

Perth and Kinross Council  
Planning and Placemaking Committee – 15 November 2023  
Report of Handling by Strategic Lead – Economy, Development and Planning  
(Report No. 23/309)

**PROPOSAL:**           Erection of 16 dwellinghouses (3 with detached garages, one with detached garage/ancillary accommodation), formation of 6 plots for affordable dwellinghouses, formation of SUDS pond, landscaping and associated works

**LOCATION:**            Land 100 Metres South East of Cragton Villa, Rost Gardens, Scotlandwell

Ref. No: [22/01191/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. Prior to the release of planning permission, the applicant shall either require to enter into a satisfactory agreement with the Planning Authority to secure: the necessary provision of the serviced plots for affordable housing; and contributions for community open space.

### **BACKGROUND AND DESCRIPTION OF PROPOSAL**

- 1     Planning permission is sought for the erection of 16 dwellinghouses and the formation of 6 serviced plots for affordable housing on a site on the southern edge of Scotlandwell that is allocated for housing (Site H54) in the Perth and Kinross Local Development plan (2019). That allocation identifies the 1.7ha site for between 21-32 homes.
  
- 2     The area to be developed is currently an agricultural field bounded by existing hedges to the east, west and south. A field access transects the northern boundary of the site. The Causeway/B920 public road runs to the west, whilst existing modern housing on Friar Place is to the north, with the Scotlandwell Conservation Area beyond. The proposal includes a SUDS basin in the south east corner, which will be landscaped. Two vehicle accesses are proposed onto the B920, with one at the point of an existing field access and the other to the south of six self-build/affordable plots.

- 3 14 of the proposed houses are four bed detached properties with accommodation over two levels, the other 2 two bed detached and single storey. All are to be finished in brick, render and timber with slate and pantile roofs on the four bedded units and slate roofs on the bungalows. Plots 1 – 3 in the south-west area have detached garages with an internal width of around 4.5m. Plot 4 has a larger garage (c.6.5m) with ancillary living accommodation above. Plots 5 to 16 all have integrated garages around 3m in width. The details of the 6 affordable plots will be subject to further planning applications and will be subject to design criteria to be approved via condition and in consultation with the Council's Affordable Housing enablers.
- 4 An earlier application (21/00997/FLL) for 22 dwellinghouses was withdrawn in October 2022. This current application is a re-thinking of that proposal, with 6 of the plots for affordable housing – the self-build plots.

### **Pre-Application Consultation**

- 5 Pre application Reference: 22/00197/PREAPP related to Erection of 16no dwelling houses and proposed land for 6 no affordable custom build dwelling houses and associated work
- 6 Pre-application advice was given to the applicant, however due to the tight timing of this being issued and the re-submission some issues raised in the pre-application response were not included and have led to subsequent amendments to the proposals whilst the application has been under consideration.
- 7 The proposed development is not classed as a Major development in terms of the Town and Country Planning (Hierarchy of Developments) (Scotland) Regulations 2009, therefore the applicant was not required to undertake not any formal pre-application consultation with the local community.

### **DEVELOPMENT PLAN**

- 8 The Development Plan for the area comprises National Planning Framework 4 (NPF4) and the Perth and Kinross Local Development Plan 2 (2019) (LDP2).

#### **National Planning Framework 4**

- 9 The National Planning Framework 4 (NPF4) is the Scottish Government's long-term spatial strategy with a comprehensive set of national planning policies. This strategy sets out how to improve people's lives by making sustainable, liveable and productive spaces.
- 10 NPF4 was adopted on 13 February 2023. NPF4 has an increased status over previous NPFs and comprises part of the statutory development plan.
- 11 The Council's assessment of this application has considered the following policies of NPF4:

- Policy 1: Tackling the Climate and Nature Crisis
- Policy 2: Climate Mitigation and Adaptation
- Policy 3: Biodiversity
- Policy 4: Natural Places
- Policy 5: Soils
- Policy 6: Forestry, Woodland and Trees
- Policy 7: Historic Assets and Places
- Policy 13: Sustainable Transport
- Policy 14: Design, Quality and Place
- Policy 15: Local Living and 20 Minute Neighbourhoods
- Policy 16: Quality Homes
- Policy 18: Infrastructure First
- Policy 22: Flood Risk and Water Management

