraction beyond. The site is bounded by residential properties to the east and north along Duchess Street. To the south is an existing access to a field that is subject to an application for a development of 183 dwellings; 19/01130/AMM which is also on the Agenda for this meeting. That application was deferred at the 11 March 2020 meeting of the Planning and Development Management Committee (PDMC) and the reasons for this deferral were to include: a Member site visit to take place and for this associated application to also be determined by Committee.
- 2 This application seeks the formation of a new uncontrolled pedestrian crossing and connection with the existing footpath on Duchess Street. The proposed crossing is just before the termination of the 30mph speed limit.

## NATIONAL POLICY AND GUIDANCE

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

### National Planning Framework

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

document provides a national context for development plans and planning decisions as well as informing the on-going programmes of the Scottish Government, public agencies and local authorities.

### **Scottish Planning Policy 2014**

- 5 The Scottish Planning Policy (SPP) was published in June 2014 and sets out national planning policies which reflect Scottish Ministers' priorities for operation of the planning system and for the development and use of land. The SPP promotes consistency in the application of policy across Scotland whilst allowing sufficient flexibility to reflect local circumstances. It directly relates to:
  - The preparation of development plans;
  - The design of development, from initial concept through to delivery; and
  - The determination of planning applications and appeals.
- 6 The following sections of the SPP will be of particular importance in the assessment of this proposal:
  - Sustainability: paragraphs 24 – 35
  - Placemaking: paragraphs 36 – 57
  - Valuing the Natural Environment: paragraphs 193 – 218
  - Maximising the Benefits of Green Infrastructure: paragraphs 219 – 233
  - Managing Flood Risk and Drainage: paragraphs 254 – 268
  - Promoting Sustainable Transport and Active Travel: paragraphs 269 - 291

### **Planning Advice Notes**

- 7 The following Scottish Government Planning Advice Notes (PANs) and Guidance Documents are of relevance to the proposal:
  - PAN 40 Development Management
  - PAN 51 Planning, Environmental Protection and Regulation
  - PAN 61 Planning and Sustainable Urban Drainage Systems
  - PAN 68 Design Statements
  - PAN 75 Planning for Transport
  - PAN 77 Designing Safer Places

### **Designing Streets 2010**

- 8 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**

- 9 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**

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

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

- 11 TAYPlan sets out a vision for how the region will be in 2036 and what must occur to bring about change to achieve this vision. The vision for the area as set out in the plans states that:

*“By 2036 the TAYplan area will be sustainable, more attractive, competitive and vibrant without creating an unacceptable burden on our planet. The quality of life will make it a place of first choice where more people choose to live, work, study and visit, and where businesses choose to invest and create jobs.”*

- 12 The following sections of the TAYplan 2016 are of particular importance in the assessment of this application.
- Policy 1: Locational Priorities
  - Policy 2: Shaping Better Quality Places
  - Policy 8: Green Networks
  - Policy 9: Managing TAYplans Assets

## **Perth and Kinross Local Development Plan 2019**

- 13 The Local Development Plan 2 (2019) (LDP2) was adopted by Perth and Kinross Council on 29 November 2019. The LDP2 sets out a vision statement for the area and states that, *“Our vision is of a Perth and Kinross which is dynamic, attractive and effective which protects its assets whilst welcoming population and economic growth.”* It is the most recent statement of Council policy and is augmented by Supplementary Guidance.
- 14 The principal relevant policies are, in summary;
- Policy 1A: Placemaking
  - Policy 15: Public Access
  - Policy 17: Residential Areas
  - Policy 41: Biodiversity
  - Policy 47: River Tay Catchment Area
  - Policy 60A: Transport Standards and Accessibility Requirements: Existing Infrastructure
  - Policy 60B: Transport Standards and Accessibility Requirements: New Development Proposals

## SITE HISTORY

- 15 [15/00010/PAN](#) Proposed masterplan for village expansion. Content of PoAN approved June 2015
- 16 [17/00088/IPM](#) Mixed use development (in principle) for expansion of Stanley village. Application approved by Planning & Development Committee August 2018.
- 17 [19/01130/AMM](#) Erection of 183 dwellinghouses and 4 flats, formation of a vehicular access, play park, landscaping and associated works (approval of matters specified in conditions of 17/00088/IPM) (allocated site H30). Being represented to same Planning & Development Management Committee following deferral in March 2020.
- 18 [20/01373/FLL](#) Formation of an access on B9099 Perth Road. Being presented to same Planning & Development Management Committee.

## CONSULTATIONS

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

### External

- 20 **Network Rail** No objection to the proposal.

### Internal

- 21 **Transport Planning** – No objection to the proposal provided certain conditions are included with any permission
- 22 **Development Negotiations Officer** – No objection to the proposal.

## REPRESENTATIONS

- 23 None received.

## ADDITIONAL STATEMENTS

- 24
- |  |                               |
|--|-------------------------------|
| Screening Opinion  | Not Required                  |
| Environmental Impact Assessment (EIA):<br>Environmental Report | Not applicable                |
| Appropriate Assessment   | Not Required                  |
| Design Statement / Design and Access<br>Statement              | Not Required                  |
| Reports on Impact or Potential Impact                          | Stage 1 & 2 Road Safety Audit |

## **APPRAISAL**

- 25 Sections 25 and 37(2) of the Town & Country Planning (Scotland) Act 1997 (as amended) require the determination of the proposal to be made in accordance with the provisions of the Development Plan, unless material considerations indicate otherwise. The adopted Development Plan comprises the TAYplan Strategic Development Plan 2016–2036 and the Perth and Kinross Local Development Plan 2019 (LDP2). The relevant policy considerations are outlined in the policy section above and are considered in more detail below. In terms of other material considerations, this involves considerations of the Council's other approved policies and supplementary guidance.

### **Principle**

- 26 The principle of residential development on the adjoining land is well established through the allocation in LDP2 as Site H30 and by the Planning Permission in Principle (PPP) permission approved in August 2018 (Ref: 17/00088/IPM).
- 27 The principle of pedestrian access to the site is also established, as development of the PPP site requires sustainable access options for residents. It is necessary, however, to undertake a specific assessment of the proposed infrastructure detail of this proposal.

### **Design and Location**

- 28 The Council's Transport Planning team has engaged extensively with the applicant's Transport Consultant. Transport Planning has advised that the proposed footpath located on the north side of Duchess Street should form a connection with the existing public footpath leading into Stanley Village, including the primary school. This would allow for a continued public footpath connection and 'safe route to school' between Stanley and the H30 LDP2 site. This crossing and footpath would then be maintained by Perth & Kinross Council as the Roads Authority as it is presently registered as a private footpath. Transport Planning has raised no issue in terms of design, location or road safety. The proposal is considered to comply with LDP Policy 60 - Transport Standards and Accessibility Requirements.

### **Road Safety Audit**

- 29 A Road Safety Audit (RSA) (Appendix 1) was carried out on behalf of the applicant. The objective of an RSA is to identify any aspects of a road design or construction scheme that could give rise to road safety concerns and, where possible, to suggest modifications that would improve the road safety of the proposal.
- 30 One potential risk that was identified in the RSA was the sightlines for eastbound drivers approaching Stanley affecting the visibility of pedestrians at the proposed uncontrolled crossing point because of the concrete parapets of the adjacent railway bridge.

- 31 Drivers may not see, nor expect, pedestrians waiting to cross the road immediately on the east side of the bridge. This could result in a pedestrian stepping out into the path of an eastbound vehicle, resulting in a serious collision. To greatly reduce this risk, drop kerbs and tactile paving on the north kerb line are proposed to be positioned to optimise sightlines between pedestrians and eastbound drivers. In addition, a danger ahead warning sign with a “Pedestrians Crossing” sub-plate will be provided on the west side of the bridge. Transport Planning has not raised any issue with the proposed recommendations in terms of road and pedestrian safety and this design and signage strategy is considered to be acceptable.

### **Residential Amenity**

- 32 Residential amenity requires to be considered under LDP2 Policy 1: Placemaking and Policy 17: Residential Areas.
- 33 It is considered that the provision a pedestrian crossing and improved footpath on Duchess Street would have a minimal impact on existing residential properties as the proposal is minor in nature and will improve the pedestrian connection with Stanley village and, in time, access from the existing village to the community woodland and core paths in and beyond Site H30.
- 34 For new residents within Site H30, the proposed pedestrian crossing and footpath will provide an easy to use and sustainable connection with Stanley village including a ‘safe route to school’ for many children attending the primary school at the opposite end of the same street.
- 35 The proposal is considered will have a positive impact and will comply with LDP2 Policy 17: Residential Areas as the proposed impact is considered acceptable.

### **Visual Amenity**

- 36 In terms of visual amenity, the degree of change is minor in nature and the impact of the proposed design and associated works is considered to be appropriate when assessed against LDP2 Policies 1: Placemaking and 17 Residential Areas.

### **Drainage and Flooding**

- 37 The degree of change is minor and will not introduce any increased drainage and flood risk to the area.

### **Natural Heritage and Biodiversity**

- 38 It is considered that the impact the access would have on biodiversity is very minor in the overall scheme.

### **Developer Contributions**

- 39 None required for this element of the overall proposal.

## **Economic Impact**

- 40 Mainly limited to the construction phase in terms of employment opportunities.

## **LEGAL AGREEMENTS**

- 41 None required. There is an existing Section 75 legal agreement in place for all the Stanley Expansion sites under the PPP (17/00088/IPM). This agreement covers: affordable housing, provision of sports facilities, open space, play areas and core path provision and maintenance.

## **DIRECTION BY SCOTTISH MINISTERS**

- 42 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**

- 43 To conclude, the application must be determined in accordance with the adopted Development Plan unless material considerations indicate otherwise. In this respect, I have taken account of the Local Development Plan and material considerations and in this case, I am content that the development proposed does not conflict with the Development Plan. The proposed location of the pedestrian crossing will provide a sustainable travel option for residents to access Stanley village including the primary school at the eastern end of Duchess Street.
- 44 Accordingly, the proposal is recommended for approval subject to the following conditions.

## **RECOMMENDATION**

### **Approve the application**

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

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

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

- 2 The approved scheme shall be implemented in full, prior to the occupation of the first residential unit on the associated residential site H30, allocated in the Perth and Kinross Local Development Plan 2 (2019) (LDP2).

Reason: In the interests of road and pedestrian safety.

- 3 Prior to the commencement of development, a scheme for the installation of an additional street lighting column to the north of the proposed crossing point shall be submitted for the written approval by the Council as Planning Authority. Thereafter, the approved scheme shall be implemented in full and the lighting column be brought into use before occupation of the first dwelling on the associated residential site residential site H30, allocated in the Perth and Kinross Local Development Plan 2 (2019) (LDP2).

Reason: In the interests of pedestrian safety.

## **B JUSTIFICATION**

The proposal is in accordance with the Development Plan and there are no material reasons which justify departing from the Development Plan.

## **C PROCEDURAL NOTES**

None required.

## **D INFORMATIVES**

- 1 This planning permission will last only for three years from the date of this decision notice, unless the development has been started within that period. (See Section 58(1) of the Town and Country Planning (Scotland) Act 1997 (as amended).
- 2 Under Section 27A of the Town and Country Planning (Scotland) Act 1997 (as amended) the person undertaking the development is required to give the Planning Authority prior written notification of the date on which it is intended to commence the development. A failure to comply with this statutory requirement would constitute a breach of planning control under Section 123(1) of that Act, which may result in enforcement action being taken.
- 3 As soon as practicable after the development is complete, the person who completes the development is obliged by Section 27B of the Town and Country Planning (Scotland) Act 1997 (as amended) to give the Planning Authority written notice of that position.
- 4 This development will require the 'Display of notice while development is carried out', under Section 27C (1) of the Town and Country Planning Act 1997, as amended, and Regulation 41 of the Development Management Procedure (Scotland) Regulations 2013. The form of the notice is set out in Schedule 7 of the Regulations and a draft notice is included for your guidance. According to Regulation 41 the notice must be:
  - Displayed in a prominent place at or in the vicinity of the site of the development
  - Readily visible to the public
  - Printed on durable material.



- 5 The applicant should be advised that in terms of Section 56 of the Roads (Scotland) Act 1984 they must obtain from the Council as Roads Authority consent to open an existing road or footway prior to the commencement of works. Advice on the disposal of surface water must be sought at the initial stages of design from Scottish Water and the Scottish Environment Protection Agency.
- 6 The applicant should be advised that in terms of Section 21 of the Roads (Scotland) Act 1984 he must obtain from the Council as Roads Authority consent to construct a new road prior to the commencement of roadworks. Advice on the disposal of surface water must be sought at the initial stages of design from Scottish Water and the Scottish Environment Protection Agency. The applicant should be advised that all proposed structures supporting the road, or which the developer is intending the Council adopt, will require technical approval in accordance with the Design Manual for Roads & Bridges standard BD 2/12 (& HD 22/08 where relevant). Bridges and culverts shall also be designed in accordance with the requirements contained within Perth & Kinross Council's Developers Guidance Note on Flooding & Drainage. The developer is advised to contact Perth & Kinross Council's Structures & Flooding Team (tel 01738 475000, email [structuresplanning@pkc.gov.uk](mailto:structuresplanning@pkc.gov.uk)) for further information and prior to commencing designs in order to ensure technical compliance.
- 7 The applicant is reminded that this site is still subject to a Section 75 Legal Agreement, securing Developer Contribution requirements and other matters, as secured as part of planning permission 17/00088/IPM. This permission continues to be tied by this legal agreement and the associated requirements will continue to apply.
- 8 The applicant is reminded that, should any protected species be present a licence may be required from Scottish Natural Heritage. Failure to obtain a licence may constitute a criminal act under the Habitats Regulations and penalties are severe for non-compliance.
- 9 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.
- 10 The applicant is recommended to discuss with the Council's Public Transport Unit the supply of bus services and public transport infrastructure to ensure an adequate public transport provision for the site.
- 11 Construction work should minimise the impact on amenity to neighbouring residents, which could be achieved by limiting noise generating activities to Monday to Friday 07:00 to 19:00 and Saturday 08:00 to 13:00 with no noisy works out with these times or at any time on Sundays or Bank Holidays.

Background Papers: 1 letter of representation and Stage 1 & 2 Road Safety Audit  
Contact Officer: Steve Callan 01738 475337  
Date: 18 June 2020

