

Perth and Kinross Council  
Development Management Committee – 8 June 2016  
Report of Handling by Development Quality Manager

**Residential development of 80 dwellings, open space, landscaping and associated infrastructure at land 200 metres south east of Hillview, Kintillo Road, Bridge of Earn**

Ref. No: 15/02176/FLM

Ward No: N9 Almond and Earn

**Summary**

This report recommends approval of the proposed residential development of 80 dwellings, open space, landscaping and associated infrastructure at land 200 metres south east of Hillview, Kintillo Road, Bridge of Earn. Whilst some aspects of the proposed development do not comply with the allocation in the current Development Plan there are other material considerations that will result in a planning betterment for the area that warrant a recommendation of approval subject to conditions and associated legal agreement.

**BACKGROUND AND PROPOSAL**

- 1 The site is located to the south west of Perth, covering a site area of 2.81 hectares, set within existing housing development at the southern end of Bridge of Earn. It is currently an area of relatively level rough grassland before rising at the southern end and opening out onto agricultural land. The site is allocated within the Local Development Plan (LDP) as Site H72 for residential use which acknowledges the potential for 70 (approx.) residential units within the site.
- 2 The site is bounded to the north by existing housing along Kintillo Road, to the east by housing at The Meadows, to the south by open farmland, and to the west by the more recent housing by Ogilvie Homes at Glenearn Terrace and Poplar Avenue. Current vehicular access into the site consists principally of roads within existing housing developments at the Meadows and Poplar Avenue off Kintillo Road.
- 3 The application seeks detailed planning permission for the proposed residential development, access roads, play area, SUDS facility and landscaping. A total of 80 dwellings are proposed, and the layout plan shows a mix of 10 different house types, including: 1 and 2 bedroom cottage flats, 2 bedroom terraced, 3 bedroom terraced and semi-detached, and 4 bedroom detached houses. The proposal includes the provision of 20 affordable units on-site.
- 4 The proposal includes a new 20 metre deep landscaped edge to the settlement that will screen the proposed site, the existing Ogilvie Homes development and The Meadows housing before linking up with LDP site H14 immediately

east of The Meadows. Within this landscape buffer a footpath is also proposed linking the site with H14.

- 5 The proposed landscape buffer is out with the application red line, the LDP allocation boundary and the site boundary submitted with the Proposal of Application Notice submitted to Perth & Kinross Council in May 2015.

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

- 6 The proposed development, as an urban development project with a site area exceeding 0.5ha, falls under Schedule 2 (10(b)) of the Environmental Impact Assessment (Scotland) Regulations. The site was screened in June 2015 and was found to not require an EIA. A request for a Screening Direction was submitted to the Scottish Government by a neighbour but was again found to not require an EIA.

### **PRE-APPLICATION PROCESS**

- 7 The PAC Report outlined that a public exhibition was held on 24<sup>th</sup> August at Bridge of Earn Institute 2015. In addition to the Community Council, the Ward Councillors for the area were consulted by the applicant. The event was attended by over 70 people, and predominately residents of The Meadows, Dron View, Glenearn Terrace and Poplar Avenue which adjoin the development site. Visitors from elsewhere in Bridge of Earn also attended along with members of the Community Council.

### **NATIONAL POLICY AND GUIDANCE**

- 8 The Scottish Government expresses its planning policies through the National Planning Framework 3, the Scottish Planning Policy (SPP) 2014 and Planning Advice Notes (PAN), Designing Places, Designing Streets and the National Roads Development Guide

#### **National Planning Framework**

- 9 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 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**

- 10 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
  - 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: paragraph 269 - 291
- 11 The following Scottish Government Planning Advice Notes (PAN are likely to be of relevance to the proposal,
- PAN 3/2010 Community Engagement
  - PAN 1/2011 Planning and Noise
  - PAN 40 Development Management
  - PAN 51 Planning, Environmental Protection and Regulation
  - PAN 61 Planning and Sustainable Urban Drainage Systems
  - PAN 75 Planning for Transport

### **Designing Places 2001**

- 12 The first policy statement which marks the Scottish Government's determination to raise standards of urban and rural development.