### **Perth and Kinross Local Development Plan 2 – Adopted November 2019**

- 12 The Local Development Plan 2 (LDP2) is the most recent statement of Council policy and is augmented by Supplementary Guidance.
- 13 The principal policies are:
- Policy 1A: Placemaking
  - Policy 1B: Placemaking
  - Policy 14B: Open Space Retention and Provision: Open Space within New Developments
  - Policy 17: Residential Areas
  - Policy 25: Housing Mix
  - Policy 26B: Scheduled Monuments and Archaeology: Archaeology
  - Policy 28A: Conservation Areas: New Development
  - Policy 32: Embedding Low & Zero Carbon Generating Technologies in New Development
  - Policy 39: Landscape
  - Policy 40B: Forestry, Woodland and Trees: Trees, Woodland and Development
  - Policy 41: Biodiversity
  - Policy 51: Soils
  - Policy 52: New Development and Flooding
  - Policy 53: Water Environment and Drainage
  - Policy 56: Noise Pollution
  - Policy 60B: Transport Standards and Accessibility Requirements: New Development Proposals

The following site specific development requirements for H54 are set out in the LDP:

- Houses to be a maximum of one and a half storeys in height.

- Flood Risk Assessment.
- Enhanced traffic calming at village edge.
- Form access from B920, The Causeway.
- Landscape Framework.
- Feasibility study to assess the restoration of the existing culvert.
- Open watercourses retained and minimum 6m buffer strip.
- An appropriate peat survey and management plan to minimise impact and implement suitable mitigation measures.

### **Statutory Supplementary Guidance**

- Supplementary Guidance - Developer Contributions & Affordable Housing (adopted in 2020)
- Supplementary Guidance - Flood Risk and Flood Risk Assessments (adopted in 2021)
- Supplementary Guidance - Landscape (adopted in 2020)
- Supplementary Guidance - Placemaking (adopted in 2020)

### **OTHER POLICIES**

#### **Non-Statutory Guidance**

- Planning Guidance - Loch Leven SPA, the Dunkeld-Blairgowrie Lochs SAC and the River Tay SAC
- Planning Guidance - Planning & Biodiversity
- Conservation Areas

### **NATIONAL GUIDANCE**

- 14 The Scottish Government expresses its planning policies through The National Planning Framework, Planning Advice Notes, Creating Places, Designing Streets, National Roads Development Guide and a series of Circulars.

#### **Planning Advice Notes**

- 15 The following Scottish Government Planning Advice Notes (PANs) and Guidance Documents are of relevance to the proposal:
- PAN 40 Development Management
  - PAN 51 Planning, Environmental Protection and Regulation
  - PAN 68 Design Statements

#### **Creating Places 2013**

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

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

### **Designing Streets 2010**

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

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

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

### **Site History**

- 19 17/0035/LDP2 A submission was made in 2017 to include the site as a LDP proposal for a residential development of 21-32 units on a 1.7 ha site. At that time, it was acknowledged that the site had previously been allocated for the proposed use.
- 20 21/00997/FLL A Full Planning Permission application was Withdrawn on 29 October 2021 for Erection of 22 dwellinghouses, 3 garages and a garage with ancillary accommodation, formation of SUDS pond, landscaping and associated works (LDP site H54).

### **CONSULTATIONS**

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

#### **External**

#### **Scottish Environment Protection Agency**

- 22 No objection, following submission of information on flood risk and peat management. A ground investigation report including soil sampling confirmed that the soils do not meet the criteria for being peat soil. Furthermore, the assessment of flood risk also demonstrated to SEPAs satisfaction that the site is not in the flood risk area of the River Leven.

#### **Scottish Water**

- 23 No objection. Confirm that there is sufficient capacity in the Glenfarg Water Treatment Works to service the development. Also confirm that there is sufficient

capacity for a foul only connection to the Levenmouth WWTW. They also provide advice for the applicant on Scottish Water requirements.

**(Portmoak) Scottish Gliding Centre**

24 No comments.

**Perth And Kinross Heritage Trust**

25 No objection, subject to a condition to ensure archaeological recording of site is undertaken prior to commencement of development.

**Portmoak Community Council**

26 Object. Concerns raised about affordable housing provision, impact on peat, placemaking and housing mix.

**Internal**

**Transportation And Development**

27 No objection, subject to conditions and informatives.

**Structures And Flooding**

28 No objection, subject to condition relating to drainage. Advise that Flood Team require a detailed SUDS design (be approved) prior to commencement of development.