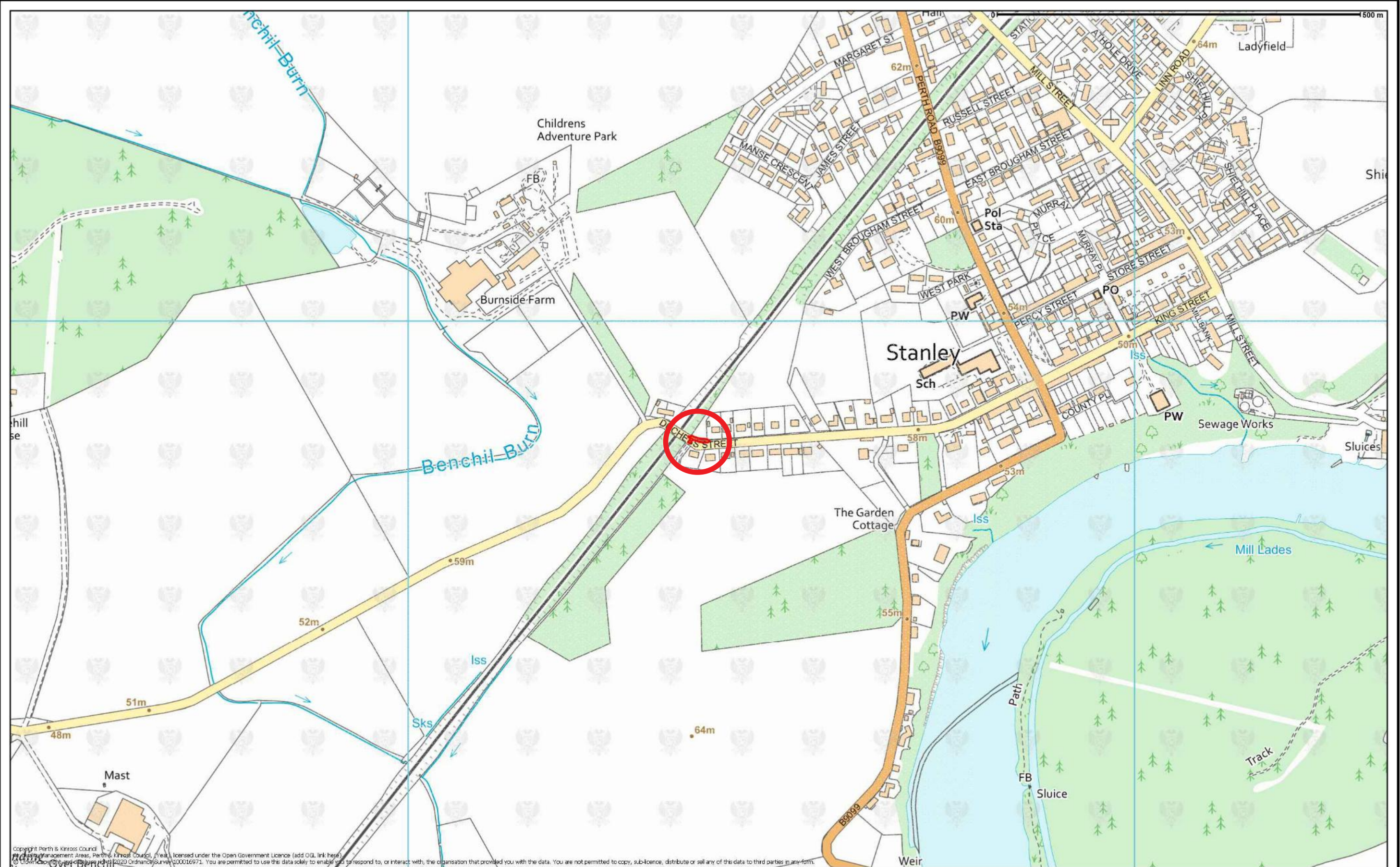
**DAVID LITTLEJOHN**  
**HEAD OF PLANNING & DEVELOPMENT**


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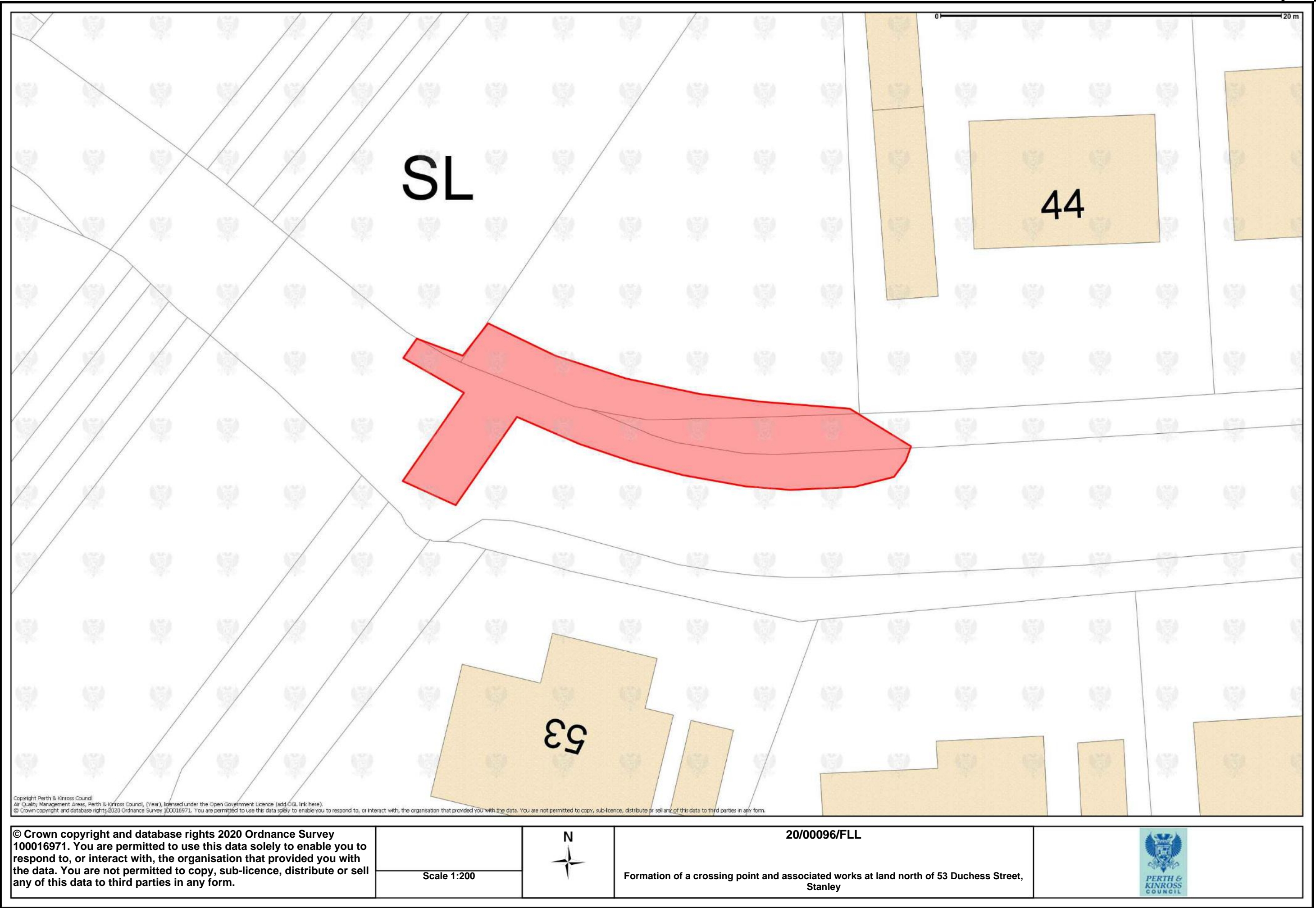




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## STAGE 1 & 2 ROAD SAFETY AUDIT REPORT FOR SITE H30, PERTH ROAD, STANLEY, PERTHSHIRE.






Report Ref 85820(1&2)

Issue Date 13-Feb-20

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Issue / Revision	Issue 1	Revision A	Revision B	Revision C
Remarks / Status	Final			
Prepared by	B. Wyllie			
Signature				
Checked by	D. Lodge			
Signature				
Issued by	B. Wyllie			
Signature13				
Report No	85820(1,2)			
Date Issued	13/02/2020			



## 1. INTRODUCTION.

1.1. The objective of a Road Safety Audit (RSA) is to identify any aspects of a road design or construction scheme that could give rise to road safety concerns and, where possible, to suggest modifications that would improve the road safety of the resultant scheme. This report results from a Stage 1 & 2 RSA carried out on the design of a new junction on the B9099, Perth Road, Stanley and a pedestrian crossing point on Duchess Street Stanley, Perthshire. The audit was instructed by WSP and was carried out by Wyllie Lodge Ltd, Independent Road Safety Consultants.

1.2. The Audit Team members were;

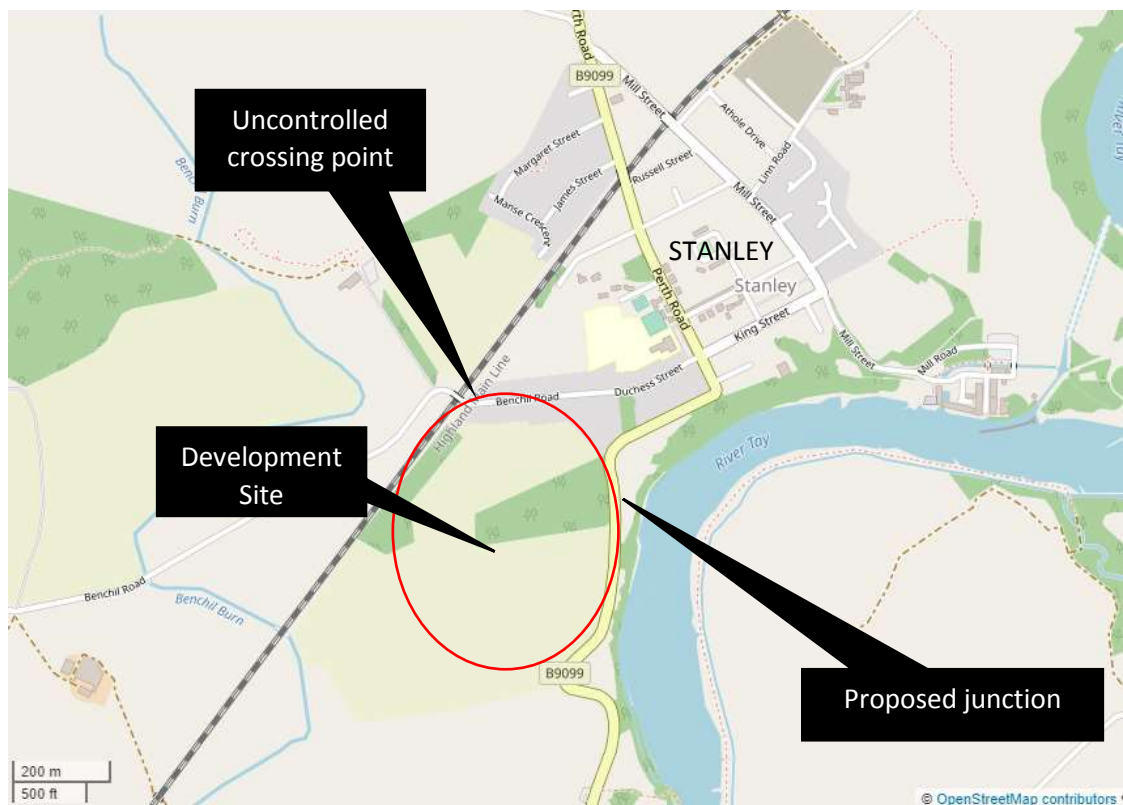
Audit Team Leader	Blair Wyllie, I Eng, MCIHT, MSoRSA
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Audit Team Member	David Lodge, BSc, MSc, CMILT, MCIHT, MSoRSA.
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## 2. PROJECT DETAILS.

- 2.1. The project consists of the formation of a new priority T-junction with right turn ghost island, footways, a controlled pedestrian crossing and bus stops on the B9099, Perth Road, and also an uncontrolled pedestrian crossing on Duchess Street, both in Stanley Perthshire. The new junction is to access a proposed residential development of 183 units to be located on a green field site at the south boundary of Stanley and to the west of the B9099. The B9099 at this location is a 6m wide, two lane single carriageway road with detached residential properties and a footway along its east side, and a grass verge and fields along its west side. The junction is within the 30mph limits of Stanley and will have sightlines of 4.5m x 70m.

The uncontrolled pedestrian crossing on Duchess Street is at the western limit of the village, just where the 30mph speed limit terminates and the road crosses a railway bridge. Plans of the proposed junction are shown in appendix A.



Location Plan

Site H30, Perth Road, Stanley, Perthshire.  
Road Safety Audit Stage 1&2

2.2. The information made available for the audit is listed below;

Drawing Ref.	Title
6148-PL-100-1001-P01	Duchess Street, General Arrangement.
6148-GA-103-P07	Perth Road Junction. General Arrangement.
6148-PL-100-2000-P08	Perth Road Junction Location Plan.
6148-PL-100-2001-P08	Perth Road Junction Adoptable Extents Layout, Sheet 1.
6148-PL-100-2101/P09	Perth Road Junction General Arrangements Layout, Sheet 1.
6148-PL-100-2201 P08	Perth Road Junction Proposed Levels and Contours Layout, Sheet 1.
6148-PL-100-2301 P08	Perth Road Junction Proposed Drainage Layout, Sheet 1.
6148-PL-100-2501 P09	Perth Road Junction Kerbing Layout, Sheet 1.
6148-PL-100-2601/P06	Perth Road Junction Road Markings, Sheet 1.

2.3. Road traffic collision information has also been retrieved from [Crashmap.co.uk](https://crashmap.co.uk) . See appendix B. This shows one collision near the proposed junction during the 5 year period 2014-18. This took place at 2:00pm on Friday 17<sup>th</sup> January 2017 as a consequence of a single vehicle losing control during frost or icy conditions. It resulted in a slight injury to the car driver.

### 3. PROCEDURE

- 3.1. The audit was carried out in accordance with procedures set out in GG 119 of the Design Manual for Roads and Bridges (DMRB) with the addition of comments, in section 6, to assist the designers where appropriate. The Road Safety Audit procedure is not an examination or verification of compliance to a design standard. Any notified departures from the design standard have been referenced within the report. The recommendations in this report are considered by the audit team to be appropriate and proportionate to the concerns and problems identified.
- 3.2. The audit was carried out between 4<sup>th</sup> September 2019 and 12<sup>th</sup> February 2020 at the offices of Wyllie Lodge and on site. A daytime site visits was carried out between 12:10 and 12:50 hours by both audit team members on Wednesday, 29 January 2020.
- 3.3. During the site visit traffic flows were moderate and flowed without interruption. The weather was raining, there was a slight covering of snow on the verges and the road surface was wet.
- 3.4. In accordance with GG 119, the Overseeing Organisation should consider the recommendations contained within this audit. In doing so, the Overseeing Organisation shall consult with the Design Team. The design team shall prepare a road safety audit response report that has been agreed with the Overseeing Organisation and signed by both parties indicating their agreement on the RSA actions.
- 3.5. For the purposes of this audit the following are defined as:

Organisation	Contact
Overseeing Organisation	Perth & Kinross Council.
3 <sup>rd</sup> Party Organisation /Project Promoter	Muir Homes.
Design Organisation	WSP.
Road Safety Audit Organisation	Wyllie Lodge Limited.

4. PREVIOUS ROAD SAFETY AUDITS.

- 4.1. A previous stage 1 & 2 road safety audit of an earlier junction design was carried out in September 2019 by Wyllie Lodge Road Safety consultants, report reference 73019(1&2). This report raised two problems that have since been addressed by the designer, and the report was subsequently updated in October 2019, ref 73019(1&2)A. None of the problems raised in the previous report are still relevant within the context of the current design.

## 5. IDENTIFIED PROBLEMS

### Local Alignment.<sup>1</sup>

No local alignment road safety problems have been identified.

### General.

#### 5.1 PROBLEM

Location B9099, Perth Road.

Summary Risk of aquaplaning type collisions.

The carriageway is to be widened on its west side and a footway added. This will give a greater surface area to be drained. When heading north the road profile falls away from the new junction towards a tight right hand bend. The additional carriageway width could result in additional surface water crossing the carriageway towards the road gullies at the bend. During periods of heavy rainfall this could result in excessive surface water crossing the carriageway which may contribute to aquaplaning type collisions.

#### Recommendation

It is recommended that the additional carriageway width and footways are drained towards the development and not across the carriageway in advance of the bend.

### Junctions.

No junction roads safety problems have been identified.

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<sup>1</sup> DMRB GG-119 standard list

Walking, Cycling and Horse Riding.

## 5.2 PROBLEM

Location Duchess Street.

Summary Risk of pedestrian injury collisions.

Sightlines between eastbound approaching drivers and pedestrians at the uncontrolled crossing point are restricted by the concrete parapets of the adjacent railway bridge. The eastbound approach road alignment towards the bridge has a tight right hand bend which limits approaching speeds. Drivers however may not see, nor expect, pedestrians waiting to cross the road immediately on the west side of the bridge. This could result in a pedestrian stepping out into the path of an eastbound vehicle, resulting in a serious injury collision.



## Recommendation

It is recommended that;

1. The drop kerbs and tactile paving on the north kerblines are positioned to optimise sightlines between pedestrians and eastbound drivers.
2. A danger ahead warning sign (Diag 562) with a "Pedestrians Crossing" sub-plate is provided on the eastbound approach to the crossing point.

Traffic Signs, Carriageway Markings and Lighting.

5.3 PROBLEM

Location B9099, Perth Road.

Summary Risk of vehicle striking turning traffic or pedestrians.

A new junction and altered alignment will generate new turning manoeuvres that some drivers may not expect to encounter. There is a risk that approaching drivers who are not aware of the new junction or road alignment will not adjust their speed accordingly and this could lead to a loss of control type collision.

Recommendation

It is recommended that temporary New Road Layout Ahead signs (Diag 7014)<sup>2</sup> are provided on both approaches.

---

<sup>2</sup> The Traffic Signs Regulations and General Directions 2016.



6. COMMENTS

The following comments identify issues that are not considered by the audit team to be road safety problems that are likely to cause a collision or increase the severity of an injury. The audit team does not consider it appropriate or proportionate to recommend actions in relation to these issues based solely on road safety concerns.

- 6.1. The road marking drawing for the Puffin crossing does not show zig-zag markings on the exit from the crossing. A minimum of 2 markings is required.

7. AUDIT TEAM STATEMENT


**AUDIT TEAM STATEMENT**

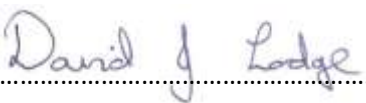
SITE H30 / B9099 PERTH ROAD JUNCTION, STANLEY, PERTHSHIRE.

SAFETY AUDIT STAGE 1&2

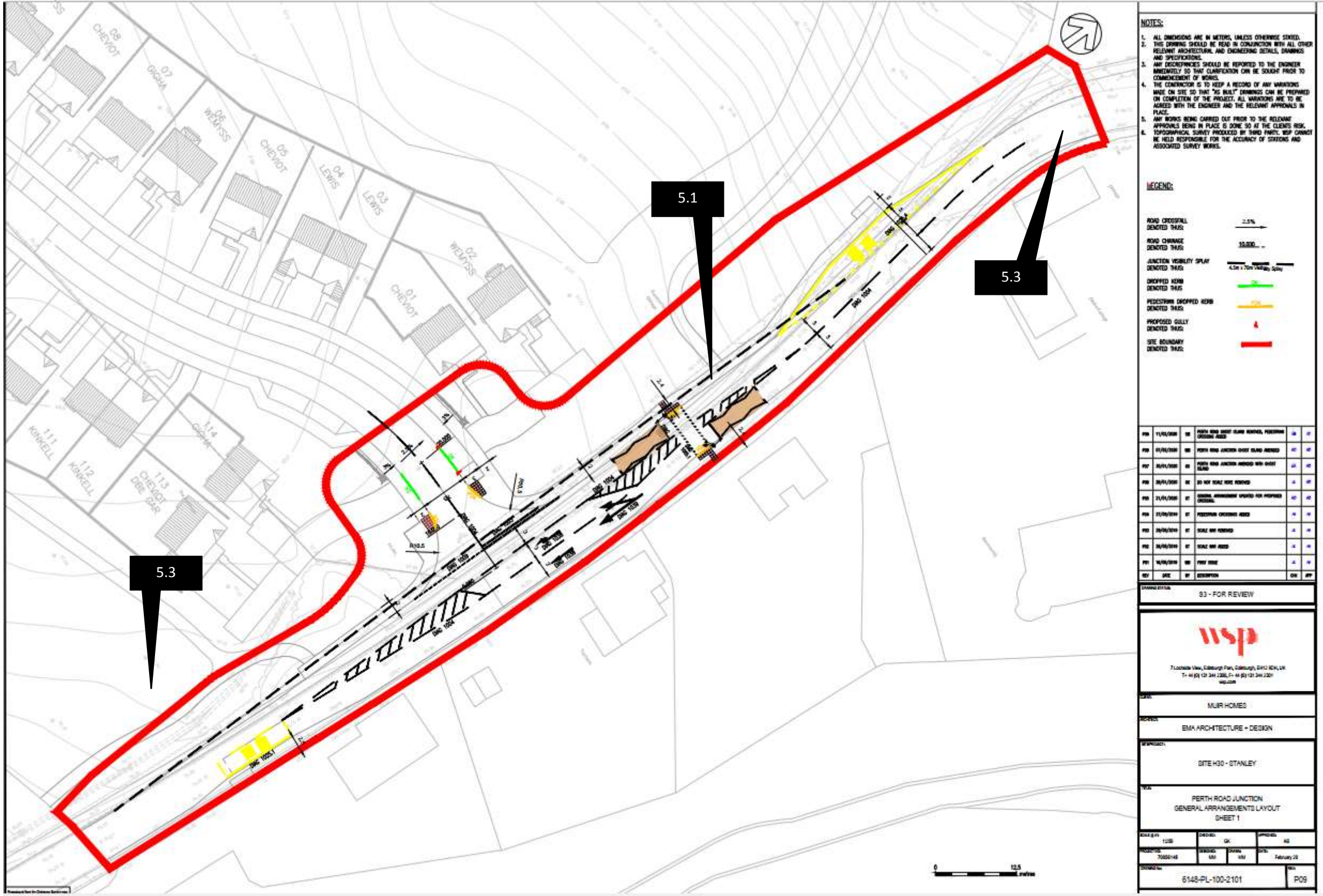
We certify that we have examined the works listed in this report. The examination has been carried out with the sole purpose of identifying any features of design or construction that can be modified in order to improve the safety of the scheme. The problems identified have been noted in this report together with recommendations, which should be studied for implementation.

We certify that this Road Safety Audit has been carried out in accordance with GG 119.