### **Designing Streets 2010**

- 13 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 and is intended to sit alongside the 2001 planning policy document Designing Places, which sets out Government aspirations for design and the role of the planning system in delivering these.

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

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

## **DEVELOPMENT PLAN**

- 15 The Development Plan for the area consists of the Approved TAYplan Strategic Development Plan June 2012 and the Perth and Kinross Local Development Plan February 2014.

### **TAYPlan Strategic Development Plan 2012-2032**

- 16 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”*

- 17 The following sections of the TAYplan 2012 are of particular importance in the assessment of this application.

### **Policy 1 – Location Priorities**

- 18 Seeks to focus the majority of development in the region’s principal settlements. Perth Core Area is identified as a Tier 1 Settlement with the potential to accommodate the majority of the region’s additional development over the plan period and make a major contribution to the region’s economy.

### **Policy 2 – Shaping better quality places**

- 19 Seeks to ensure that climate change resilience is built into the natural and built environment, integrate new development with existing community infrastructure, ensure the integration of transport and land uses, ensure that waste management solutions are incorporated into development and ensure that high resource efficiency and low/zero carbon energy generation technologies are incorporated with development to reduce carbon emissions and energy consumption.

### **Policy 3 - Managing TAYplan’s Assets**

- 20 Seeks to respect the regional distinctiveness and scenic value of the TAYplan area and presumes against development which would adversely affect environmental assets.

### **Policy 5 - Housing**

- 21 Confirms that local development plans should identify specific sites for the Strategic Development Areas and allocate land uses set out in the TAYplan. This includes a strategic development area to the West/ North West of Perth for 4000+ homes and 50ha of employment land.

## **Policy 6 - Energy and Waste/Resource Management Infrastructure**

- 22 Relates to delivering a low/zero carbon future for the city region to contribute to meeting Scottish Government energy targets and indicates that, in determining proposals for energy development, consideration should be given to the effect on off-site properties, the sensitivity of landscapes and cumulative impacts.

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

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

## **Policy PM1A - Placemaking**

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

## **Policy PM1B - Placemaking**

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

## **Policy PM2 - Design Statements**

- 28 Design Statements should normally accompany a planning application if the development comprises 5 or more dwellings, is a non-residential use which exceeds 0.5 ha or if the development affects the character or appearance of a Conservation Area, Historic Garden, Designed Landscape or the setting of a Listed Building or Scheduled Monument.

## **Policy PM3 - Infrastructure Contributions**

- 29 Where new developments (either alone or cumulatively) exacerbate a current or generate a need for additional infrastructure provision or community facilities, planning permission will only be granted where contributions which are reasonably related to the scale and nature of the proposed development are secured.

## **Policy RD1 - Residential Areas**

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

**Policy RD4 - Affordable Housing**

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

**Policy TA1A - Transport Standards and Accessibility Requirements**

- 32 Encouragement will be given to the retention and improvement of transport infrastructure identified in the Plan.

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

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

**Policy CF1B - Open Space Retention and Provision**

- 34 Appropriate areas of informal and formal open space should be provided as an integral part of any new development where existing provision is not adequate. Where there is an adequate supply of open space a financial contribution towards improved open space may be acceptable. Opportunities should be to create, improve and avoid the fragmentation of green networks.

**Policy CF2 - Public Access**

- 35 Developments will not be allowed if they have an adverse impact on any core path, disused railway line, asserted right of way or other well used route, unless impacts are addressed and suitable alternative provision is made.

**Policy HE1B - Scheduled Monuments and Non Designated Archaeology**

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

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

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

### **Policy NE3 - Biodiversity**

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

### **Policy NE4 - Green Infrastructure**

- 39 Development should contribute to the creation, protection, enhancement and management of green infrastructure, in accordance with the criteria set out.