**Development Contributions Officer**

**Education**

29 No education contribution required.

**Affordable Housing**

30 The Council's Affordable Housing Policy requires that 25% of the total number of houses, above a threshold of 5 units, is 'affordable housing'.

31 This sees a requirement for 5.5 affordable units. The plans include 6 custom build plots, and this is permissible in relation to the Developer Contributions & Affordable Housing Supplementary Guidance, which states that discounted serviced plots for self-build can contribute to a site's affordable housing requirement, particularly in rural areas (para 7.9).

### **Affordable Housing Enabler**

32 Supports the provision of 6 serviced affordable housing plots.

### **Development Plan**

33 Advice given on compliance with Development Plan policies.

### **Community Waste Advisor - Environment Service**

34 Information supplied with regard to provision for waste and recycling facilities. Condition and informative note to be attached.

### **Biodiversity/Tree Officer**

35 No objection, subject to conditions relating to tree protection, landscaping, works being undertaken in accordance with the Ecological Assessment, and biodiversity mitigation matters.

### **Environmental Health (Noise Odour)**

36 No objection. Informative note with regard to woodburning stoves recommended.

### **Community Greenspace**

37 No play area would be required as part of this development, however there is an above ground SUDS area that would need to be adopted by PKC.

38 A commuted sum of £18,577.90 (22 x £844.45) is required for adoption of any Public Open Space (POS). Although no additional play area is necessary, a contribution towards the maintenance and future renewal of the nearest play area in Scotlandwell is required. This is calculated at £16,137.75. Total Commuted Sum required is £34,715.65.

### **Conservation Team**

39 No objection, following visualisations to demonstrate the development would not have an adverse impact on the conservation area setting.

### **Representations**

40 Fifteen objections were received. The main issues raised are:

- Contrary to Development Plan
- Visual amenity
- Out of character
- Inappropriate land use

- Road safety, traffic congestion and parking
- Lack of public transport
- Lack of off-road path link to school
- Lack of services
- School capacity
- Impact on peat
- Pollution from woodburning stoves
- Impact on natural heritage
- Lack of housing mix
- Affordable housing
- Foul drainage capacity
- Flood risk
- Lack of play area/recreational space
- Impact on conservation area and archaeology
- Residential amenity
- Wayleave issues along northern boundary
- Construction impact
- Contaminated Land
- Precedent for future development to northeast
- Standard of development in relation to carbon emissions

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

42 One representation was received in support of the proposal.

#### **ADDITIONAL STATEMENTS**

43

Screening Opinion	EIA Required
Environmental Impact Assessment (EIA): Environmental Report	Not applicable
Appropriate Assessment under Habitats Regulations	Habitats Regulations Appraisal AA Not Required
Design Statement or Design and Access Statement	Submitted
Report on Impact or Potential Impact eg Flood Risk Assessment	Information submitted including Flood Risk Assessment, Peat survey, ecological survey

#### **APPRAISAL**

44 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 Development Plan comprises NPF4 and the Perth and Kinross Local Development Plan 2019.

- 45 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**

- 46 National Planning Framework Policy 16, Quality Homes, supports the delivery of high quality, sustainable homes that meets the needs of people throughout their lives. Policy 14 supports development that is consistent with the six qualities of successful places, including health and wellbeing, and safe and pleasant places for people to meet. Policy 9 b) does not support development on greenfield sites unless the site has been allocated for development or the proposal is explicitly supported by policies in the Local Development Plan. Importantly the site is allocated for residential development in the in the Perth and Kinross Local Development Plan (2019).
- 47 The principle of residential development on this site is acceptable, as a consequence of its allocation within the LDP, and subject to meeting the terms of the above requirements and a detailed consideration of Development Plan policies and other matters including but not limited to design, residential amenity, housing mix, parking and access, trees and biodiversity.

### **Design and Layout**

- 48 Policies 1A and B Placemaking of LDP2 and Policy 14, Design, Quality and Place, of NPF4 require the design and scale of development to respect its surroundings and to deliver well designed development.
- 49 The proposal is for 16 detached dwellinghouses and 6 serviced plots for affordable housing, 22 units in total. The proposals were amended from the original submission to create additional greenspace to the south of plot 13 linking the green space to the south of plot 12 and the open area around the proposed suds basin.
- 50 The proposed dwellings use a range of external finishing materials including pantiles, slate, timber and brick. The majority are one and a half storey with two single storey. This reflects the more recent developments at the southern edge of Scotlandwell, either side of the Causeway. Overall the site is relatively flat with Scotlandwell village rising up behind and backdropped by Bishop Hill. A visualisation giving an impression of what the development would look like in the context of its surroundings has been submitted. The existing hedges and vegetation around the site will be retained and strengthened to help to soften the edges of the development, particularly where it adjoins undeveloped areas. Whilst the proposed layout of the site is different from the more organically

developed, well established historic development in other parts of Scotlandwell it is considered acceptable and in accordance with Policies 1A and B and Policy 14 of NPF4.