Signed..........Audit Team Leader      Date    13 February 2020.  
Blair Wyllie I Eng, MCIHT, MSoRSA

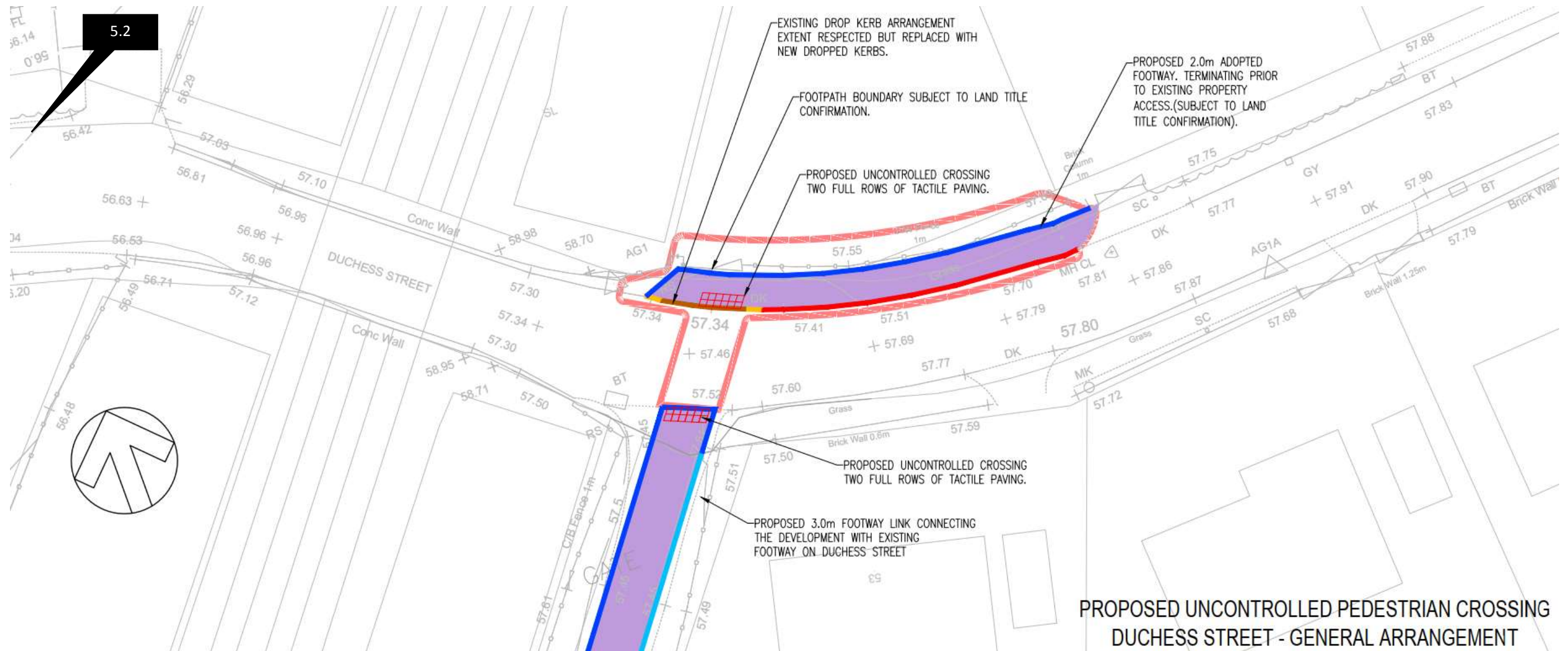
Signed..........Audit Team Member      Date    13 February 2020.  
David Lodge, BSc, MSc, CMILT, MCIHT, MSoRSA.

Wyllie Lodge Road Safety Consultants		T 08450 944512
Blair Wyllie	Blair@wyllielodge.co.uk	M 07952269914
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WYLLIE LODGE Limited. 8 St Andrew's Street Ayr KA7 3AH.		



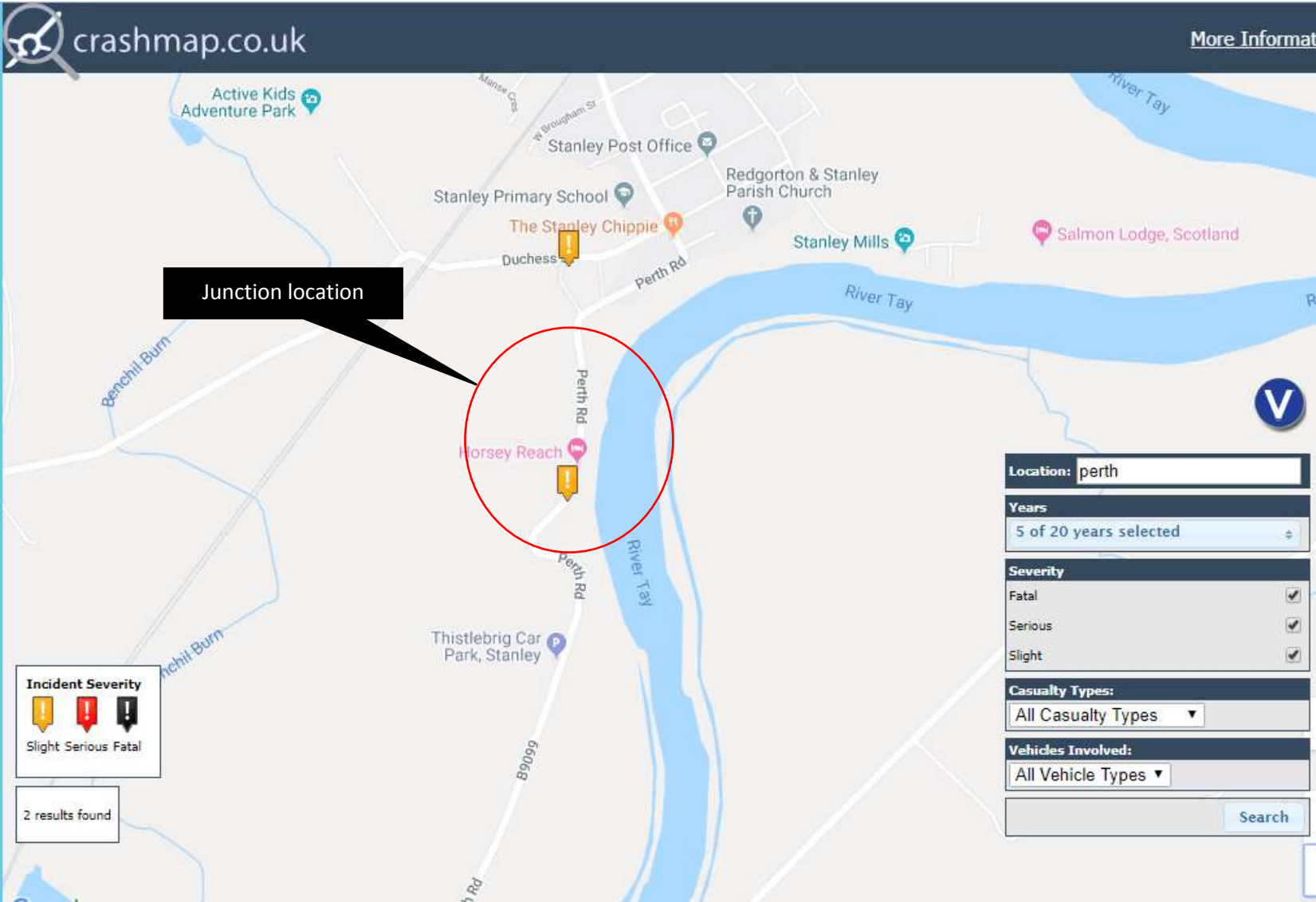
Perth Road, Stanley.





Duchess Street, Stanley.

Appendix B. Location of Recorded Collisions.





Perth and Kinross Council  
Planning & Development Management Committee – 1 July 2020  
Report of Handling by Head of Planning & Development (Report No. 20/112)

**PROPOSAL:** Erection of 169 dwellinghouses, formation of open space, landscaping and associated infrastructure (Phase 2)

**LOCATION:** Land 300 metres north west of Lathro Farm, Kinross

Ref. No: [19/00917/FLM](#)

Ward No: P8 - Kinross-shire

### Summary

This report recommends approval of the application as the proposed development is considered to comply with the relevant provisions of the Development Plan and there are no material considerations apparent which outweigh the Development Plan.

## BACKGROUND AND DESCRIPTION OF PROPOSAL

- 1 The application site (6.12 hectares) is situated at the northern end of Kinross and to the south of Milnathort. The land was last in predominantly agricultural use and has undulating topography with a watercourse known as the 'North Queich' a short distance to the north.
- 2 To the south is established residential development, with access off Gallowhill Road available at the south-west corner. The western boundary has further agricultural field beyond, which is then defined by the M90 motorway; whilst to the north, again across agricultural land, is a mix of uses including: commercial, light industry and residential, all within the settlement of Milnathort. The eastern boundary is defined by the now largely completed first phase of development.
- 3 The application site was originally allocated as part of H47 in the now superseded Perth and Kinross Local Development Plan (LDP 1) 2014. This allocation being for residential development, with an indicative density of 260 dwellings. Currently LDP 2 (2019) sees this larger site identified as 'white land' within the settlement boundary, alongside the associated designated country park.
- 4 Planning permission (15/01512/FLM) was granted in March 2017 for 300 dwellings covering Phases one (203 dwellings) and two (97 dwellings) across the entire allocated H47 site, this also included the extensive country park. However, there have been subsequent alterations to the dwelling numbers of Phase 1 taking that phase from 203 up to 207 dwellings, thus the total number of approved dwellings now stands at 304.

- 5 Planning permission 15/01512/FLM was subject to 36 planning conditions and a Section 75 legal agreement, securing: affordable housing, education and transport infrastructure contributions, as well as the delivery of the country park.
- 6 This current planning application initially proposed redevelopment of Phase 2 to include 195 dwellings, rather than the consented 97 – an increase of 98. However, following assessment and discussions by officers the proposals were substantially altered and unit numbers reduced to 169 in February 2020 – an increase of 72 from that consented. Overall, with this proposal the two combined phases would see 376 dwellings. In general, this revised development moves away from being weighted towards larger house types to a wider variety of housing, including more smaller units of 1, 2, 3 and 4 bedrooms. There are now no 6-bedroom units and a significant reduction in the number with 5 bedrooms. As such, plot sizes are generally smaller, allowing for more units to be accommodated within the same area.
- 7 The existing and proposed housing mix is set out below:

	<u>15/01512/FLM</u>	<u>19/00917/FLM</u>
1 Bedroom	04	08
2 Bedroom	10	37
3 Bedroom Dwelling	02	70
4 Bedroom Dwelling	0	34
5 Bedroom Dwelling	67	20
6 Bedroom Dwelling	14	-
	-----	-----
	97	169

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

- 8 An EIA screening opinion was undertaken in relation to increased residential development numbers and associated works on the site, concluding that EIA was not required. On this basis, an EIA Report was not required to be submitted, with the extant permission identifying what was of environmental significance (or not) and addressed via a suite of mitigation. A number of individual reports and assessments have been prepared to address specific impacts of the proposal on this site.

## **PRE-APPLICATION CONSULTATION**

- 9 The proposed development is classed as a 'Major' development in terms of the Town and Country Planning (Hierarchy of Developments) (Scotland) Regulations 2009. In this respect, due to the proposed increased housing numbers on the site, a Proposal of Application Notice (PoAN) was submitted and the content approved. This resulted in a public consultation being held at Kinross Community Campus on 10 December 2018. On officer recommendation, to reflect the reduction in scale of design, a follow-up event was held on 10 February 2020 at the Community Campus, entitled 'Community Engagement Update Event'.



- 10 Public comment during the PAC process, as outlined in the PAC Report, principally related to:
- Pressure on infrastructure;
  - Provision of a landscape buffer to existing houses to south; and
  - Concern over the tenure of housing being proposed.
- 11 The PoAN was reported to the January 2019 Planning and Development Management Committee. Members noted the report and made comment on:
- Ensuring the development has a proper play area and the country park is formed;
  - Engagement with the Roads Authority to ensure traffic impacts were properly assessed, including looking at links to M90 motorway;
  - Concern over any proposed increase in site density;
  - Ensuring assessment of education and healthcare capacity; and
  - Concern over the speed of development in the area.

## **NATIONAL POLICY AND GUIDANCE**

- 12 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**

- 13 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**

- 14 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.
- 15 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
- Valuing the Natural Environment: paragraphs 193 – 218
- Maximising the Benefits of Green Infrastructure: paragraphs 219 – 233
- Managing Flood Risk and Drainage: paragraphs 254 – 268
- Promoting Sustainable Transport and Active Travel: paragraphs 269 – 291

### **Planning Advice Notes**

- 16 The following Scottish Government Planning Advice Notes (PANs) and Guidance Documents are of relevance to the proposal:

- PAN 40 Development Management
- PAN 51 Planning, Environmental Protection and Regulation
- PAN 61 Planning and Sustainable Urban Drainage Systems
- PAN 68 Design Statements
- PAN 75 Planning for Transport
- PAN 77 Designing Safer Places

### **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.

### **Creating Places 2013**

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

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

- 19 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**

- 20 The Development Plan for the area comprises the TAYplan Strategic Development Plan 2016-2036 and the Perth and Kinross Local Development Plan 2019 (LDP2).

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

- 21 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.”*

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

- Policy 1: Locational Priorities
- Policy 2: Shaping Better Quality Places
- Policy 4: Homes
- Policy 6: Developer Contributions
- Policy 8: Green Networks

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

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

- Policy 1: Placemaking
- Policy 2: Design Statements
- Policy 5: Infrastructure Contributions
- Policy 14B: Open Space within New Developments
- Policy 15: Public Access
- Policy 17: Residential Areas
- Policy 20: Affordable Housing
- Policy 23: Delivery of Development Sites
- Policy 25: Housing Mix
- Policy 26: Archaeology
- Policy 32: Embedding Low and Zero Carbon Generating Technology in New Developments
- Policy 38A: International Nature Conservation Sites
- Policy 38B: National Designations
- Policy 38C: Local Designations
- Policy 40B: Trees, Woodland and Development
- Policy 41: Biodiversity
- Policy 42: Green Infrastructure
- Policy 46: Loch Leven Catchment Area
- Policy 52: New Development and Flooding
- Policy 53: Water Environment and Drainage
- Policy 54: Health and Safety Consultation Zone

- Policy 56: Noise Pollution
- Policy 57: Air Quality
- Policy 58: Contaminated Land and Unstable Land
- Policy 60: Transport and Accessibility Requirements

### **LDP2 site designation**

- 24 The site is not allocated in LDP2, as it has an approved full planning permission with masterplan, detailed permission, and is under construction. Rather, LDP2 identifies it within the settlement boundary and notes: *‘whilst sites carried forward at Lathro Farm and the old High School for 300 and 91 homes are respectively under development.’*

### **SITE HISTORY**

- 25 [14/00493/SCRN](#) Proposed residential development. Decision issued April 2014 (EIA Required).
- 26 [14/00004/PAN](#) Residential development with associated open space, landscaping and infrastructure. PoAN sufficient. Decision issued May 2014.
- 27 14/01345/SCOP Residential development with associated access and landscaping. Scoping response issued 8 September 2014.
- 28 [15/01512/FLM](#) Erection of 300 dwellinghouses, formation of open space, landscaping and associated infrastructure works. Approved by Development Management Committee, March 2017 (Decision issued 31 March 2017 following conclusion of S75).
- 29 [17/00759/FLL](#) Erection of 13 dwellinghouses and associated works. Application Withdrawn.
- 30 [17/00760/FLL](#) Erection of 47 dwellinghouses and associated works. Approved by Development Management Committee, March 2017 (Decision Issued 28 May 2018 following conclusion of S75).
- 31 [17/00886/FLM](#) Application under Section 42 of the Town and Country Planning (Scotland) Act 1997 to develop land to modify conditions 8 (children's play area), 9 (access) and 11 (boundary treatment) of planning permission 15/01512/FLM (Erection of 300 dwellinghouses, formation of open space, landscaping and associated infrastructure works) to reflect change in implementation timescale. Approved by Development Management Committee 20 September 2017.
- 32 [17/00893/FLL](#) Erection of 6 dwellinghouses, formation of open space, landscaping and associated infrastructure works for plots 1-6, relocation of SUDS basin, pump station and erection of substation (revised layout and design) (in part retrospect) Approved by Development Management Committee 20 September 2017.

- 33 [17/01721/FLL](#) Erection of 12 dwellinghouses and associated works. Approved under delegated powers (Decision Issued 28 May 2018).
- 34 [18/01117/FLL](#) Erection of 47 dwellinghouses and associated works (change of house type to include sunrooms for plots 515-518, 522-527, 531-536, 540-546, 550-553 and 557-559). Approved under delegated powers (Decision Issued 17 April 2019).
- 35 [18/01118/FLL](#) Erection of 12 dwellinghouses and associated works (change of house type to include sunrooms for plots 509-512 and 700-707). Approved under delegated powers (Decision issued 17 April 2019).
- 36 [18/00013/PAN](#) Residential development, PoAN sufficient. Decision issued 27 November 2018.

## **CONSULTATIONS**

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

### **External**

- 38 **Historic Environment Scotland (HES)** – No objection in terms of any anticipated impact on scheduled monument SM7614 (Lathro cottage).
- 39 **National Health Service Tayside (NHST)** – No comments.
- 40 **Health and Social Care Partnership (HSCP)** – Have commented in their capacity for provision of primary care services, including GP services. No objection but advise of difficulties in relation to securing additional GPs and associated medical support staff.
- 41 **Scottish Environment Protection Agency (SEPA)** – No objection, following the submission of additional flooding and drainage information and associated clarifications.
- 42 **Scottish Natural Heritage (SNH)** – No objection, subject to suitable control of construction elements and satisfactory Sustainable Urban Drainage (SUDs) in relation to potential run-off to Loch Leven Special Protected Area (SPA).
- 43 **Scottish Water** – No objection.
- 44 **Transport Scotland** – No objection.
- 45 **Royal Society of Protection of Birds (RSPB)** – No comments.
- 46 **Perth and Kinross Heritage Trust (PKHT)** – No objection. Advise the site does not raise any archaeological issues.
- 47 **Balado Airfield** – No comments.

- 48 **Kinross Community Council** – No comments have been made in relation to consultation on the revised proposals for the reduced number of dwellings (169 units). However, the initially proposed 195 unit proposals in the original submission received an objection from the Community Council, with the following issues raised: overdevelopment of the site; lack of parking; loss of trees; impact on conservation area; and that the GP surgery was under strain.
- 49 **Milnathort Community Council** – No comments.
- 50 **Portmoak Community Council** – Object. No response to most recent consultation request for reduced dwelling number proposals. Objection received regarding the original proposal with housing numbers exceeding the original LDP allocation with current LDP not proposing an increase in numbers; impacting on local infrastructure such as schools and medical centres and setting out that the A911 road is not suitable for increased traffic.