### **Policy ER6 - Managing Future Landscape Change to Conserve and Enhance the Diversity and Quality of the Areas Landscapes**

- 40 Development proposals will be supported where they do not conflict with the aim of maintaining and enhancing the landscape qualities of Perth and Kinross and they meet the tests set out in the 7 criteria.

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

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

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

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

### **Policy EP3B - Water, Environment and Drainage**

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

### **Policy EP3C - Water, Environment and Drainage**

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

## **Policy EP8 - Noise Pollution**

- 45 There is a presumption against the siting of proposals which will generate high levels of noise in the locality of noise sensitive uses, and the location of noise sensitive uses near to sources of noise generation.

## **Policy EP12 - Contaminated Land**

- 46 The creation of new contamination will be prevented. Consideration will be given to proposals for the development of contaminated land where it can be demonstrated that remediation measures will ensure the site / land is suitable for the proposed use.

## **OTHER POLICIES**

- 47 The following supplementary guidance and documents are of particular importance in the assessment of this application
- Developer Contributions and Affordable Housing Supplementary Guidance April 2016
  - Flood Risk and Flood Risk Assessments – Developer Guidance June 2014
  - Sustainable Design and Zero Carbon Development Supplementary Guidance May 2014
  - Perth and Kinross Council Corporate Plan 2013-2018
  - Perth and Kinross Community Plan 2013/2023

## **PLANNING SITE HISTORY**

- 48 The following history is of particular importance.

**99/00837/FUL:** Erection of 107 dwellings and associated roads, infrastructure, landscaping and recreation area. Withdrawn 4 June 2001

**15/00009/PAN:** Proposal of Application Notice submitted on 7 May 2015 for development of residential. Contents of PAN approved 19 May 2015.

## **CONSULTATIONS**

### **EXTERNAL**

#### **SEPA**

- 49 No objection to the proposal.

#### **Scottish Water**

- 50 No response received.

### **Transport Scotland**

- 51 No objection to the proposal

### **Perth and Kinross Heritage Trust**

- 52 No objection to the proposal.

### **Earn Community Council**

- 53 Have raised concern regarding the density increase from 70 to 80 units and the creation of the woodland at the southern edge of the site. They expressed concern regarding privacy of existing residents, access and road safety especially during the construction period and flood risk/drainage. Concern was also expressed about primary education provision in the area, impact on health care and no recreational space adjacent to the affordable housing.

## **INTERNAL**

### **Environmental Health**

- 54 No objection to the proposal subject to conditions regarding construction management and hours of operation are applied to any permission.

### **Land Quality Officer**

- 55 No objection to the proposal but has recommended an informative be applied to any permission.

### **Biodiversity Officer**

- 56 No objection to the proposal but has recommended a number of conditions to protect and enhance the local biodiversity are applied to any permission.

### **Strategic Planning and Policy**

- 57 Initially commented that the application does not comply with the site specific requirements for the H72 allocation as the proposal does not provide a suitable landscaped area to provide a natural settlement edge within the boundary of the allocated site. Following justification by the developer and further discussion it is accepted that the proposed landscaping and footpath provision will result in a better planning solution for the area and not just the site itself, the proposal whilst a departure from the LDP is considered to be acceptable.

### **Developer Negotiations including Affordable Housing Officer**

- 58 Confirmed that 20 Affordable Units will need to be delivered on site to meet the 25% requirement. Financial contributions towards primary education and

transport infrastructure will be required and delivered via a Section 75 legal agreement.

### **Community Greenspace**

- 59 The equipped play area is well located and provided it is a local play area suitable for 4-8 year olds it is in line with the Council's Play Strategy. The planting within the southern woodland strip should avoid large growing species such as oak because at maturity they will block direct sunlight from the south and west. The proposed hazel, birch, hawthorn and blackthorn should not create any issues. No trees should be planted within 2m of the rear boundaries of gardens. Paths within the landscaping should be surfaced and should be 2.5 m wide to cater for both pedestrian and cyclists.