- 51 Policy 25 of LDP2 Housing Mix requires the provision of an appropriate mix of house types and sizes. This includes (but is not limited to) providing at least 10% of the homes as 1 or 2 bedrooms. This is in addition to affordable housing requirements. To achieve this the proposal has been amended to provide two 2 bed single storey properties, which is sufficient to meet the terms of policy 25 in relation to the 16 units proposed in detail.
- 52 Community Greenspace has assessed the proposal in terms of open space requirements and advises there is no requirement to provide an additional play area. However, a contribution towards the maintenance and future renewal of the nearest play area in Scotlandwell is to be made. The means to secure this either a financial contribution or planning agreement. Securing this would meet the requirements of Policy 14B Open Space within New Developments of LDP2.

### **Landscape**

- 53 The site is an area of flat land to the south of Scotlandwell village with some existing trees and hedges around it, including along the frontage with the Causeway. The main part of the village is set at the foot of Bishop Hill, with development extending to the south, until immediately north. The visual representation demonstrates that the development can be constructed without significant impact on the wider setting of the village and its Conservation Area, thereby being in accordance with Policy 39 Landscape of LDP2.

### **Residential and Visual Amenity**

- 54 The proposed dwellinghouses are all detached, with an adequate level of amenity ground and sufficient space between so as not to cause issues of overlooking or overshadowing. There was an objection relating to possible overlooking from Plot 9 to existing properties to the north on Friar Place. This plot has been amended to see a single-storey and does not cause any concern with overlooking/loss of privacy to neighbouring properties. Particularly as there a vehicular access between the houses proposed at the north end of this site and residential properties in Friar Place.
- 55 Many of the properties are proposed to be fitted with woodburning stoves. As these will be of a domestic scale the impact is unlikely to cause any significant issues. It is noted that that each stove will exit via a chimney either above or close to roof ridge height, which will aid in dispersion of emissions. An informative note (Informative 5) will be added to advise that smoke/odour could be further minimised through the use of fuel recommended by the stove manufacturer.

- 56 The proposal will change the views of Scotlandwell, particularly from the approach from the south on The Causeway. The low lying nature of the site and existing vegetation will ensure the impact on visual amenity is minimised, particularly when coupled with the retention of existing boundary treatments and tree/hedgerow cover, to be supplemented by additional planting, all thereby aligning with Policy 39 Landscape of LDP2.

### **Roads and Access**

- 57 Two junctions will be formed from the public road, creating a loop road within the site. Provision had originally been made for a footpath along the verge along the western side of the site. However, this would have resulted in the loss of the hedge and it is now proposed to retain and strengthen this hedge and direct pedestrians through the development rather than along the road.
- 58 Transport Planning had previously asked for speed limit signs to be relocated. However, this has been superseded by the installation of a 20mph speed limit that now extends past the southern junction. A condition requiring a dropped pedestrian crossing on the B920 to provide a suitable crossing from the existing footway to the north west is recommended (Condition 12). This also addresses some of the concerns raised through representations.
- 59 It is noted that public transport provision in the area is limited. However, a condition will be attached requiring a residential travel plan to encourage more sustainable means of travel (Condition 13). Notwithstanding, access to bus stops are located a short walking distance from the site, on Leslie Road, and the A911.
- 60 While the Community Council has requested that development is deferred until a foot/cycle path is provided to link Scotlandwell to Kinnesswood, this is something that is outwith the scope or control of this planning application and it would be unreasonable to delay determination on this basis. Upgrades to infrastructure can only be sought where they are commensurate to the impact associated to the level of development, and to mitigate the impacts of it. In this instance, any necessary improvements require to be restricted to the immediate environs of the site as outlined through the site requirements relating to site H54.
- 61 The proposal is considered acceptable in relation to roads and access matters and accords with NPF4 Policy 13, Sustainable Transport and LDP2 Policy 60B Transport Standards and Accessibility Requirements: New Development Proposals. The development is also adjoining and will be linked to an existing settlement where there are opportunities to access existing path networks and this would encourage active and sustainable travel.