#### **Internal**

- 51 **Biodiversity Officer** – No objection, subject to condition seeking control of invasive species and a biodiversity action plan.
- 52 **Community Greenspace** – No objection, subject to conditional control to secure play area details.
- 53 **Community Waste Advisor** – No objection, recommending the conditional requirement to deliver a mini glass recycling point within the site.
- 54 **Development Negotiations Officer** – No objection, contribution requirements identified, all to be secured through a further S75 obligation.
- 55 **Environmental Health (Contaminated Land)** – No objection, acknowledging that investigation had been undertaken previously, with no concerns identified in relation to contamination.
- 56 **Environmental Health (Noise Odour)** – No objection, subject to conditional controls for construction elements and to mitigate background road noise.
- 57 **Strategy and Policy (LDP Team)** – No objection.
- 58 **Structures and Flooding** – No objection following the submission of additional flooding and drainage information and associated groundwater clarification.
- 59 **Transport Planning** – No objection. Initial objection was resolved through submission of an updated Transport Assessment (TA) and securing of additional off-site transport infrastructure improvements, via financial contributions by condition and associated S75 agreement.

## REPRESENTATIONS

60 179 valid representations objecting to the scheme have been received overall (including comments from the Kinross-Shire Civic Trust). Of these, 169 were in relation to the objections for original scheme (for 195 dwellings) and 47 individual objections were received specifically for the current scheme (for 169 units). It should be noted that comment from the same household/address were submitted in respect of both schemes but have only been counted once within the totals given. The relevant points raised for the current scheme are:

- Consider proposals contrary to Scottish Planning Policy, TAYplan, LDP and LDP2;
- Poor PAC Report;
- No need for further housing in Kinross and Milnathort;
- Design discriminates against those with mobility issues;
- High density, poor site layout and out of character with location;
- Lack of childrens play area;
- Loss of open space and fields;
- Lack of buffer with Lathro park;
- Loss of trees;
- Adverse visual impact;
- Overlooking/privacy;
- Loss of daylight and sunlight;
- Noise, light and air quality pollution;
- Transport Assessment inadequate;
- Lack of parking;
- Poor transport links;
- Increased congestion;
- Road and pedestrian safety issues;
- Gallowhill Road not suitable for increased traffic;
- Too far from public transport;
- Flood Risk Assessment out of date;
- Flood risk within site and on Gallowhill Road;
- Increased surface water run off;
- Groundwater levels very high;
- Impact on wildlife and biodiversity;
- Lack of EIA or HRA, in terms of Impact on Loch Leven and its national and international designations;
- Impact on infrastructure including High Street, schools, nurseries, and medical centres; and
- No local economic investment as all will be commuters.

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

62 The following issues were also raised in numerous representations but are not a material planning considerations:

- Loss in property values;
- Anti-social behaviour associated with Phase 1;

- Building Standards issues in Phase 1 regarding completion certificates, home insurance, snagging and poor build quality;
- Competence of applicant and their legal representatives;
- Lack of parking in Phase 1; and
- No reference to Phase 1 in respect of the re-mix.

## ADDITIONAL STATEMENTS

63	Environmental Impact Assessment	Not Required
	Screening Opinion	EIA not required
	Environmental Statement/Report	Not Required
	Appropriate Assessment	Considered in consultation with SNH, undertaken and set out as part of the report appraisal
	Design Statement / Design and Access Statement	Submitted
	Reports on Impact or Potential Impact	<ul style="list-style-type: none"> <li>• Updated Transport Assessment;</li> <li>• Air Quality Assessment;</li> <li>• Noise and Vibration Impact Assessment;</li> <li>• Site Investigation Report;</li> <li>• Tree Survey;</li> <li>• Draft Construction</li> <li>• Environment Management Plan (CEMP);</li> <li>• Flood Risk Assessment with update;</li> <li>• Sustainability Checklist;</li> <li>• Carbon reduction report;</li> <li>• Habitat Survey;</li> <li>• Viability Assessment.</li> </ul>

## APPRAISAL

- 64 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 (LDP) (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

- 65 The principle of residential development of the site is well established through initial allocation in LDP1 (and Local Development Plans since 2004) and a live



and extant Full Planning Permission since 2017. In addition, TAYplan Policy 1 – Locational Priorities seeks to focus most development to the region's principal settlements. Kinross is identified as a Tier 2 Settlement, with the potential to make a major contribution to the regional economy but will accommodate a smaller share of the additional development than a Tier 1 Settlement.

- 66 The site is identified as 'white land' within the settlement boundary of Kinross and Milnathort under LDP2 and within an area zoned for residential and compatible uses under Policy 17 Residential Areas. The principle of residential development is thus firmly established, and that principle is not considered contrary to Scottish Planning Policy, TAYplan or development plan policy as is the position set out in a number of the representations. It is, however, necessary to undertake an assessment of the detail of the proposal including specific LDP2 policy requirements, as set out below.

### **Pre-Application Consultation**

- 67 Criticism has been made in objections on the quality of the PAC Report submission. It is acknowledged that the PAC Report, whilst sufficient from a statutory position, could have gone further in certain areas and provided more background. In this regard officers encouraged the developer to undertake further community discussion during the processing of the application and in advance of the revised/current layout submission. This voluntary further event took place at Kinross Community Campus in February 2020. However, it is important to confirm that the content of the PAC Report was considered statutorily sufficient and would not constitute a material reason for refusal.

### **Housing Need**

- 68 Representations contend that there is no need for further housing in Kinross and Milnathort. However, there is a statutory requirement for sufficient land to be identified in the LDP to meet identified housing needs. Particularly, Scottish Planning Policy requires the LDP to allocate effective land, or land capable of becoming effective, to meet the housing land requirement as set out in TAYplan Policy 4 – Housing. The requirements in the Kinross Housing Market Area (KHMA) included a 10% shift of overall housing numbers from this area to the Perth Core Area, addressing pressure on the Loch Leven catchment. The housing land identified in the KHMA within LDP2 includes this site. However, it is recognised that within the KHMA there is an identified surplus of 29 units across the 2016-2029 period from the 983-home requirement. In consultation with the LDP Team, the additional units proposed here are minor and welcomed overall; constituting only 3% of the total. Ultimately, housing land supply figures cannot be considered precise; rather the overall approach to identifying appropriate sites and then calculating whether these will deliver closely to the housing land requirement.
- 69 LDP 2 pages 14-17 explains the housing land requirement and describes the spatial strategy which adopts the TAYplan hierarchical approach of focusing development in the Principal Settlements (which includes Kinross/Milnathort).

## Design and Layout

- 70 The application is supported by a Design & Access Statement, as required for an allocated site under LDP2 - Policy 2 and a Planning Statement.
- 71 A high number of representations object on the basis that the number of units proposed across the overall site exceeds the 260 which was set out in LDP1 (2014), and also above the extant permissions for the site (304) by a further 72 dwellings to a total of 376; a 23% increase on the existing permissions. This issue is discussed further in the 'Density' section below.
- 72 In general, the application proposes a wide mix of unit sizes and dwelling styles. One level living accommodation was encouraged by officers; however, this is only seen in four 1-bedroom (Blair) and six 2-bedroom (Glamis) ground floor cottage flat apartments (6%). Dwelling sizes range up to 5-bedroom detached units, with the highest percentage (41%) containing 3 bedrooms. In responding to LDP2 Policy 25, this is considered a good, rich housing mix.
- 73 Representations criticise the proposals as providing a poor site layout and discriminating against those with mobility issues. In response to this and taking the terms and detail of the existing approved layout as a baseline, the movement and connections to and from the site remain generally consistent with that of the extant permission. It is also appropriate that the existing established characteristics of the parts of the site which have been developed and have permissions in place, set the overall framework for what is proposed in this application. Particularly, the two principal access points into and out of the site, both onto Gallowhill Road and through Phase 1. Otherwise, there are key consented pedestrian routes which remain in the promoted layout design. The route to the country park, identified in the original masterplan, has however been lost as a result of approved amendments to Phase 1.
- 74 In terms of Phase 2, as the application has been assessed there have been significant re-designing and negotiating away from the original layout of 195 dwellings, resulting in the current layout which sees numbers reduced to 169. This amended layout and number of units is considered overall to be appropriate, responding to site conditions with a central pocket of higher density, reducing in density to the southern edge - reflecting the adjacent Lathro Park. This southern boundary now also includes an additional 3m deep landscape buffer and then feathering out to a lower density of larger executive house types on the northern edge, forming the edge of the settlement and the immediate interface with the country park.
- 75 Moving away from the material palette of Phase 1, more contemporary material finishes are proposed, tying in with some of the Phase 1 re-mix and older parts of Kinross and rural Kinross-shire. These finishes include: white and off-white render against dark brick underbuild and surrounds, elements of graphite composite cladding with anthracite roof tiles. These finishes are considered appropriate in this context.

- 76 Overall, the proposals are considered to provide an acceptable layout and design. Further, and as is set out below, the proposed layout is not considered overdevelopment and continues to reflect the general character and layout of the surroundings, including both Phase 1 and neighbouring residential developments. The design and scale of development proposed is therefore considered to comply with Policies 1A and B, which relate to placemaking, and the criteria outlined in Policy 17 for residential areas of LDP2.

### **Density**

- 77 A density study was submitted, following officer recommendation, in support of the final layout and to respond to representations which consider the density of the proposals to be too high and out of character with the location. Particularly, it is important to agree that an appropriate density is not simply related to the number of dwellings proposed, but more related to the arrangements within the site and the interfaces with the immediately adjacent areas and then wider context of developed and undeveloped areas; building scale/relationships and associated public open and private amenity space afforded across the layout and beyond. The density study also helpfully looks at the density range across both Phase 1 and the current proposals for Phase 2, as well as the wider development of Kinross.
- 78 Overall, the density within the application sees nearly 29 dwellings per hectare (ha). This figure, with the arrangements and context in place, is considered to get close to maximising what can be accommodated, when considering established neighbouring development, landscape capacity, and the relationship with the edge of the settlement. However, the density is considered appropriate and is supported in the site context. Clear efforts have been made to respond to its site surroundings, whilst pursuing an alternative housing mix. It is also considered that there is excellent pedestrian, cycling and wheeling network opportunities (including its relationship with the country park). It is noted that increasing the housing numbers provides justification for further off-site transport infrastructure improvements to come forward to address the increased demand. This would include public transport facilities, provision of a signalised junction and the requirement to further investigate more sustainable transport opportunities in and around the site (Conditions 13,14, and 15). On balance, the density remains satisfactory and is not considered a material reason for refusal.

### **Sustainability**

- 79 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.
- 80 A supporting 'Energy Statement' sets out a commitment to install solar panels on every dwelling. A review of the statement has found that it fulfils the terms of Policy 32 and as it will form part of the approved documentation of any planning permission, its terms would be enforceable.

## **Landscape & Open Space**

- 81 As set out, the site has an extant permission. The principle of developing what was agricultural fields has therefore already been established, both through the LDP process and subsequent detailed planning permission.
- 82 Despite the increased dwelling numbers, the principal landscape and open space elements remain intact and adopted from the original approved layout, although refinements following officer comment have created improvements overall. These include a better landscaping specification with: a native species mix and colour injection around the identified play area; removing and reducing impractical left-over open spaces; and a focus on street trees, links between the two principal open spaces and to the country park.
- 83 Other objections to the landscape and open space proposals included:
- Lack of a children's play area – However this is to be delivered, with detail secured (Condition 10).
  - Lack of a buffer with Lathro park – As set out above, this has been addressed via a 3m deep landscape buffer (Condition 8).
  - Loss of trees – Although there is an initial loss of trees to the periphery of the site, this would be the result if the existing permission was implemented. To mitigate any loss, the proposed landscaping scheme includes proposals to introduce more native species than those of the previous permissions. In addition, and following advice from the LDP Team, it would be beneficial and welcomed to see more trees introduced at the edge of the country park. This matter will be investigated separately with the applicant for additional enhancement and edge of settlement treatment but is not possible to pursue directly through this application.
  - Loss of open space – As mentioned above there is no net reduction in open space from the existing situation.
- 84 In terms of further enhancement, Community Greenspace colleagues suggested that there could be improvements at the SUDs pond design, in terms of appearance and easier maintenance, if the top and base slopes of the basin were rounded. Its appearance and biodiversity value could also be increased if wildflower beds were sown on a subsoil (no topsoil) around its edges. Flood team colleagues have agreed this was a reasonable and appropriate suggestion, providing the overall pond capacity did not reduce. These matters can be further investigated and secured (Condition 9).
- 85 Subject to securing and delivering the play park (Condition 10) and associated landscape Conditions 7, 8 and 9, the proposals are considered to comply with Policy 42 and remain in broad accordance with LDP2 Policy 40A and 40B.

## **Residential & Visual Amenity**

- 86 The site is bound to the south by residential properties at Lathro Park and comments have been received relating to both the initial and revised layouts in relation to anticipated or perceived impacts on residential amenity through:

- Overlooking/privacy
- Loss of daylight and sunlight

- 87 In relation to the proposed arrangement of development along the boundaries with Lathro Park, this sees dwellings set back from the boundary and the inclusion of a 3m wide landscape buffer along the entire southern site boundary, where there would be an interface between residential properties. These arrangements see none of the proposed dwellings contain a living room window less than 9m from the boundary. It is therefore considered the distance and relationship between residential properties is adequate and sufficient to mitigate any impact on existing residential amenity from overlooking. As regards levels of daylight and overshadowing, as the proposed dwellings which share a boundary with Lathro Park are all directly north of these existing dwellings there is no detrimental impact in terms of loss of daylight or overshadowing toward those existing properties.
- 88 It is also important to secure private outside areas provided that can perform the minimum to be expected of a garden i.e. storage of outdoor equipment/bins, clothes drying, and sitting out. In this respect the site layout sees all dwellings provided with adequate garden sizes, of at least 9m in depth. The Council's Placemaking Guidance requires a minimum of: 60 square metres (sqm) for 2-bedroom dwellings; and 80sqm metres for 3+ bedroom properties. In all cases, apart from the cottage flat apartments, this standard is comfortably met or exceeded. In relation to the flats, there is currently no set minimum standard, with consideration given on a case by case basis. In this context the cottage flats see a minimum of 30sqm of dedicated private garden ground offered to each flat (split front and back). Further, every dwelling would have access to the country park that will be in close proximity. Overall it is considered that the amount of private amenity space is acceptable to the rear of all dwellinghouses and flats.
- 89 Taking the aforementioned into account, the proposed development is considered compliant with the Council's Placemaking Guide 2019 and LDP2 Policies 1A, 1B and 17 in relation to residential amenity.

## **Air Quality, Lighting and Noise Pollution**

### Air Quality

- 90 An Air Quality Assessment (AQA), was submitted in relation to planning permission 15/01512/FLM. An updated AQA was submitted with this application, in response to the proposed increase in dwelling numbers and the current 2025 forecast completion date for the overall development.
- 91 The updated AQA has been reviewed by the Council's Environmental Health team and is considered competent, based on current guidance and assessing the potential effects of road traffic emissions on both existing and future residential receptors. The AQA predicts no significant change in NO<sub>2</sub> and PM<sub>10</sub> concentrations at all locations, meeting the air quality objective limits with or without the development and therefore the impact of magnitude of change for pollutants is considered negligible. In effect, the assessment concludes that air

quality is not a significant material concern in the consideration of the application.

#### Noise & Vibration

- 92 An updated noise and vibration impact assessment (NVIA) was also submitted. The NVIA discusses construction noise in its conclusions, predicting a negligibly significant adverse temporary short-term impact prior to the implementation of mitigation measures, which are recommended to be incorporated into a detailed Construction Environmental Management Plan CEMP (Condition 3).
- 93 To expand on the detail of the impact, at the closest existing dwelling house, referred to as 'Receptor 1' (approximately 8 metres away from construction activities), the magnitude of impact from a vibratory roller is moderate and from any HGV movement is negligible. Whilst this was considered worst-case scenario and the report goes on to clarify that the distance to other properties is greater and vibration activity data used in the assessment may not be applicable to all construction activities to this site. On this basis, the conclusions of the vibration assessment are useful but can only be used as an indicator and should be more appropriately controlled within the detailed CEMP (Condition 3).
- 94 The NVIA states road traffic noise generated by construction vehicle movements will have a negligible impact at all receptors and is only anticipated during the daytime, with the updated CEMP to include a section securing the control of deliveries during working hours.
- 95 In terms of operational noise, the NVIA assessed the road traffic noise generated from traffic from the new development on existing dwellinghouses and traffic noise from the M90 and South Street on the new proposed dwellinghouses. It concluded that traffic generation from the proposed development would be negligible with the greatest predicted road traffic level change along Gallowhill Road, with an increase of +2.2 decibels (dB) which is not perceptible. Where site layout design and habitable room orientation does not allow, acoustic trickle ventilation is recommended on habitable rooms in line of sight of the M90 (Condition 12).
- 96 Noise assessment from South Street traffic on proposed dwellings along the southern boundary has calculated that external amenity levels would not exceed the World Health Organisation (WHO) external noise level guidance of 55dB, concluding no adverse impact on garden areas of affected properties from traffic noise, with no mitigation required.

#### Sport Pitches/Skate Park

- 97 The NVIA states that the predicted noise level of 5 skateboarders using the skate park would see an increase in ambient noise level of +1.5 dB at the closest proposed residential receptor. The sport pitches predicted noise levels would see an ambient noise increase of +2dB at the closest residential receptor. Both resulting in negligible impact, with no mitigation required.

Environmental Health comment that if there were more patrons using these facilities, the closest properties may be more aware of noise, but the baseline position is acceptable.

#### Odours

- 98 Not forming part of this site, but as part of the wider background site history and in association with neighbouring Phase 1, it is noted that Environmental Health have received complaints regarding odours within several properties. However, following investigations, no formal action was taken as no statutory nuisance was determined and the source of the odour was not confirmed.
- 99 In conclusion, subject to conditional control requiring: the detailed CEMP to cover noise and vibration (Condition 3); securing acoustic trickle ventilators in properties affected by the M90 and South Street (Condition 12); and a further stand alone control (Condition 11) in relation to construction site operational hours, no significant detrimental impact in terms of air quality and noise is anticipated and therefore the proposals are considered to comply with LDP2 Policy 57 – Air Quality and Policy 58 – Noise.

#### **Roads and Access**

- 100 A large volume of representations received relate to concerns and perceived problems with the proposed/existing road and access arrangements. In a strategic network sense Transport Scotland raise no objection to the proposals. Otherwise the Council's Transport Planning team initially objected, advising: an updated Transport Assessment (TA) would be required, in addition to setting out concerns on the narrow road geometry and road detailing within the site.
- 101 Since the submission of the application there have been several improvements to the plans, following discussions in terms of the shared use space elements, and is now considered a compliant design which can be supported. A swept path analysis was carried out on the revised road layout, resulting in sections of road being widened to ensure that the site is navigable for refuse and emergency service vehicles. Areas for on-street car parking have also been added, to ensure two-way traffic flow is not overly impeded by indiscriminate parking of vehicles. This also represents an improvement to the extant permission for Phase 2.
- 102 In terms of traffic impact, the updated TA and traffic modelling work identified issues in terms of capacity and queue lengths at the junction between the Muirs and the Community Campus; with queuing vehicles affecting Gallowhill Road at peak times. As a result, the TA tested the introduction of signalised traffic control at the junction; demonstrating an easing of issues at peak time (Muirs/Community Campus & Gallowhill Road/Muirs), alleviating queue times on Gallowhill Road and dramatically reducing queuing vehicles at the Community Campus junction. This also provides for an added benefit of allowing a pedestrian phase into the signalling, ensuring safe pedestrian movements to the Campus.
- 103 A second traffic signal control at the junction between Springfield Road and Muirs was also modelled. This produced negative impact results in terms of

queuing lengths on Springfield Road, increasing vehicle queue length from approximately 100m to close to 250m in the AM peak, and a similar increase in queueing during the PM school run around 16:00. This signalisation could also incorporate a pedestrian phase. However, the testing work also set out that these signals would not significantly impact this junction, with sufficient junction capacity existing currently. It would therefore not be proportionate or justified to require the delivery of such infrastructure through this planning application, given the concluding results showing no detriment to the local road network.

- 104 The impact of the identified works is anticipated to increase average journey time along the route (Station Road roundabout via the Muirs to the roundabout at the Cross, Milnathort) by less than 3 minutes, but this is greatly offset by the tangible benefits to pedestrian safety; particularly children making their way to the Community Campus.
- 105 In securing the aforementioned improvements, the Transport Planning team recommend a suite of conditions (Conditions 13 – 17) covering: the required road design standards within the site; securing agreed transport infrastructure improvements (in tandem with the S75 agreement) to serve the wider site and beyond; and requiring the associated submission and approval of a Construction Traffic Management Scheme (Conditions 3). Otherwise, Street Lighting will be addressed by the Roads Construction Consent. The terms of LDP2 Policy 60 Transport Standards and Accessibility Requirements is considered to have been satisfied in this regard.

### **Drainage and Flooding**

- 106 The proposed development will be served by the Kinross Waste Water Treatment Works and Scottish Water raise no objection but note that further investigations may be required once a formal application has been submitted to them.
- 107 A Flood Risk Assessment (FRA) supports the application and has been examined by both SEPA and the Council's Structures and Flooding team. This resulted in an update, clarifying the detailed elements regarding the SUDs and its relationship, operation and capacity in association with Phase 1. A review of onsite groundwater conditions was also submitted in background support. This finalised position and clarification raised no objection from SEPA or the Council's Structures and Flood Risk team.
- 108 In terms of flood risk, and consistent with earlier assessments, the proposed dwellings are adjacent to but out with the 1:200-year flood envelope of the North Queich. No dwellings are to be built within the flood plain. Surface water will continue to be treated and addressed via approved SUDs details, with greenfield run-off rates maintained. It is fully appreciated that complaints have been received in relation to Phase 1, both in terms of surface water and foul drainage arrangements. However, these issues have been investigated by the Council's Environmental Health and Structures and Flooding teams, in consultation with Scottish Water. These investigations found no insurmountable issues, both in terms of the onsite drainage and the longer-term connection with



Scottish Water infrastructure assets. Assurances and clarification was provided by Scottish Water to confirm the operational drainage details which will ultimately be adopted by them are considered satisfactory, with no objection raised by Scottish Water to the application.

- 109 The proposals are therefore considered to satisfy the policy objectives of LDP2 Policy 53 Water Environment and Drainage.

### **Contaminated Land**

- 110 A site investigation has been completed for the proposed development, which has not identified any contamination concerns and based on this information, no further action is required.

### **Waste Collection**

- 111 The Swept Path Analysis has been examined by the Council's Transport Planning team, who consider the road layout and turning provision allows for refuse vehicles to enter and leave the site in a forward gear with a kerbside collection proposed. Each dwelling/flat has also been provided with storage provision for a three-bin system. It is recommended to ensure an appropriate situation can be agreed and set aside for a mini glass recycling facility (Condition 19).

### **Conservation Considerations**

- 112 Following a previous detailed archaeological investigation of the site, submitted as part of the extant planning permission, no valuable areas of archaeology were found, and no further mitigation or study is required by PKHT.
- 113 HES noted no significant or adverse setting effects on Lathro cottage (Scheduled Monument Ref: SM7614). As such the proposals are considered satisfactory in terms of the cultural heritage impacts and satisfying the terms of LDP2 Policy 26.

### **Natural Heritage and Biodiversity**

- 114 A Phase 1 Habitat Survey and Tree Survey supports the application and has been reviewed by SNH, RSPB and the Council's Biodiversity Officer. The finalised landscape plan proposes more native trees than the initial submission, this will support long term ecology and biodiversity opportunities on the edge of Kinross and the country park.

### **Invasive Non-Native Species**

- 115 Giant Hogweed has been identified within the southwest part of the site. The updated Phase 1 Habitat Survey and Protected Species Survey Report recommends that an Invasive Species Management Plan should be produced for the eradication and control of Giant Hogweed. This can be required and controlled (Condition 5).

- 116 In summary, the relevant habitat regulation tests are considered to have been satisfied and addressed appropriately through assessment and compliance, as set out in the background submissions. Accordingly, it is considered that the potential threat and impact to population, distribution or habitat of protected species can be either avoided or minimised through mitigation and shall therefore not impede the granting of any planning permission.
- 117 Subject to the control, mitigation and enhancement measures identified being delivered and secured (Conditions 1, 3, 5, 6 and 7), the proposals are considered to accord with LDP2 Policies 38, 40 and 41 of LDP2.

### **Loch Leven SPA Appropriate assessment**

- 118 The site is located within the Loch Leven Catchment Area, which defines the larger drainage consultation area for Loch Leven. The designated Ramsar site and Special Protection Area (SPA) comprises of the loch boundaries only and are located over 1km to the east. To the north, the North Quiech feeds into the Loch however, and it is this which has caused concern in terms of the conservation objectives of the site.
- 119 In order to control potential impact of sediment and water borne pollution from the development, careful consideration has been given to the construction period; and in the longer term through SUDS. SNH have agreed that sufficient control can be achieved through a detailed Construction Environmental Management Plan (CEMP) (Condition 3) and with adherence to the drainage details approved by SEPA and the Council's Structures and Flood team in order to safeguard and ensure no adverse impact on the conservation objectives of the Loch. SNH also clarified that any pollutant/sediment discharge would be a breach of the conditional controls recommended, rather than a poorly conceived permission and would therefore be an enforcement issue, rather than a question of the validity of the permission.
- 120 In summary, in terms of the impact on Loch Leven SPA, the conditional controls recommended, and the detail of both the CEMP and SUDS, are considered to go far enough in terms of undertaking and setting out the Appropriate Assessment. Subject to compliance with these there is not considered to be any associated adverse impact on the SPA as a result of the development proposed. As such, the terms of LDP2 Policy 46 affecting Loch Leven SPA are considered to have been satisfied.

### **Developer Contributions**

#### Affordable Housing

- 121 The Council's Affordable Housing Policy requires that 25% of the total number of houses, above a threshold of 5 units, for which planning permission is being sought is to be in the form of affordable housing.
- 122 The subsequently relevant affordable housing requirement for this proposal is 42.25 units (169 x 0.25). The proposal is that 35 affordable units are provided

within Phase 2 (Drawing: Dev-01, Rev R). This would result in an overall number of units across both Phases 1 and 2 of 372 units, equating to a requirement of 93 affordable units ( $372 \times 0.25$ ). As such, the 35 units from Phase 2, combined with the 58 affordable units already delivered in Phase 1, would see that overall requirement of 93 met.

- 123 The level of affordable units is therefore acceptable, when considered across Phases 1 and 2.
- 124 The applicant has been directed to contact the Council's Affordable Housing Enabler to discuss the Council specific area requirements and the tenure of the proposed units, where necessary.

#### Primary Education

- 125 The Council's Developer Contributions Supplementary Guidance requires a financial contribution towards increased primary school capacity in areas where a constraint has been identified. In this case the site is within the catchment of Kinross Primary School, which has such a constraint and as such contributions are being sought.
- 126 The current S75 associated to the site secures a contribution toward Primary Education Facilities at a rate £6,395 per unit for 304 units (relevant to 15/0512/FLM and 17/00886/FLM).
- 127 The current proposal increases the site total to 372 units, reflecting a (net) increase of 68. The relevant adopted Supplementary Guidance at the time the application was submitted (July 2019) would apply to any unit increase (£6,460 per unit). This levy would not however apply to any Affordable Housing units.
- 128 It has been clarified with the Council's Education Services that through continuing to phase the delivery of the site development, the school capacity will not be adversely affected (Condition 2).

#### Open Space & Play Provision

- 129 A lump sum is secured for the adoption and maintenance of the proposed play area, along with the relevant adoption rates for the wider open space areas.
- 130 Subject to securing the relevant affordable housing details and contributions via a Legal Agreement, the policy criteria and terms of LDP2 Policy 5 are satisfied.

#### **Local Services**

- 131 Concerns have been raised regarding the impact on local service infrastructure including the High Street, schools, nurseries, and medical centres.
- 132 In relation to the town centre, less than 2km away there are a variety of eating and drinking hostelrys, with the swimming pool, leisure centre, local shop and

nursery under 500m walking distance and high school and health centre under 1km from the site.

- 133 With regard to the specific concerns raised in relation to the local health centre, The Health and Social Care Partnership (HSCP) were consulted and advise that there are acknowledged difficulties in General Practice recruitment, with ongoing difficulties in recruiting GP partners in Kinross, and in relation to nursing and allied professionals across Perth & Kinross. They go on to speculate that if recruitment difficulties cannot see the needs of the population met then services would be diluted.
- 134 However, these recruitment difficulties are not a material consideration which can be addressed through a planning application and, whilst appreciating these difficult circumstances, there are no capacity issues associated to the accommodation available to house staff – a matter which could be considered and sought to be addressed. As such, although there is an acknowledged localised and wider structural issue in GP staff recruitment generally, this is not a material planning consideration, constituting a reason for refusal.

### **Viability**

- 135 The Planning Authority requested that the applicant provided a viability statement in relation to the proposed increase in density and the applicant's intention and reasoning for this revised approach. This sits alongside layout and placemaking considerations, and it was considered appropriate and robust to seek this information, in terms of providing transparency and reasoned justification. In summary, the reasoning for change and the increase in numbers set out in the mix now proposed are primarily reflective of market demand from smaller units than was previously proposed; resulting from consistent onsite feedback over the time of developing Phase 1. In terms of relative comparisons, a table is presented setting out the total floor space associated to the dwellings in the extant permission versus this application. In the extant permission, the average dwelling floor area is 167 sqm versus the current 102 sqm, with an overall reduction in total floor space across Phase 2 of 564 sqm compared with the extant permission (for private dwellings only).

### **Economic Impact**

- 136 There is likely to be some economic benefit associated with the construction of this development. However, this is not considered to hold significant weight in the determination of this application.
- 137 Letters of representation have also doubted any economic impact locally, suggesting all new residents will be commuters and simultaneously raising issues regarding the strain on local services. However, it is considered that overall the increase in population would generate increased footfall and spending in the local economy and would in the longer-term assist in sustaining a demand for local services.

## **LEGAL AGREEMENTS**

- 138 If approved, a Section 75 is proposed as the most suitable route of delivering and securing the additional affordable housing, education contributions and off-site transport infrastructure work contributions. The Section 75 currently in place covering the wider site will still apply to Phase 1 in relation to the wider delivery of the country park elements out with this red site line boundary.

## **DIRECTION BY SCOTTISH MINISTERS**

- 139 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**

- 140 To conclude, the application must be determined in accordance with the adopted Development Plan unless material considerations indicate otherwise. The proposal is considered to remain compatible with surrounding land uses and result in wider transport infrastructure improvements to the surrounding area. In this respect, the development proposed is not considered to conflict with the Development Plan and there are no material considerations which would warrant the refusal of planning permission.
- 141 Accordingly, the proposal is recommended for approval subject to the following conditions.

### **A RECOMMENDATION**

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

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

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

- 2 No development shall commence until a detailed delivery plan confirming the phased delivery of the site and construction works has been submitted and approved in writing by the Planning Authority. Once approved, the development shall be implemented in accordance with the delivery plan.

Reason: In order to ensure the implementation and completion of the development components of the proposal coincide with key infrastructure delivery requirements.

- 3 Prior to the commencement of development, the Construction Environment Management Plan (CEMP) (dated 2019), shall be updated to incorporate

detailed pollution avoidance and mitigation measures for all construction elements, including but not limited to; the appropriate construction hours of operation and measures regarding noise and vibration (as set out within Section 9.5 '*Lathro Farm, Kinross Noise and Vibration Impact Assessment*' document number 9) and the agreed limits for material bunding, submitted for the further written agreement of the Council as Planning Authority, in consultation with Scottish Environment Protection Agency and Scottish Natural Heritage. Thereafter the development shall be fully undertaken in accordance with the approved CEMP.

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

- 4 Prior to the commencement of development and in association with Condition 2, the applicant shall submit for the written approval of the Planning Authority, a Construction Traffic Management Scheme (CTMS) which shall include the following:

- a) restriction of construction traffic to approved routes and the measures to be put in place to avoid other routes being used;
- b) timing of construction traffic to minimise impact on local communities particularly at school start and finishing times, on days when refuse collection is undertaken, on Sundays and during local events;
- c) arrangements for the cleaning of wheels and chassis of vehicles to prevent material from construction sites associated with the development being deposited on the road;
- d) arrangements for cleaning of roads affected by material deposited from construction sites associated with the development;
- e) 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;
- f) details of information signs to inform other road users of construction traffic;
- g) arrangements to ensure that access for emergency service vehicles are not impeded;
- h) monitoring, reporting and implementation arrangements; and
- j) arrangements for dealing with non-compliance.

The CTMS as approved in writing prior to commencement of development shall be strictly adhered to during the entire site construction programme, all to the satisfaction of the Council as Planning Authority.

Reason: In the interests of pedestrian and traffic safety and in the interests of free traffic flow throughout the construction period.

- 5 Prior to the commencement of development, the following shall be provided for the further written agreement of the Council as Planning Authority:

- An Invasive Species Management Plan;
- A Biodiversity Action Plan, detailing a commitment to detailed site-specific biodiversity enhancement measures.

All approved measures and actions shall thereafter be installed or undertaken in accordance with the agreed details, during and prior to the completion of this development.

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

- 6 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 or building affected, 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 local 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).

- 7 All existing trees and hedgerows shall be retained and protected by suitable fencing in accordance with BS5837 2012 (Trees in Relation to Construction), unless otherwise agreed in writing by the Planning Authority. The details of the protective fencing and its location shall be as set out and agreed in the Construction Environmental Management Plan (CEMP) subject of Condition 3 of this planning permission. No materials, supplies, plant, machinery, soil heaps, changes in ground levels or construction activities shall be permitted within the protected areas without the written consent of the Planning Authority.

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

- 8 The detailed landscaping and planting scheme (plans 19/00917/74) which is hereby approved shall be implemented concurrently with development and be completed within the first available planting season (October to March) after the completion of the development. The approved scheme shall thereafter be maintained, with any planting failing to become established within five years being replaced in the following planting season with others of a size and species as previously approved.

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

- 9 Prior to the commencement of development, the finished detail of the required Sustainable Urban Drainage pond shall be further reviewed and submitted for the written approval of the Council as Planning Authority; detailing rounded top and base slope profiles whilst retaining the approved storage capacity. In association with Condition 8, the edge treatment specification shall include a subsoil specification with wildflower mix.

Reason: In the interests of visual amenity, enhancing biodiversity opportunities and in pursuance of satisfying placemaking policy criteria of the LDP.

- 10 Prior to the commencement of development, a detailed design of the proposed children's play area indicated in the site layout plan shall be submitted for the further written approval of the Planning Authority. The approved play area shall be designed, laid out and equipped in accordance with the Planning Authority's current criteria for play area provision and be available for use prior to the occupation of the one hundredth dwellinghouse hereby approved.

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

- 11 Construction work shall be limited to Monday to Friday 0700 hours to 1900 hours and Saturday 0800 hours to 1300 hours with no noisy works out with these times or at any time on Sundays.

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

- 12 Trickle ventilators shall be installed with passive extract ventilation systems to all habitable rooms within line of sight of the M90 trunk road and South Street, Milnathort; providing an acoustic attenuation of up to  $42\text{dBD}_{n,e,w} + C_{tr}$  as recommended in Section 9.5 '*Lathro Farm, Kinross Noise and Vibration Impact Assessment*' document number 9.

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

- 13 Prior to the commencement of development, detailed designs and specification of the following road infrastructure improvements shall be submitted to and approved in writing by the Council as Planning Authority, in consultation with the Roads Authority:

- a) hard standing areas to facilitate bus stops on the North and South sides of Gallowhill Road in the vicinity of the development's new access; and
- b) delivery of bus shelters on both sides of the A922, in the vicinity of the development access (near Lathro Cottage).

Thereafter, the approved details for both schemes shall be completed and available for use to the satisfaction of Perth & Kinross Council as Planning Authority, prior to the occupation of the first dwellinghouse within the development hereby approved.

Reason: In the interests of pedestrian and traffic safety; ensuring provision and encouraging use of suitable public transport measures.



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

Reason: In the interests of road safety; to seek sustainable means of travel to and from the site.

- 15 Prior to the development hereby approved, the vehicular access at Gallowhill Road shall be formed in accordance with Perth & Kinross Council's Road Development Guide Type C Figure 5.7 access detail, of Type B Road construction detail, delivered and opened at a time as agreed in association with satisfying development phasing plan condition 2.

Reason: In the interests of road safety; to ensure the provision of adequate visibility of the vehicular access.

- 16 Prior to the occupation of the first dwellinghouse hereby approved, a scheme for the introduction of traffic signal control at the junction of The Muirs and C495 and associated road infrastructure works shall be submitted to and approved by the Council as Planning Authority in consultation with the Roads Authority in writing. Thereafter the approved scheme shall be implemented prior to the occupation of the ninety seventh dwellinghouse on the development hereby approved, to the satisfaction of Perth & Kinross Council as Planning Authority.

Reason: In the interests of road safety.