### **Drainage and Flooding**

- 62 Foul drainage is proposed to connect to existing Scottish Water infrastructure. This will be subject to submitting a Drainage Impact Assessment (DIA) for

confirmation that the foul water drainage infrastructure has capacity to service the development. It is noted in the drainage strategy that for plots 13-22 to connect to the sewer this will require raising of existing ground levels. Plots 1-12 will require foul water to be pumped via a new pumping station to the sewer.

- 63 Surface water will be directed to existing ditches to the east and south with attenuation of surface water run-off being proposed within a detention basin. PKC Flood Team has no objections but has requested full details of surface water drainage be agreed by them prior to commencement of development. A condition will be attached (Condition 14), which ensures the proposals are in accordance with Policy 53 Water Environment and Drainage
- 64 A Flood Risk Assessment was included but revised following an objection from SEPA, this required more detailed survey work due to NPF4, which increased the flood extents climate change uplift by 39%.
- 65 This new information saw SEPA withdraw their objection, and the proposal is therefore considered as being in accordance with NPF4 Policy 22: Flood Risk and Water Management and LDP2 Policy 52 New Development and Flooding.

### **Waste Collection**

- 66 The Council's Community Waste Advisers have been consulted and have provided information on what provision should be made for waste and recycling. In summary this is: sufficient space within property boundaries for waste and recycling bins, and that developments of 10 or more houses may also be considered for a glass collection point. Such a facility has been added in the NW corner of the site. An informative note is recommended with regard to waste and recycling provision will be attached to the permission (Informative 7).

### **Conservation Considerations**

- 67 The proposed site is to the south of the Scotlandwell Conservation Area boundary and the landscape setting of the conservation area is key to its character and interest, with the relatively compact and linear village on sloping ground with Bishop Hill forming a backdrop to the north. Distant views into and from the conservation area are of particular significance.
- 68 Information, in the form of visualisations of the proposed development have been submitted to demonstrate that the proposed houses would generally be set at a lower level than the existing historic development and will not cause an undue intrusion into the landscape setting and the setting of the Scotlandwell Conservation Area.
- 69 Perth and Kinross Heritage Trust (PKHT) has been consulted and note that the site lies within an area that is considered to have moderate archaeological potential for currently unrecorded features that pre-date historic mapping. It is also located adjacent to a known important historic site: Scotlandwell Priory

(MPK8536). There have also been archaeological finds close to the site and due to the proximity to areas of archaeological interest a suspensive condition (Condition 3) is recommended. Requiring that prior to commencement of development there is an assessment of the character, condition and significance of any archaeological deposits that may be present, the extent to which the development will impact upon them and to inform a mitigation strategy if required. This would ensure the proposal is in compliance with NPF4 policy 7 Historic Assets and Places and Policy 26B: Scheduled Monuments and Archaeology: Archaeology.

### **Natural Heritage and Biodiversity**

- 70 Policy 40, Forestry, Woodland and Trees, states that the Council will apply the principles of the Scottish Government Policy on Control of Woodland Removal and there will be a presumption in favour of protecting woodland resources. Where the loss of woodland is unavoidable, mitigation measures in the form of compensatory planting will be required.
- 71 All trees are to be retained and the existing hedgerows will see limited removal and areas infilled to retain habitat connectivity within the site, allowing wildlife to move between gardens and other spaces and provide feeding and breeding opportunities. The planting of trees and shrubs linked to the existing soft landscaping will encourage biological diversity.
- 72 A detailed landscaping plan indicating species, location and density will be secured by condition (Condition 5). Species should be native to Scotland and include fruit-bearing trees to maximise the biodiversity value.
- 73 Policy 41, Biodiversity, states that the Council will seek to protect and enhance all wildlife and habitats, whether formally designated or not, considering natural processes in the area. Planning permission will not be granted for development likely to have an adverse effect on protected species unless clear evidence can be provided that the ecological impacts can be satisfactorily mitigated. The submitted Preliminary Ecological Appraisal Report (PEAR) was undertaken at the correct time of year and does not recommend that any further survey is required for the presence of protected species.