- 17 Prior to the occupation of the first dwellinghouse hereby approved, a scheme for the extension of the existing 30mph traffic regulation order beyond the proposed new development access junction on Gallowhill road and associated road infrastructure works shall be submitted to and approved by the Council as Planning Authority in consultation with the Roads Authority in writing. Thereafter the approved scheme shall be implemented at a time as agreed in association with satisfying development phasing plan Condition 2, to the satisfaction of Perth & Kinross Council as Planning Authority.

Reason: In the interests of road safety.

- 18 Prior to the occupation of the first dwellinghouse hereby approved, a mini-glass recycling point location and specification within the site shall be agreed and submitted for further written agreement by the Council as Planning Authority and installed prior to the occupation of the one hundredth dwellinghouse.

Reason: In the interests of sustainability, seeking to reduce carbon footprint and encourage household recycling.

## **B JUSTIFICATION**

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

## **C PROCEDURAL NOTES**

If approved, the existing Section 75 legal agreement will remain in force to cover the wider site parameters. A further S75 entered into to secure the required additional education contributions, affordable housing and transport infrastructure contributions associated with this planning application for Phase 2. The legal agreement shall 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 will 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 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 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.
- 5 This development will require the 'Display of notice while development is carried out', under Section 27C (1) of the Town and Country Planning Act 1997, as amended, and Regulation 41 of the Development Management Procedure (Scotland) Regulations 2013. The form of the notice is set out in Schedule 7 of the Regulations and a draft notice is included for your guidance. According to Regulation 41 the notice must be:
  - Displayed in a prominent place at or in the vicinity of the site of the development

- Readily visible to the public
  - Printed on durable material
- 6 The applicant is advised that in terms of Sections 21 of the Roads (Scotland) Act 1984 he/she/they must obtain from the Council as Roads Authority consent to construct a new road prior to the commencement of roadworks.
  - 7 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 Environment Protection Agency.
  - 8 The applicant should be advised to contact Perth & Kinross Council Street Lighting Department to obtain technical approval for all street lighting provision.
  - 9 Please consult the Street Naming and Numbering Officer, The Environment Service, Perth and Kinross Council, Pullar House, 35 Kinnoull Street, Perth PH1 5GD for a new postal address. The form is downloadable from [www.pkc.gov.uk](http://www.pkc.gov.uk) and should be returned to [snn@pkc.gov.uk](mailto:snn@pkc.gov.uk).
  - 10 The applicant is advised that the detailed design of all SUDs shall conform to 'PKC Flooding and Flood Risk Guidance Document (June 2014)', or any subsequent update.
  - 11 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.
  - 12 No work shall be commenced until an application for building warrant has been submitted and approved.
  - 13 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
  - 14 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 permission for a development does not provide a defence against prosecution under this act.
  - 15 The applicant is advised that refuse collection vehicles will only enter the site during construction phases where there is clear access and suitable turning; this means that Waste Services may not be able to provide a full kerbside recycling service to residents whilst the build is ongoing and bins may have to

be emptied from a specified (and agreed) collection point until full access is made available for refuse collection vehicles.

- 16 The applicant should make contact with the Community Waste Team to discuss bin collections as the site progresses and be prepared to provide temporary turning points for refuse collection vehicles if required. The road and pavement from any temporary bin collection point to the refuse collection vehicle must be at maximum 10 metres and a hard-standing surface. It must have a level gradient and a smooth surface; use dropped kerbs where appropriate.

Background Papers: 179 letters of representation  
Contact Officer: Callum Petrie  
Date: 18 June 2020

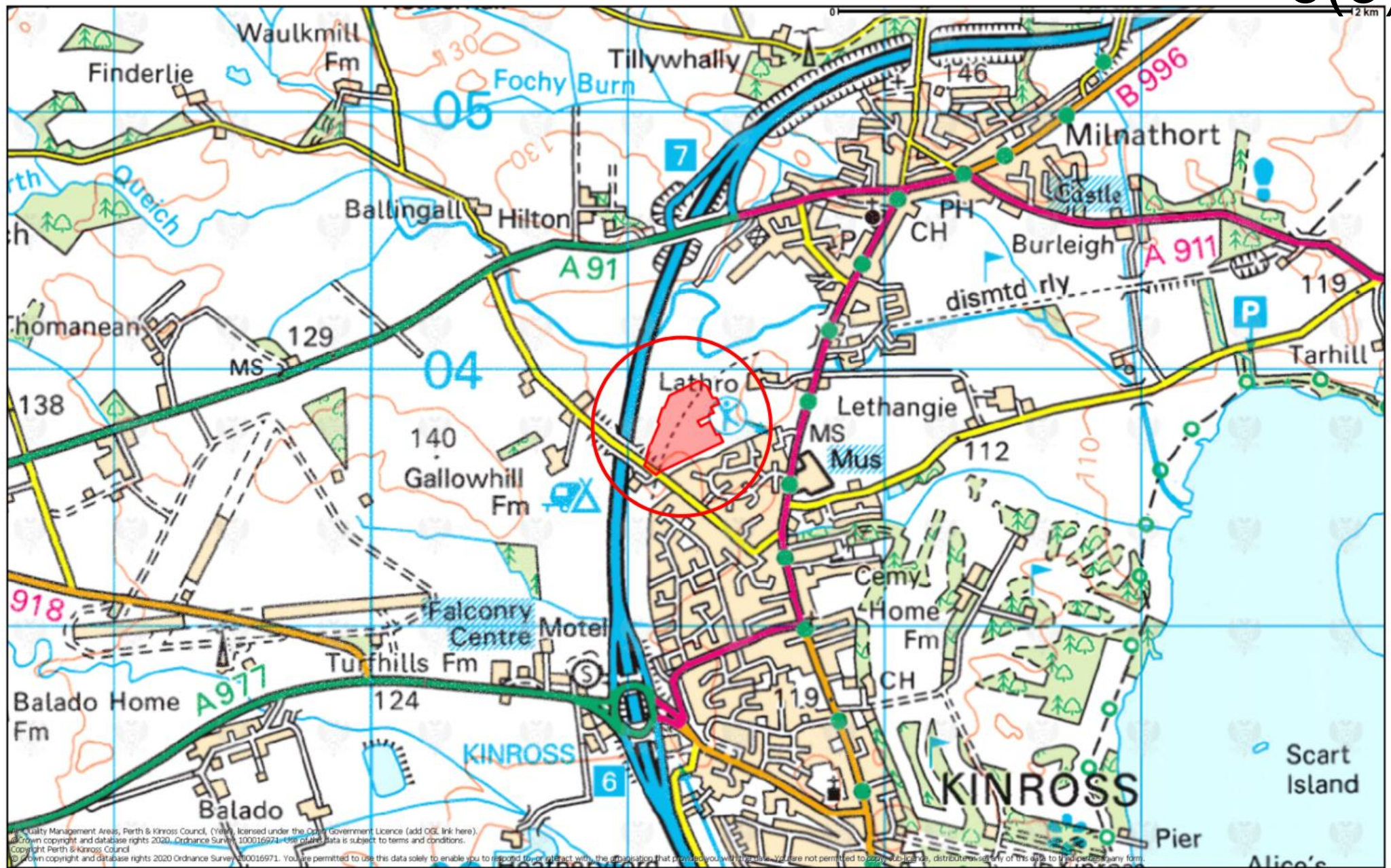
**DAVID LITTLEJOHN**  
**HEAD OF PLANNING & DEVELOPMENT**

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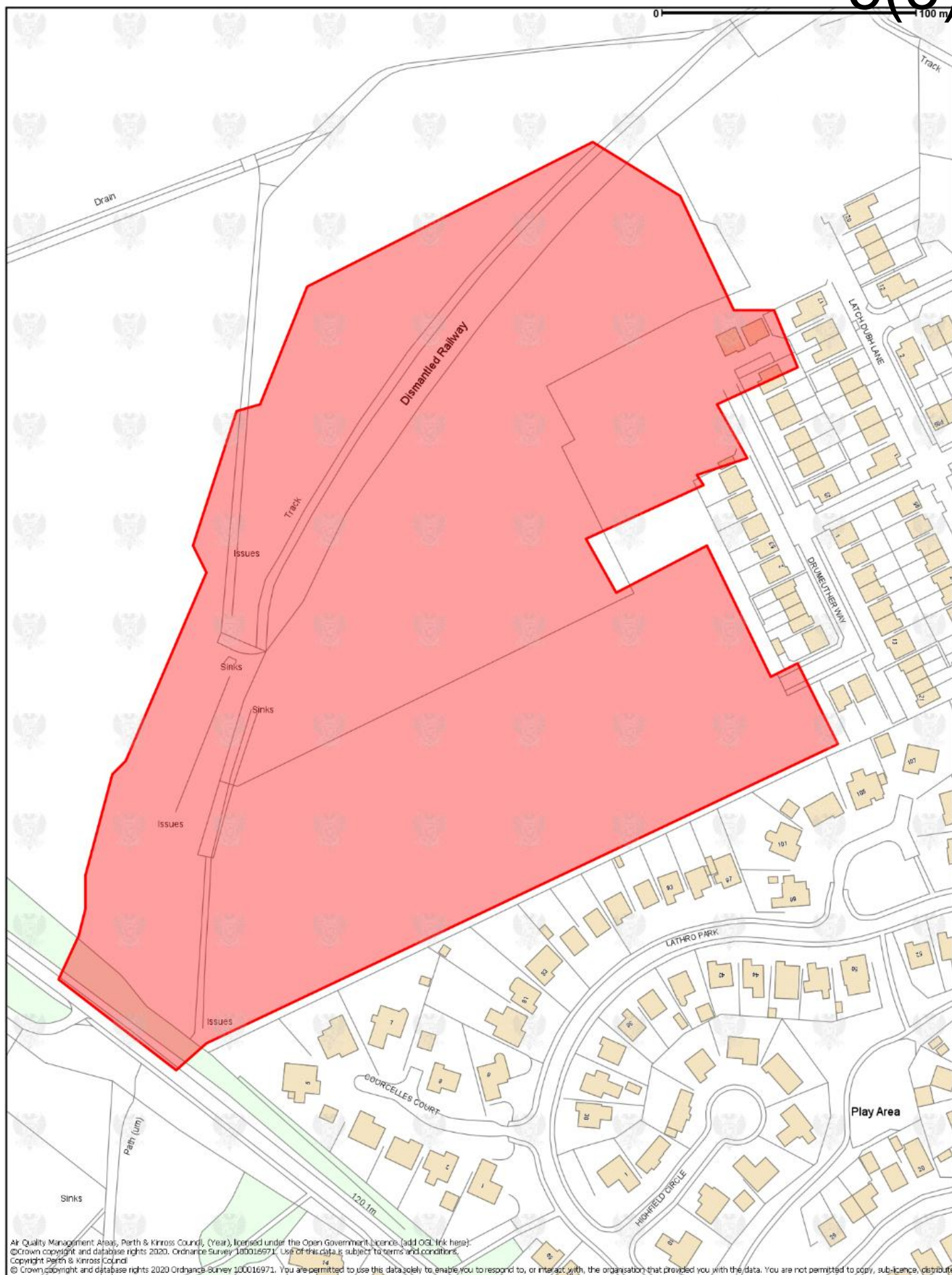
19/00917/FLM

Erection of 169 dwellings, formation of open space, landscaping and associated infrastructure (Phase 2) at land NW of Lathro Farm, Kinross









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19/00917/FLM

Erection of 169 dwellinghouses, formation of open space, landscaping and associated infrastructure (Phase 2) at land NW of Lathro Farm, Kinross







Perth and Kinross Council  
Planning & Development Management Committee – 1 July 2020  
Report of Handling by Head of Planning & Development (Report No. 20/113)

**PROPOSAL:** Erection of 4 dwellinghouses and associated works

**LOCATION:** Land south of Hillcrest, Maryburgh

Ref. No: [20/00524/FLL](#)

Ward No: P8 - Kinross-shire

### **Summary**

This report recommends **approval** of the application as the development is considered to comply with the relevant provisions of the Development Plan and there are no material considerations apparent which outweigh the Development Plan.

## **BACKGROUND AND DESCRIPTION OF PROPOSAL**

- 1 The application site is on land south of Hillcrest, Maryburgh, Kelty. The application seeks detailed planning permission for the erection of 4 detached dwellinghouses and associated works. The majority of the site is located within the identified settlement of Maryburgh, with a small envelope of the site located outside the settlement boundary. The site previously benefitted from an in principle permission (15/01181/IPL) which was granted 31st August 2015. This permission was the renewal of a previous permission (12/00817/IPL) which was granted 16th July 2012.
- 2 With regards to recent site history, in 2017 an application was submitted for the erection of 5 dwellinghouses (17/02139/FLL). The site boundaries for that application extended beyond the settlement boundary and that of the site which was granted in principle. Consequently, the application was refused being contrary to the relevant provisions of the adopted Local Development Plan.
- 3 To address the refusal of that 2017 application, a reduced scheme was submitted in 2018 (18/01083/FLL). This proposal was reduced from 5 dwellinghouses to 4 dwellinghouses and amended the site boundaries to reflect the settlement boundary. Despite these changes, this application was also refused as it was considered that the character of the development did not respect the prevailing character of Maryburgh and there was insufficient amenity space for two of the plots. This decision was appealed to the Local Review Body who subsequently dismissed the appeal.
- 4 In 2019, a further application was submitted attempting to address the reasons for refusal on the 2018 application (19/01616/FLL). Concerns were raised with this application as the layout of the development was still considered not to be in keeping with the prevailing character of Maryburgh due to the cul-de-sac style of development. However, prior to determination, this application was withdrawn

and the current application forms its resubmission, with the layout of the development now facing the public road, a design that has been encouraged by the Planning Authority through discussions on the previous applications.

## **PRE-APPLICATION CONSULTATION**

- 5 Although no recent formal pre-application consultation has been undertaken, there has been significant discussions through the extensive site history and various previous planning applications.

## **NATIONAL POLICY AND GUIDANCE**

- 6 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**

- 7 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**

- 8 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.

- 9 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**

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

- PAN 51 Planning, Environmental Protection and Regulation
- PAN 61 Planning and Sustainable Urban Drainage Systems
- PAN 68 Design Statements
- PAN 75 Planning for Transport
- PAN 77 Designing Safer Places

### **Creating Places 2013**

- 11 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**

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

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

- 13 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**

- 14 The Development Plan for the area comprises the TAYplan Strategic Development Plan 2016-2036 and the Perth and Kinross Local Development Plan 2019.

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

- 15 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."*

- 16 The following sections of the TAYplan 2016 are of particular importance in the assessment of this application:
  - Policy 1 – Location Priorities

- Policy 2 – Shaping Better Quality Places
- Policy 6 – Developer Contributions

### **Perth and Kinross Local Development Plan 2019**

- 17 The Local Development Plan 2 (2019) (LDP2) was adopted by Perth and Kinross Council on 29 November 2019. The LDP2 sets out a vision statement for the area and states that, *“Our vision is of a Perth and Kinross which is dynamic, attractive and effective which protects its assets whilst welcoming population and economic growth.”* It is the most recent statement of Council policy and is augmented by Supplementary Guidance.
- 18 The principal relevant policies are, in summary;
- 1A – Placemaking
  - 1B – Placemaking
  - 5 – Infrastructure Contributions
  - 6 – Settlement Boundaries
  - 17 – Residential Areas
  - 39 – Landscape
  - 41 – Biodiversity
  - 52 – New Development and Flooding
  - 56 – Noise Pollution
  - 58A – Contaminated and Unstable Land: Contaminated Land
  - 58B – Contaminated and Unstable Land: Unstable Land
  - 60B – Transport Standards and Accessibility Requirements: New Development Proposals

### **SITE HISTORY**

- 19 [99/01733/OUT](#) - Erection of 2 houses (in outline) Decision Issued 2 March 2000: Application Approved
- 20 [03/00329/OUT](#) - Renewal of planning permission to erect 2 houses (in outline) Decision Issued 24 March 2005: Application Approved
- 21 [08/00019/OUT](#) - Erection of 4 dwellinghouses (in outline) Decision Issued 8 August 2008: Application Approved
- 22 [12/00817/IPL](#) - Residential development (in principle) Decision Issued 16 July 2012: Application Approved
- 23 [12/01668/AML](#) - Erection of 3 dwellinghouses (approval of matters specified in conditions) Decision Issued 28 January 2015: Application Withdrawn
- 24 [15/01181/IPL](#) - Renewal of existing permission 12/00817/IPL (residential development in principle) Decision Issued 31 August 2015: Application Approved

- 25 [17/02139/FLL](#) - Erection of 5 dwellinghouses and associated works Decision Issued 5 February 2018: Application Refused
- 26 [18/01083/FLL](#) - Erection of 4 dwellinghouses, 2no. garages and associated works Decision Issued 10 August 2018: Application Refused
- 27 [19/01616/FLL](#) - Erection of 4 dwellinghouses and associated works Decision Issued 3 December 2019: Application Withdrawn

## **CONSULTATIONS**

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

### **External**

- 29 **Cleish And Blairadam Community Council** – Object to the development as being out of character with the area, overdevelopment, visual impact, loss of rural identity, and concerns with the site boundaries in relation to the settlement boundary.
- 30 **Scottish Water** - No objection. There is currently sufficient capacity in the Glendevon Water Treatment Works to service the development. There is however no Scottish Water Waste Water Infrastructure available to service the development.
- 31 **The Coal Authority** - No objection, subject to the imposition of a planning condition in relation to site investigations.

### **Internal**

- 32 **Structures & Flooding** - The Structures and Flooding Team initially requested further information in relation to the drainage of the site. Having assessed this further information, they have no objection to the proposed development, subject to a condition requiring a survey of the existing drainage.
- 33 **Transport Planning** - Transport Planning initially requested some amendments. Having assessed the further information received Transport Planning now have no objection to the proposed development, subject to conditional control regarding vehicular access and turning facilities.
- 34 **Development Negotiations Officer** - No contributions required.
- 35 **Environmental Health (Contaminated Land)** - No objection subject to conditional control regarding ground contamination.
- 36 **Environmental Health (Noise Odour)** - No objection subject to an informative in relation to the operation of the proposed stoves.

## REPRESENTATIONS

- 37 13 letters of representation, including a letter from Cleish and Blairadam Community Council, were received objecting to the proposal with the following concerns:
- Increase in traffic and road safety concerns
  - Contrary to the Local Development Plan
  - Out of character with the area
  - Overdevelopment, inappropriate density, design, scale and land use
  - Adverse impact upon visual amenity and setting of Maryburgh
  - Flood risk and drainage (reference to septic tanks and soakaways)
  - Concerns with title deeds/ land ownershipImpact upon Cleish Primary School
  - Pollution to neighbouring burn
  - Loss of sunlight and daylight
  - Light and noise pollution
  - Loss of view
- 38 These issues will be addressed within the Policy Appraisal section of this report, except for loss of view and title deed concerns. Loss of view is not a material planning consideration and title deeds concerns are a civil matter.

## ADDITIONAL STATEMENTS

39	Screening Opinion	Not Required
	Environmental Impact Assessment (EIA): Environmental Report	Not applicable
	Appropriate Assessment	Not Required
	Design Statement / Design and Access Statement	Submitted (Supporting Statement)
	Report on Impact or Potential Impact eg Flood Risk Assessment	Submitted: Coal Mining Report Flood Risk Assessment Acoustic Report

## APPRAISAL

- 40 Sections 25 and 37(2) of the Town & Country Planning (Scotland) Act 1997 (as amended) require the determination of the proposal to be made in accordance with the provisions of the Development Plan, unless material considerations indicate otherwise. The adopted Development Plan comprises the TAYplan Strategic Development Plan 2016–2036 and the Perth and Kinross Local Development Plan 2019. 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 Council's Placemaking Guide 2020.

### **Principle**

- 41 The site boundaries for this current application extend beyond the identified settlement boundary of Maryburgh. However, the proposed area for development is located entirely within the settlement boundary including the garden ground for the four dwellinghouses. It is not proposed to develop any of the site which is located out-with the settlement boundary. The red-line boundary has only been drawn in this way to reflect current land ownership. A condition will be added to ensure that no development takes place out-with the settlement boundary (Condition 10).
- 42 Although comments were made within the letters of representation received regarding the site boundaries extending beyond the settlement boundary, due to the developable area of the site being located entirely within the settlement boundary, this is of limited concern. As the developable area of the site is located entirely within the settlement boundary of Maryburgh on undesignated land, the principle of residential development on this site is considered to comply with the Local Development Plan.

### **Design and Layout**

- 43 Each of the units is considered to be of a relatively high-quality design with an appropriate material palette which is suitable for the site. These materials include; grey tiled roof, smooth white render, timber horizontal cladding and grey upvc windows. The units incorporate large glazing features, a combination of materials and extruding chimney features which give them a high degree of character which is appropriate for this prominent site at the northern entrance to Maryburgh. Whilst some concerns have been raised in relation to the design through the letters of representations received, it is considered that the proposed designs would complement the diversity of designs that are currently in existence on the Maryburgh streetscene. With regards to massing and scale, whilst concerns have been received, the massing and scale is considered to be proportionate to neighbouring plots and thus is not considered to appear out of place or to dominate the streetscene.
- 44 With regards to layout, as mentioned above, the previous schemes for the site have not been supported by the Planning Authority due to the cul-de-sac style development and the lack of usable amenity space for each of the plots. This current application now aligns the development to face the street which is more consistent to the prevailing character of development within Maryburgh. The removal of the cul-de-sac element also allows for each of the plots to have an increased amount of garden ground. Whilst concerns have been raised regarding the building line, it is considered that the building line is appropriate for the site to respect the established character of the village as a whole.
- 45 Overall, it is considered that the design and layout of the proposed scheme will complement Maryburgh and will not be out of character with the surrounding development. It is also noted that the vacant site to the south is located within the settlement boundary of Maryburgh and may be developed in the future and

affords a potential opportunity to link this development with the remainder of the village to the south.

### **Landscape and Trees**

- 46 The site slopes upwards from the public road in the east to the M90 Motorway in the west. The submitted site sections clarify that the proposal can be suitably accommodated with minimal re-contouring. Small retaining walls are proposed between each of the plots all below 1.2m in height. Conditional control will ensure that full details of the retaining walls will be agreed prior to the commencement of development (Condition 5).
- 47 There are a number of trees located along the southern and eastern boundaries of the site. The majority of these trees are to remain and this will help provide an element of screening for the development, contributing to the visual amenity of the proposed site. Conditional control will ensure their protection during construction (Condition 6).

### **Boundary Treatments**

- 48 During the assessments of the previous applications on the site, concerns were raised with regard to the proposed boundary treatments, particularly to the west of the site which will bound an agricultural field. The proposed development now shows that this boundary treatment will be new timber fencing and hedging. Conditional control will ensure that the hedging is implemented and the fencing is of an acceptable standard in this area (Condition 4). This will help to create a soft boundary treatment with the neighbouring field.

### **Residential Amenity**

- 49 With regards to the proposed dwellinghouses, the orientation of windows on each of the proposed units is considered to be appropriate, with no properties directly looking into each other. Overlooking was a concern on previous applications on the site. This is addressed through the current proposal in terms of how the houses have been orientated. The property at Plot 4 no longer looks directly into the grounds of Hillcrest. It is therefore considered that the siting of the units does not create any issues in relation to overshadowing.
- 50 With regards to Hillcrest to the north of the site, which is the property most affected by the proposed development, it is noted that the principal elevation of this property directly faces the proposed development site. The nearest unit to Hillcrest is Plot 4, which is sited approximately 13.8m from the principal elevation of Hillcrest and 5.3m from the site boundary. The elevation of Plot 4 facing Hillcrest is the gable end and the only windows proposed on the upper floor of this elevation are for a staircase and bathroom. There will therefore be minimal overlooking created from this plot and, as stated above, Hillcrest is the only existing property affected by the proposed development. Due to the height of the proposed buildings and the gradient of the land, it is considered that there will be no adverse overlooking created from Hillcrest to the proposed new dwellinghouses. There is a proposed intervening land use between Plot 4 and Hillcrest in the form of a field access. This was encouraged by the Planning



Authority during the assessment of the previous applications to ensure separation and prevent overlooking and overshadowing.

### **Roads and Access**

- 51 Each of the 4 plots has private parking facilities with Plots 1 and 4 having integrated single garages. All plots will be accessed from the public road and have suitable turning facilities within the site to allow for all vehicles to exit the site in a forward gear. The Council's Transport Planning team initially requested some amendments to the overall arrangement, including the provision of a footpath along the site frontage. These amendments were made and Transport Planning now have no objection to the proposed development, subject to conditional control regarding vehicular access & turning spaces (Conditions 8 & 9). Whilst I note the comments received in letters of representation regarding road safety and traffic generation, I along with Transport Planning am satisfied the proposed arrangements are sufficient for the scale of the development and raise no adverse concerns.

### **M90 Motorway Noise**

- 52 The site boundary is approximately 90 metres from the M90 motorway with an agricultural field separating the two. An Acoustic Report was submitted accompanying the application to demonstrate the acceptability of the site for residential development. The Acoustic Report has been reviewed by the Council's Environmental Health team who have raised no objection. It is therefore considered that the noise associated with the M90 will be at an acceptable level for future occupiers of the proposed development.

### **Coal Mining**

- 53 The site lies within an area where coal mining once existed. This creates the potential for ground instability through unused and unmapped mines. Through the previous applications for the site, the Coal Authority objected to the proposals, however this was addressed through the submission of additional information and conditional control. The Coal Authority has responded to this consultation and again has no objection to the proposed development subject to conditional control (Condition 7).

### **Contaminated Land**

- 54 Given the history of the previous coal mining activity in the area there is a potential ground gas issue at the proposed development site which should be considered in order to determine the suitability of the site for the proposed use. Environmental Health, in their consultation response have therefore recommended a condition, requiring a Desk 1 study to be undertaken prior to the commencement of works. This will ensure that any ground contamination is dealt with accordingly (Condition 2).

## **Natural Heritage and Biodiversity**

- 55 There are no records of protected species on the development site and the current state of the site as an agricultural field does not provide a high quality habitat opportunity for protected species. It is therefore considered unlikely that there are protected species present on the site and therefore, in agreement with the Council's Biodiversity Officer, no biodiversity surveys were requested.

## **Drainage and Flooding**

- 56 A drainage plan has been submitted which shows that the development will be connected to the existing drainage culvert in place which runs underneath the road to the east. Whilst the letters of representation are noted which raises the drainage of the site as a cause for concern, this is considered to be appropriate for the scale of the development. A drainage report was submitted with the application to demonstrate the effect of the development during a 1 in 200-year flood simulation. This drainage report concludes that there will be no adverse impact from the development compared to the existing situation.
- 57 The Structures & Flooding team originally objected to the proposed development due to a lack of information regarding the drainage of the site. This information was subsequently submitted in the form of an amended drainage report and Structures & Flooding have now removed their objection, subject to conditional control (Condition 3)

## **Waste Collection**

- 58 Each of the plots has sufficient storage for the required number of waste bins. An informative is proposed in relation to waste collection (Informative 12).

## **Conservation Considerations**

- 59 The site is not in a designated Conservation Area or in close proximity to any Listed Building or any other designated site of historical interest. It is therefore considered that the development will have no adverse impact upon the cultural heritage of the area.

## **Developer Contributions**

### Affordable Housing

- 60 The Council's Affordable Housing Policy requires that 25% of the total number of houses, above a threshold of 5 units, for which planning consent is being sought is to be in the form of affordable housing.
- 61 This application is for four units only and therefore no contribution is required in respect of Affordable Housing.

### Primary Education

- 62 The Council's Developer Contributions Supplementary Guidance requires a financial contribution towards increased primary school capacity in areas where a primary school capacity constraint has been identified. A capacity constraint is defined as where a primary school is operating at over 80% and is likely to be operating following completion of the proposed development, extant planning permissions and Local Development Plan allocations, at or above 100% of total capacity.
- 63 This proposal is within the catchment of Cleish Primary School. Education & Children's Services have no capacity concerns in this catchment area at this time, therefore no education contribution is required.

### **Economic Impact**

- 64 The development of this site would account for short term economic investment through the construction period and indirect economic investment of future occupiers of the associated development.

### **LEGAL AGREEMENTS**

- 65 None required.

### **DIRECTION BY SCOTTISH MINISTERS**

- 66 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**

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

### **RECOMMENDATION**

**Approve the application.**

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

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

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

- 2 Development shall not commence on site until an evaluation for the potential of the site to be affected by contamination by a previous use has been undertaken and, as a minimum, a Preliminary Risk Assessment (Phase 1 Desk Study) has been submitted for consideration and accepted by the Council as Planning Authority. If the preliminary risk assessment identifies the need for further assessment, an intrusive investigation shall be undertaken to identify;
  - I. the nature, extent and type(s) of contamination on the site
  - II. measures to treat/remove contamination to ensure the site is fit for the use proposed
  - III. measures to deal with contamination during construction works
  - IV. condition of the site on completion of decontamination measures.

Prior to the completion or bringing into use of any part of the development the measures to decontaminate the site shall be fully implemented in accordance with the scheme subsequently agreed by the Council as Planning Authority. Verification that the scheme has been fully implemented must also be submitted to the Council as Planning Authority.

Reason: In order to deal with any potential contamination of the site as a result of its former use.

- 3 Prior to the commencement of development, a CCTV survey of the existing culvert downstream of the site (under the road) shall be carried out, and a report on its condition and any remedial works required shall be submitted to the Council as Planning Authority for approval. Thereafter, any remedial works agreed shall be undertaken prior to the construction of the dwellinghouses, to the satisfaction of the Council as Planning Authority.

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

- 4 Prior to the commencement of the development hereby approved, details of the proposed boundary treatments for the site shall be submitted for the 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 visual and residential amenity; to ensure a satisfactory standard of local environmental quality; to reserve the rights of the Planning Authority.

- 5 Prior to the commencement of development, full details of the retaining walls shall be submitted to the Council as Planning Authority for approval. Thereafter, the agreed scheme shall be implemented prior to the completion or bringing into use of the development, whichever is the earlier.

Reason: In the interests of visual and residential amenity; to ensure a satisfactory standard of local environmental quality; to reserve the rights of the Planning Authority.

- 6 Prior to the commencement of any works on site, all trees on site (other than those marked for felling on the approved plans) and those which have Root Protection Areas which fall within the site shall be retained and protected. Protection methods shall be strictly in accordance with BS 5837 2012: Trees in Relation to Design, Demolition and Construction. Protection measures, once in place, shall remain in place for the duration of construction.

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

- 7 The recommendations in the Coal Mining Surveys hereby approved (20/00524/9), shall be fully adhered to during the construction period and shall be in full consultation with The Coal Authority, all to the satisfaction of the Council as Planning Authority.

Reason: To take account of the coal mining risk associated with the development site.

- 8 Prior to the development hereby approved being completed or brought into use, each 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 Prior to the development hereby approved being completed or brought into use, the turning facilities shown on the approved drawings shall be implemented and thereafter maintained.

Reason: In the interests of road safety; to ensure the provision of acceptable manoeuvring space within the curtilage of the site to enable a vehicle to enter and leave the site in forward gear.

- 10 For the avoidance of doubt, the area of land located out-with the settlement boundary of Maryburgh shall not be developed as part of this planning permission.

Reason: In order to clarify the terms of the permission.

## **B JUSTIFICATION**

The proposal is in accordance with the Development Plan and there are no material reasons which justify departing from the Development Plan.

## **C PROCEDURAL NOTES**

None.

## **D INFORMATIVES**

- 1 This planning permission will last only for three years from the date of this decision notice, unless the development has been started within that period (see Section 58(1) of the Town and Country Planning (Scotland) Act 1997 (as amended)).
- 2 Under Section 27A of the Town and Country Planning (Scotland) Act 1997 (as amended) the person undertaking the development is required to give the Planning Authority prior written notification of the date on which it is intended to commence the development. A failure to comply with this statutory requirement would constitute a breach of planning control under Section 123(1) of that Act, which may result in enforcement action being taken.
- 3 As soon as practicable after the development is complete, the person who completes the development is obliged by Section 27B of the Town and Country Planning (Scotland) Act 1997 (as amended) to give the Planning Authority written notice of that position.
- 4 No work shall be commenced until an application for building warrant has been submitted and approved.
- 5 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. Advice on the disposal of surface water must be sought at the initial stages of design from Scottish Water and the Scottish Environment Protection Agency.
- 6 The applicant is advised to refer to Perth & Kinross Council's Supplementary Guidance on Flood Risk and Flood Risk Assessments 2014 as it contains advice relevant to your development.  
<http://www.pkc.gov.uk/article/15061/Supplementary-guidance-Flood-risk-and-flood-risk-assessments>
- 7 The proposed development lies within an area that has been defined by the Coal Authority as containing potential hazards arising from former coal mining activity. These hazards can include: mine entries (shafts and adits); shallow coal workings; geological features (fissures and break lines); mine gas and previous surface mining sites. Although such hazards are seldom readily visible, they can often be present and problems can occur in the future, particularly as a result of development taking place.

It is recommended that information outlining how the former mining activities affect the proposed development, along with any mitigation measures required (for example the need for gas protection measures within the foundations), be submitted alongside any subsequent application for Building Warrant approval (if relevant).

Any form of development over or within the influencing distance of a mine entry can be dangerous and raises significant safety and engineering risks and exposes all parties to potential financial liabilities. As a general precautionary principle, the Coal Authority considers that the building over or within the influencing distance of a mine entry should wherever possible be avoided. In exceptional circumstance where this is unavoidable, expert advice must be sought to ensure that a suitable engineering design is developed and agreed with regulatory bodies which takes into account of all the relevant safety and environmental risk factors, including gas and mine-water. Your attention is drawn to the Coal Authority Policy in relation to new development and mine entries available at:

[www.gov.uk/government/publications/building-on-or-within-the-influencing-distance-of-mine-entries](http://www.gov.uk/government/publications/building-on-or-within-the-influencing-distance-of-mine-entries)

Any intrusive activities which disturb or enter any coal seams, coal mine workings or coal mine entries (shafts and adits) requires a Coal Authority Permit. Such activities could include site investigation boreholes, digging of foundations, piling activities, other ground works and any subsequent treatment of coal mine workings and coal mine entries for ground stability purposes. Failure to obtain a Coal Authority Permit for such activities is trespass, with the potential for court action.

Property-specific summary information on past, current and future coal mining activity can be obtained from: [www.groundstability.com](http://www.groundstability.com) or a similar service provider.

If any coal mining features are unexpectedly encountered during development, this should be reported immediately to the Coal Authority on 0345 762 6848. Further information is available on the Coal Authority website at:

[www.gov.uk/government/organisations/the-coal-authority](http://www.gov.uk/government/organisations/the-coal-authority)

- 8 The stoves shall be installed, operated and maintained in full accordance with the manufacturer's instructions and shall not be used to burn fuel other than that approved for use by the manufacturer of the appliance as detailed in the information supporting this permission.
- 9 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.
- 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 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](http://www.pkc.gov.uk/snn).
- 12 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.
- 13 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. Please send the required information to us at [developmentmanagement@pkc.gov.uk](mailto:developmentmanagement@pkc.gov.uk) . Please be aware that the Council has two months to consider the information (or four months in the case of a Major planning permission). You should therefore submit the required information more than two months (or four months) before your permission expires. We cannot guarantee that submissions made within two months (or four months) of the expiry date of your permission will be able to be dealt with before your permission lapses.