### **Breeding Birds**

- 74 For all wild bird species in Great Britain, it is an offence to intentionally or recklessly kill, injure or take a bird; take, damage, destroy or interfere with a nest of any bird while it is in use or being built; or obstruct or prevent any bird from using its nest. Clearance of vegetation should not take place during the bird breeding season between 1st March and 31st August inclusive (Informative 8).
- 75 If the development work takes place during the main nesting season it is recommended that a pre-works nesting bird check be carried out immediately beforehand, to identify and protect any active nests until the young fledge.

## Biodiversity Enhancement

- 76 Enhancement of biodiversity should be demonstrated in all projects and needs to be site specific based on surveys, location, development size, surrounding habitats and landscape character, and follow ecologist recommendations.
- 77 The submitted Design and Access Statement confirms that 5 Bat and 6 Swift Boxes are to be added to plots around the proposed development, which represents 25% of all houses and is in accordance with the PKC Planning for Nature Guidance. An informative note will be added to request that the swift boxes are moved closer together, reflecting the social nature of these birds.
- 78 Hedgehogs are a key species in the Tayside Local Biodiversity Action Plan and enhancing connectivity is an objective. There are records of hedgehogs in the area and a condition will be attached to ensure that access for hedgehogs commuting through the development is provided (Condition 11). Otherwise, to avoid amphibians becoming trapped in gullies, a condition to require that wildlife kerbs are installed adjacent to all road gullies constructed in association to the development will be added (Condition 10).
- 79 An informative note will be added to advise that development lighting should be low lux-level, downward facing and directed away from hedgerows, treelines and woodland to avoid fragmentation of foraging and commuting opportunities for bats.
- 80 The proposal provides opportunities to retain and strengthen existing landscape features and to provide enhancement for biodiversity. As such it accords with NPF Policy 3 and LDP2 Policy 40, Forestry, Woodland and Trees and Policy 41, Biodiversity.

## Soils and Peat

- 81 One of the site specific developer requirements was for “An appropriate peat survey and management plan to minimise impact and implement suitable mitigation measures”
- 82 A peat survey report was submitted with the application and SEPA consulted, who initially objected. Further information was submitted, including a Ground Investigation Report which showed the results of additional soil sampling and lab testing of organic matter at different depth horizons in the soil profile across the site. The results of this investigation demonstrated that the soil organic content is less than 60% in all sampled depths and it was concluded that it does not meet the criteria for being a peat soil. It is instead an ‘organo-mineral’ or ‘peaty’ soil. On this basis SEPA removed its objection and removed the requirement for a peat management plan.
- 83 The intention is that the excavated peaty/organi-mineral soil will be taken to Turffit, the local turf company, which has a Waste Transfer Licence. There is no

requirement to condition this although it is noted that transferring this material to a local company will minimise green house gas emissions in accordance with NFP4, Policy 1. It is also noted that the movement and use of soil is a regulatory matter. An informative note will be added with regard to this (Informative 6). This would therefore be compliant with the requirements of Policy 5 Soils of NPF4 and Policy 51 Soils of LDP2.

#### Embedding Low and Zero Carbon Generating Technology in New Development

- 84 Policy 32 of the LDP requires that a proportion of the energy use of each building is provided by low and zero-carbon generating technology. The applicant has proposed that heat pumps and solar panels will be provided, although in some cases wood burning stoves are included. A condition (Condition 15) will be applied to require calculations to demonstrate compliance with policy 32 of LDP2, and the wider principles of Policy 1: Tackling the Climate and Nature Crisis, and Policy 2: Climate Mitigation and Adaptation of NPF4, with measures in place prior to occupation of the properties.

#### **Developer Contributions**

##### Affordable Housing

- 85 Policy 20 of the Local Development Plan requires developments of five or more units to include provision of an affordable housing contribution amounting to an equivalent of 25% of the total number of units proposed. In this case the proposal for 22 dwellinghouses, with 6 serviced plots for affordable housing. This exceeds the 5.5 unit requirement, which would meet the policy and associated supplementary guidance on Developer Contributions & Affordable Housing.
- 86 The Council will acquire the serviced plots from the Developer and will market them as affordable for sale, initially via PKC's self-build register. The means through which this would be secured is likely to be via a s75 Planning obligation, which would also cover the necessary contributions towards open space/recreation. Planning permission will be required for each house, which will be controlled by a Design Code and Plot Passport that will set out guidelines for development of the plots. (Condition 16)

##### Education

- 87 While concerns were raised through representations in respect of education capacity, consultation with the Developer Obligations Officer has confirmed that the proposal is within the catchment of Portmoak Primary School, and that Education and Children's Services (ECS) have no capacity concerns in this catchment area. The impact of the H54 allocation would also have been taken into consideration and accounted for by ECS at the time the site was allocated for housing development during the preparation of the LDP.