Background Papers: 13 letters of representation  
Contact Officer: Sean Panton  
Date: 18 June 2020

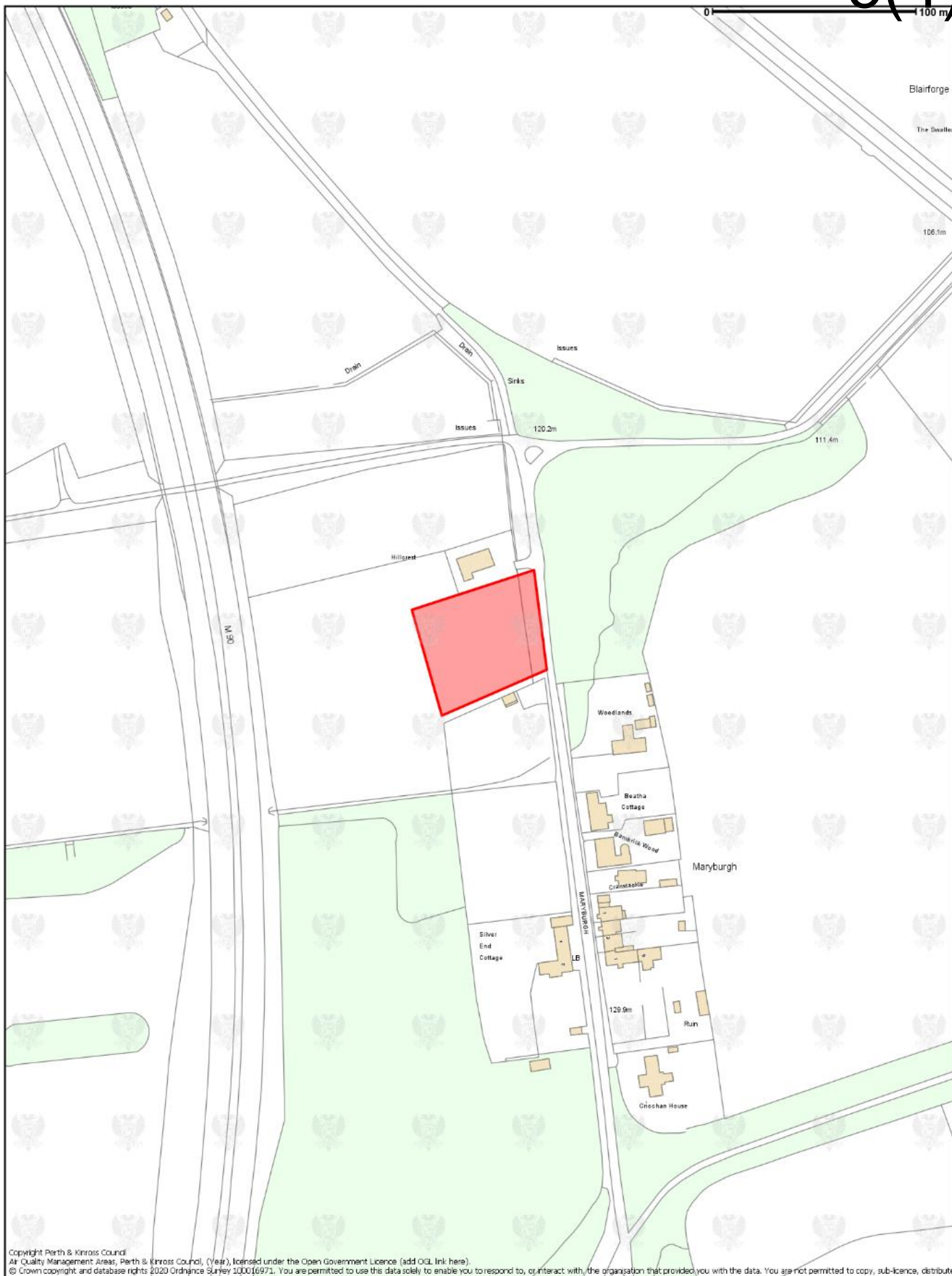
**DAVID LITTLEJOHN**  
**HEAD OF PLANNING & DEVELOPMENT**

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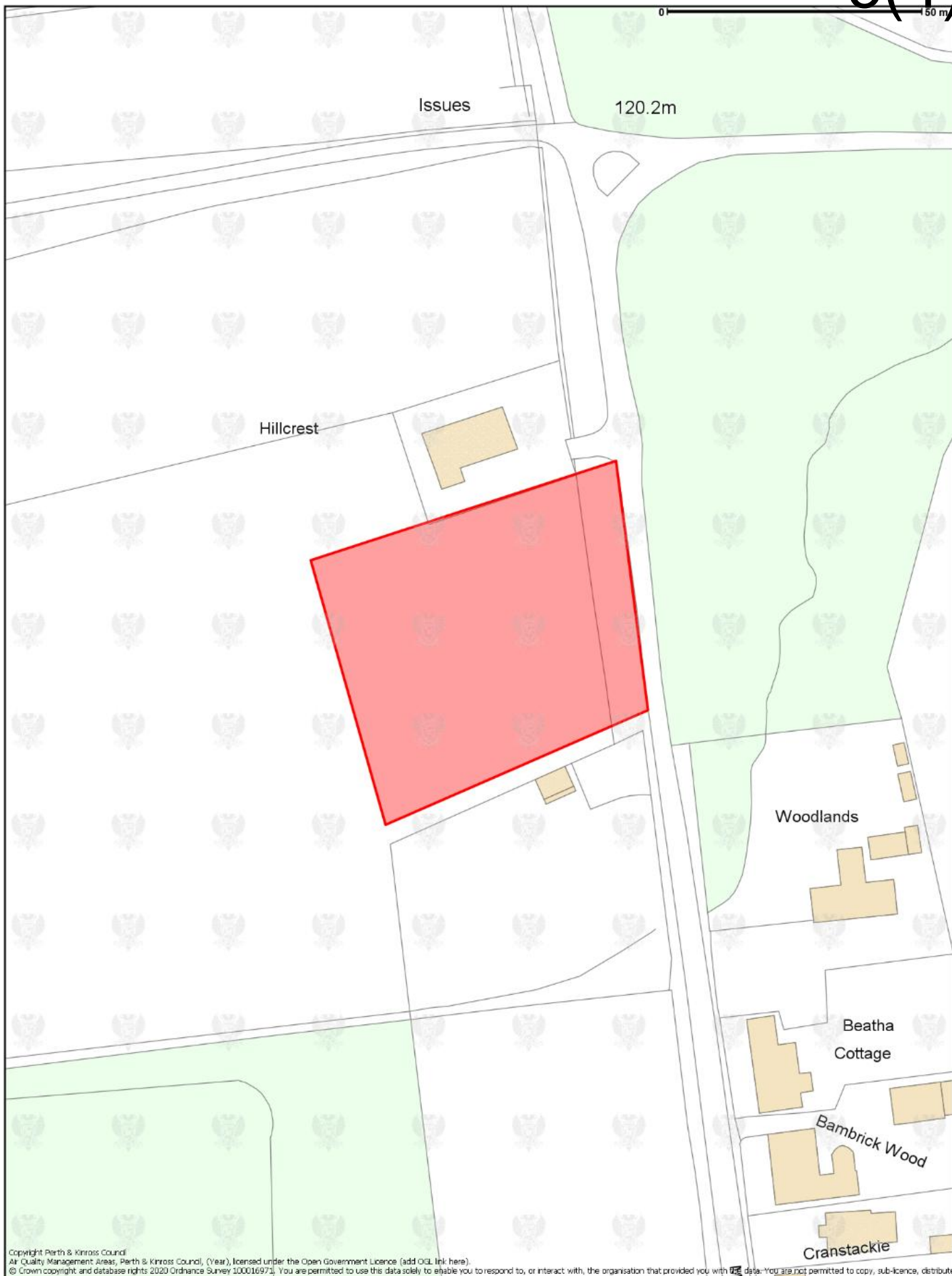
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20/00524/FLL

Erection of 4 dwellinghouses and associated works on land 45 Metres South of Hillcrest, Maryburgh







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20/00524/FLL

Erection of 4 dwellinghouses and associated works on land 45 Metres South of Hillcrest, Maryburgh





Perth and Kinross Council  
Planning & Development Management Committee – 1 July 2020  
Pre-Application Report by Head of Planning and Development (Report No. 20/114)

Erection of an energy waste facility and associated works Binn Farm Glenfarg

Ref. No: [20/00004/PAN](#)

Ward No: P9 - Almond and Earn

### **Summary**

This report is to inform the Committee of a potential forthcoming planning application in respect of a major development for the erection of an energy waste facility and associated works at Binn Farm Glenfarg. The report also aims to highlight the key planning policies and the likely stakeholders who would be involved in the decision-making process, and to offer a brief overview of the key planning issues which are likely to be relevant to the proposal.

### **BACKGROUND AND DESCRIPTION**

- 1 In accordance with the provisions of the Town & Country Planning (Scotland) Act 1997 as amended, the applicants submitted a Proposal of Application Notice on 17 March 2020. The purpose of this report is to inform the Development Management Committee of a forthcoming planning application in respect of a major development for the erection of an energy waste facility and associated works at Binn Farm, Glenfarg. Pre-application reports give the Committee an opportunity to raise issues which it would like to see addressed in the planning application.
- 2 This proposal of application notice (PoAN) seeks to formally establish a major development. The exact scale and design of the development will be arrived at during pre-application discussions.

### **ENVIRONMENTAL IMPACT ASSESSMENT**

- 3 Due to the scale of the proposal it was screened as to whether the proposal is an Environmental Impact Assessment (EIA) development under the EIA 2017 Regulations. A screening request (19/01149/SCRN) was submitted by the applicant and the Planning Authority determined that an EIA would be required to support any planning application.

### **PRE-APPLICATION PROCESS**

- 4 The original Proposal of Application Notice reference 20/00004/PAN confirmed that a public exhibition will be held locally on 30 April. John Nicolson MP; Roseanna Cunningham (MSP); PKC Ward 8 and 9 Councillors; Fife Councillors covering Auchtermuchty and Strathmiglo; Abernethy Community Council, Glenfarg

Community Council, Earn Community Council and Auchtermuchty and Strathmiglo Community Council (Fife) have been notified.

- 5 However, because of the COVID-19 pandemic the applicant was required to modify their public consultation process and ensure they are in line with the latest guidance from the Scottish Government on holding public consultations associate with major planning applications. An online/virtual consultation presentation followed by a live Question and Answer session was held on 21 May 2020. The results of the community consultation will be submitted with the planning application as part of the required Pre-Application Consultation (PAC) Report.

## **NATIONAL POLICY AND GUIDANCE**

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

### **National Planning Framework**

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

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

- 8 The SPP is a statement of Scottish Government policy on land use planning. The following sections of the SPP will be of particular importance in the assessment of this proposal: -
  - Sustainability: paragraphs 24 – 35
  - Placemaking: paragraphs 36 – 57
  - Promoting Rural Development: paragraphs 74 – 91
  - Supporting Business and Employment: paragraphs 92 – 108
  - Valuing the Historic Environment: paragraphs 135 – 151
  - Valuing the Natural Environment: paragraphs 193 – 218
  - Maximising the Benefits of Green Infrastructure: paragraphs 219 – 233
  - Managing Flood Risk and Drainage: paragraphs 254 – 268
  - Promoting Sustainable Transport and Active Travel: paragraphs 269 –291
- 9 The following Scottish Government Planning Advice Notes are likely to be of relevance to the proposal: -
  - PAN 2/2011 Planning and Archaeology
  - PAN 3/2010 Community Engagement

- PAN 40 Development Management
- PAN 51 Planning, Environmental Protection and Regulation
- PAN 61 Planning and Sustainable Urban Drainage Systems
- PAN 73 Rural Diversification
- PAN 75 Planning for Transport

## **LOCAL POLICY AND GUIDANCE**

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

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

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

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

- Policy 1 – Location Priorities
- Policy 2 – Shaping better quality places
- Policy 3 – A First Choice for Investment
- Policy 6 – Developer Contributions
- Policy 7 – Energy, Waste and Resources
- Policy 8 – Managing TAYPlan’s Assets

### **Perth and Kinross Local Development Plan 2019**

- 12 The Local Development Plan 2 (LDP2) was adopted by Perth and Kinross Council on 29 November 2019. It is the most recent statement of Council policy and is augmented by Supplementary Guidance.
- 13 The LDP2 sets out a vision statement for the area and states that:  
*“Our vision is of a Perth and Kinross which is dynamic, attractive and effective which protects its assets whilst welcoming population and economic growth.”*
- 14 Under the LDP, the following policies are of particular importance in the assessment of this application:

Policy 1: Placemaking

Policy 2: Design Statements

Policy 5: Infrastructure Contributions

Policy 7: Employment and Mixed Used Areas: Business and Industrial

Policy 8: Rural Business and Diversification

Policy 14: Open Space Retention and Provision

Policy 15: Public Access

Policy 23: Delivery of Development Sites  
 Policy 26: Scheduled Monuments and Archaeology  
 Policy 32: Embedding Low & Zero Carbon Generating Technologies in New Development  
 Policy 33: Renewable and Low Carbon Energy  
 Policy 34: Sustainable Heating & Cooling  
 Policy 35: Electricity Transmission Infrastructure  
 Policy 36: Waste Management Infrastructure  
 Policy 37: Management of Inert and Construction Waste  
 Policy 38: Environment and Conservation  
 Policy 39: Landscape  
 Policy 40: Forestry, Woodland and Trees: Forest and Woodland Strategy  
 Policy 41: Biodiversity  
 Policy 42: Green Infrastructure  
 Policy 52: New Development and Flooding  
 Policy 53: Water Environment and Drainage  
 Policy 55: Nuisance from Artificial Light and Light Pollution  
 Policy 56: Noise Pollution  
 Policy 57: Air Quality  
 Policy 58: Contaminated and Unstable Land  
 Policy 60: Transport Standards and Accessibility Requirements

## **OTHER POLICIES**

- 15 The following supplementary guidance and documents are of particular importance in the assessment of this application: -
- Developer Contributions Supplementary Guidance April 2016
  - Flood Risk and Flood Risk Assessments – Developer Guidance June 2014

## **PLANNING SITE HISTORY**

- 16 There is extensive planning history for the area of Binn Farm.
- 17 [90/00330/FUL](#) Formation of a waste tip. Application approved May 1990.
- 18 [01/00395/FUL](#) Erection of landfill gas powered electricity station. Application approved June 2001.
- 19 [01/00464/FUL](#) Change of Use of cattle court and field to form waste recycling centre. Application approved June 2001.
- 20 [01/01119/MOD](#) Modification of 01/00464/FUL to form waste recycling centre. Application approved November 2001.
- 21 [05/00382/FUL](#) Erection of building for storage of compost. Application approved April 2005.
- 22 [05/01224/FUL](#) Extension of existing landfill gas electricity station. Application approved March 2006.



- 23 [06/01427/FUL](#) Erection of energy from waste plant with materials reclamation facility. Application approved September 2007.
- 24 [08/02314/MOD](#) Modification of existing consent 05/01224/FUL for erection of ground flare and gas booster. Application approved July 2009.
- 25 [10/00008/PAN](#) Proposal of Application Notice (PoAN) for erection of gasification facility. Content of PoAN approved September 2010.
- 26 [10/01767/FLM](#) Erection of energy from waste facility. Application approved September 2011.

## **CONSULTATIONS**

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

### **External**

- Scottish Environmental Protection Agency (SEPA)
- Scottish Natural Heritage (SNH)
- Scottish Water
- Transport Scotland
- Historic Environment Scotland
- Health and Safety Executive
- Perth and Kinross Heritage Trust
- Abernethy Community Council

### **Internal**

- Environmental Health
- Strategic Planning and Policy
- Developer Negotiations Officer
- Transport Planning
- Structures and Flooding
- Economic Development
- Waste Services
- Biodiversity Officer

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

- 28 The key considerations against which the eventual application will be assessed include:
- a. Visual Impact
  - b. Scale, Design and Layout
  - c. Relationship to Nearby Land Uses
  - d. Natural Heritage and Ecology
  - e. Landscape

- f. Water Resources and Soils
- g. Air Quality
- h. Transport Implications
- i. Economy
- j. Impact on waste services in region
- k. Archaeology and Cultural Heritage

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

29 The EIA will be required to cover the following subject matters:

- Traffic and Transportation
- Landscape and Visual Impact
- Air Quality and Public Health
- Noise Impact
- Ecology
- Socio-Economics

30 In addition, the following supporting documents will need to be submitted with any planning application:

- Planning Statement
- Design and Access Statement
- Pre-Application Consultation (PAC) Report

## **CONCLUSION AND RECOMMENDATION**

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

Background Papers: None

Contact Officer: Steve Callan – Ext 01738 475337

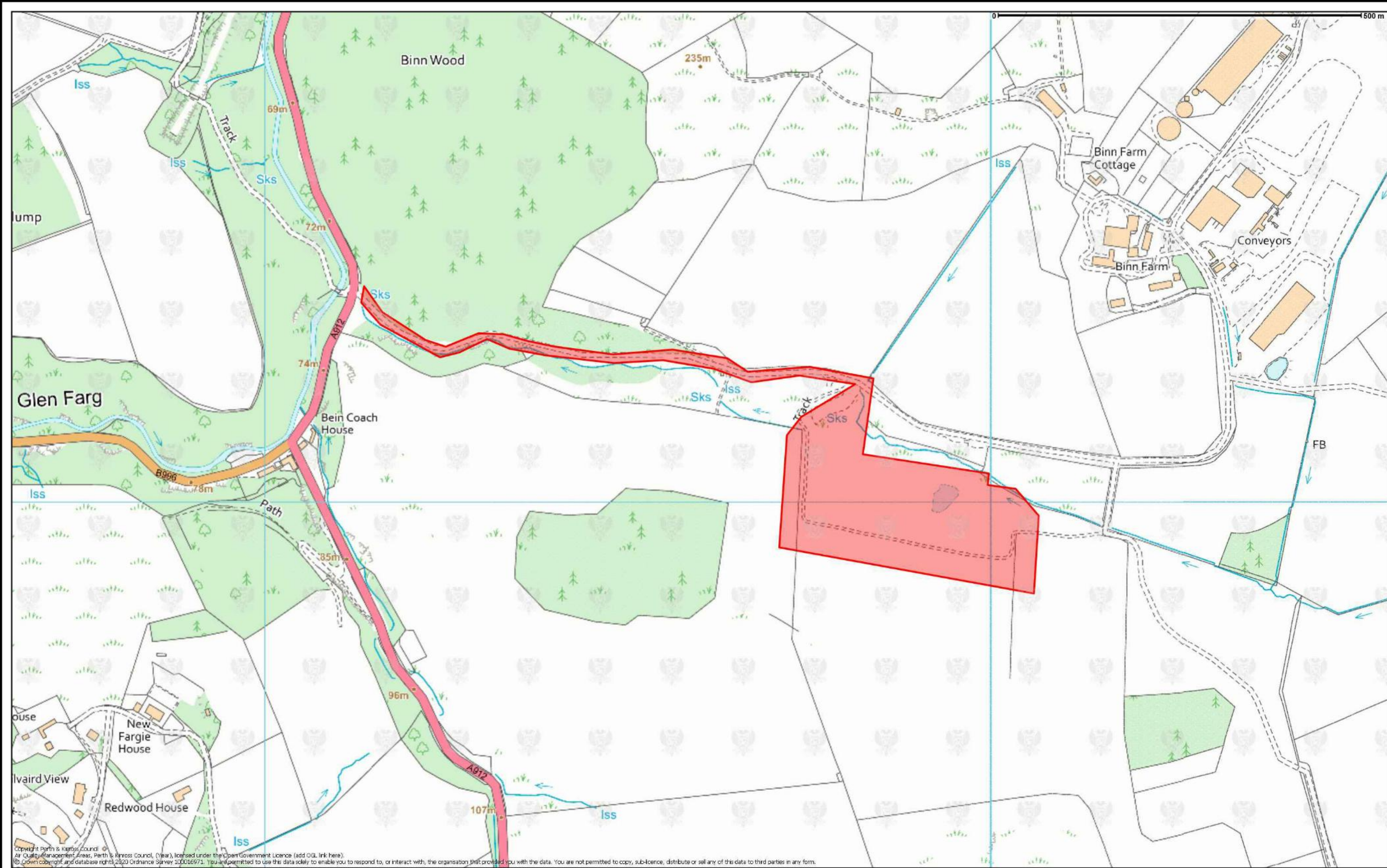
Date: 18 June 2020

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

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20/00004/PAN  
Erection of energy from waste facility and associated works at Binn Farm Glenfarg