### **Other matters raised in representations**

- 88 The other matters raised and not already considered above relate to: concern over the impacts of the proposal in respect of Scottish Water wayleaves. However, this is ultimately a civil matter which the developer would require to address, and may already have undertaken some due diligence upon. It is not a consideration to be addressed through the planning application process.

### **Economic Impact**

- 89 The site will provide economic benefit during the construction phase of the development and see additional economic activity associated to Scotlandwell as a result of an increased population.

### **VARIATION OF APPLICATION UNDER SECTION 32A**

- 90 This application was varied prior to determination, in accordance with the terms of section 32A of the Town and Country Planning (Scotland) Act 1997, as amended. The variations incorporate changes to the house design, revised house types on plots 9 and 16, provision of additional information with regard to flood risk and peat.

### **PLANNING OBLIGATIONS AND LEGAL AGREEMENTS**

- 91 A satisfactory agreement with the Planning Authority is required to secure: the necessary provision of the serviced plots for affordable housing, and contributions for community open space.

### **DIRECTION BY SCOTTISH MINISTERS**

- 92 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**

- 93 To conclude, the application must be determined in accordance with the Development Plan unless material considerations indicate otherwise. In this respect, the proposal is considered to comply with NPF4, and the adopted Local Development Plan 2 (2019). Account has been taken account of the relevant material considerations and none has been found that would justify overriding the Development Plan.
- 94 Accordingly the proposal is recommended for approval subject to the conclusion of a satisfactory agreement with the Planning Authority to secure: the necessary provision of the serviced plots for affordable housing, and contributions for community open space, together with the following conditions.

## **RECOMMENDATION**

Approve the application.

### **Conditions and Reasons**

1. This planning permission will last only for three years from the date of this decision notice, unless the development has been lawfully started within that period.

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

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

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

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.

4. Prior to the commencement of any works on site, all trees and hedgerows 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.

5. Prior to the commencement of the development hereby approved, a detailed landscaping and planting scheme for the site shall be submitted for the written

agreement of the Council as Planning Authority. The scheme shall include details of the height and slopes of any mounding or recontouring of the site, full details of all hard landscaping proposals including materials and installation methods and, species, height, size and density of trees and shrubs to be planted. The scheme as subsequently approved shall be carried out and completed within the first available planting season (October to March) after the completion or bringing into use of the development, whichever is the earlier, and the date of Practical Completion of the landscaping scheme shall be supplied in writing to the Council as Planning Authority within 7 days of that date. The scheme as agreed and implemented shall thereafter be maintained to the satisfaction of the Council as Planning Authority.

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

- 6 Prior to commencement of development and in association with condition 5 a detailed landscaping plan for open space illustrating accurate locations and species for all planting, a maintenance schedule and areas of public open space for adoption by the Council should be submitted for the written agreement of the Council as Planning Authority in conjunction with Community Greenspace.
7. The conclusions and recommended action points within the supporting biodiversity survey submitted and hereby approved (Design and Access Statement and Preliminary Ecological Assessment) shall be fully adhered to, respected and undertaken as part of the construction phase of development, to the satisfaction of the Council as Planning Authority.

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

8. 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.

9. Prior to commencement of development an updated ecological survey shall be undertaken and be submitted to the Council as Planning Authority for written agreement. Works shall not commence until after such written agreement has been issued by the Council.

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).

10. Prior to the completion of the development hereby approved, wildlife kerbs shall be installed adjacent to road gullies associated to the sites development. Thereafter, these kerbs shall be retained in a reasonable condition for the life of the development, to the satisfaction of the Council as Planning Authority.

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

11. Prior to the completion or occupation of each dwellinghouse hereby approved, whichever is the earlier, hedgehog highways shall be created by providing access gaps in wooden fences on the related plot at least 13cm x 13cm at ground level, to allow for the free movement of hedgehogs.

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

12. Prior to the occupation of the first dwellinghouse hereby approved, provision of a dropped pedestrian crossing shall be provided on the B920 to provide a suitable perpendicular crossing from the existing footway to the proposed development footway (to the north west of the site). These details shall be submitted, and approved in writing to satisfaction of the Council as Planning Authority in consultation with the Roads Authority.

Reason: In the interests of pedestrian and traffic safety.

13. Prior to the bringing into use of the first dwellinghouse hereby approved a Residential Travel Plan (RTP), aimed to encourage more sustainable means of travel, shall have been submitted to and approved in writing by the Council in consultation with Transport Planning. 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 system of management, monitoring, review, reporting and the duration of the plan.

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

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

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

15. Prior to the commencement of the development hereby approved, a statement which demonstrates that at least 10% of the current carbon emissions reduction set by Scottish Building Standards will be met through the installation and

operation of low and zero-carbon generating technologies shall be submitted to and approved in writing by the Council as Planning Authority. The approved statement shall thereafter be implemented in full.

Reason: In order to comply with Policy 32 of the adopted Perth and Kinross Local Development Plan 2 (2019).

16. Prior to the commencement of the development hereby approved a scheme, including a design code (referring to the entire site) and plot passport (for individual plots) outlining what can and cannot be built on each plot including maximum size/footprint of dwellings, heights, recognised building lines, boundary treatments and materials palette), shall be submitted for the written agreement of the Council as Planning Authority. The agreed scheme shall thereafter inform and guide the delivery of the self build plots.

Reason: In order the interests of ensuring consistency throughout the overall development, in the interests of visual and residential amenity, and to ensure a satisfactory standard of local environmental quality.

### **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. 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. Please use the form attached herewith.
2. 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. Please use the form attached herewith.
3. No work shall be commenced until an application for building warrant has been submitted and approved.
4. The developer is advised to contact the Historic Environment Manager (tel 01738 477027) Perth and Kinross Heritage Trust, to discuss terms of reference for archaeological work required.
5. The approved stove system shall be installed and thereafter operated and maintained in accordance with the manufacturer's recommendations, such that

smoke odours are not exhausted into or escape into any neighbouring dwellings. Failure to do so may result in an investigation and possible action by Environmental Health under the Environmental Protection Act 1990.

6. The applicant should note the contents of SEPA's letter dated 6th September.

Details of SEPA's regulatory requirements and good practice advice, for example in relation to private drainage and soil removal can be found on the regulations section of SEPA's website. If you are unable to find the advice you need for a specific regulatory matter, please contact a member of the local compliance team at: [FASP@sepa.org.uk](mailto:FASP@sepa.org.uk)

7. The developer should please note the following:

Refuse collection vehicles will only enter the site during development 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 collection point until full access is made available for refuse collection vehicles. The developer should make contact with the Community Waste Team to discuss bin collections as the site progresses.

Perth & Kinross council aim to introduce twin stream recycling and therefore additional space is required for a second recycling bin. Further information is available by contacting the Community Waste Team [communitywasteadvisers@pkc.gov.uk](mailto:communitywasteadvisers@pkc.gov.uk)

8. 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.
9. The applicant is advised that in terms of Sections 56 of the Roads (Scotland) Act 1984 he/she/they must obtain from the Council, as Roads Authority, consent to open an existing road or footway prior to the commencement of works. Information on junction types, requirements for Vehicular Access consents (VA1) and application forms are available at [www.pkc.gov.uk/vehicleaccess](http://www.pkc.gov.uk/vehicleaccess) Advice on the disposal of surface water should be sought at the initial stages of design from Scottish Water and the Scottish Environmental Protection Agency.
10. 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 Road Construction Consent (RCC) 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. Please note that a fee is chargeable for the processing of RCC applications.

11. The applicant is advised to contact Perth & Kinross Council Street Lighting Department to obtain technical approval for all street lighting provision.
12. The Road Maintenance Partnership wish make the applicant aware of the existence of a surface water pipe along the verge of the B920 in the vicinity of the proposals.
13. Development lighting should be low lux-level, downward facing and directed away from hedgerows, treelines and woodland to avoid fragmentation of foraging and commuting opportunities for bats. Guidance is available: [Planning Guidance - Planning & Biodiversity - Perth & Kinross Council \(pkc.gov.uk\)](https://www.pkc.gov.uk/planning-guidance)

### **Procedural Notes**

Not Applicable.

### **PLANS AND DOCUMENTS RELATING TO THIS DECISION**

Background Papers: 15 letters of representation  
Date: 3 November 2023

### **DAVID LITTLEJOHN STRATEGIC LEAD – ECONOMY, DEVELOPMENT & PLANNING**

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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