### **Transport Planning**

- 60 Having reviewed the TA, they are satisfied that it demonstrates that the local network can accommodate the generated traffic and there are sustainable travel options available in the vicinity. A Construction Traffic Management Plan will be required prior to the commencement of development and will tie in with a maintenance agreement for the existing public road which will deal with any liability in respect of abnormal deterioration caused by the construction traffic.
- 61 While the southern "leg" of the development effectively forms a large cul-de-sac which would not normally be supported they note the inclusion of a footway link to the land to the south of the site.

### **Structures and Flooding**

- 62 The drainage information for the proposed development indicates that the gradient of surface water drainage varies from 1:20 to 1:310. The PKC 'Developers Guidance note on Flooding & Drainage' (June 2014) states that although there is no recommended maximum or minimum pipe gradient it should be sufficient to maintain a flow rate of greater than 1m/s to avoid siltation, ideally at a gradient of around 1:100.
- 63 Drainage calculations to justify the gradients will be required prior to the commencement of development. The post development overland flow route drawing indicates an area of ponding to the rear of 5 properties that back onto Poplar Avenue. The developer will be required to provide drainage along this boundary line to prevent build-up of water and to prevent any water spilling into neighbouring properties.

### **Community Waste Advisor**

- 64 All domestic properties will require an appropriate storage area for a minimum of 3 bins and suitable access/surface to wheel the bins from the storage area to the kerbside where they must be presented for collection.

### **REPRESENTATIONS**

65 The application has attracted 37 representations of which 35 were against the proposals. The following issues were raised:

- Contrary to Development Plan
- Inappropriate density
- Road capacity, access and safety issues
- Flooding and drainage issues
- Lack of community consultation
- Overshadowing/Daylight/Privacy issues
- Adverse impact on ecology
- Adverse impact on education and health care facilities
- Damage to existing houses
- Adverse visual impact
- Light pollution
- Noise pollution
- Out of character with the area
- Poor public transport provision
- Disruption from construction period
- Impact on archaeology
- Loss of agricultural land
- Lack of EIA
- Adverse impact on landscape
- Air Quality/Dust
- Security Issues

**Response to issues**

66 The Appraisal section of this report responds to the material planning concerns raised.

## ADDITIONAL STATEMENTS

Environment Statement	Not required
Screening Opinion	Screening undertaken
Environmental Impact Assessment	Not required
Appropriate Assessment	Not required
Design Statement/Design and Access Statement	Submitted
Report on Impact or Potential Impact	Flood Risk Assessment, Transport Assessment, Ecology Assessment, Archaeology Assessment

## APPRAISAL

### Policy Appraisal

- 67 Sections 25 and 37(2) of the Town and Country Planning (Scotland) Act 1997 require that planning decisions be made in accordance with the development plan unless material considerations indicate otherwise. The Development Plan consists of the TAYplan 2012 and the Perth and Kinross Council Local Development Plan 2014 is a material consideration in the determination of the application and has progressed to examination by the Scottish Ministers.
- 68 The determining issues in this case are whether; the proposal complies with Development Plan policy; whether the proposal complies with supplementary planning guidance; or if there are any other material considerations which justify a departure from policy.
- 69 TAYplan Policy 1 (Location Priorities) states that Tier 1 settlements have the potential to make a major contribution to the regional economy over the next 20 years. The site is within the Tier 1 settlement of the Perth Core Area and the Perth and Kinross Local Development Plan (LDP) 2014 allocates the site for residential development. Residential development of this site complies with these policies and therefore the principle of residential use on the site is established and considered to be acceptable.

### LDP Allocation and Site Density

- 70 Of the representations received many referred to the site being allocated for 70 units and anything above this number is contrary to its allocation in the LDP. Following examination of the LDP by the DPEA, the Reporter recommended that the site be allocated for residential use and suggested a figure of 70 dwellings. As with other sites in the LDP, this figure is considered to be indicative and is not a barrier to developments looking at higher or lower densities.

- 71 The Reporter acknowledged that the recommended densities were not prescriptive and that planning applications for higher densities may be considered acceptable and that each application should be determined on its own merits and there may be circumstances where a higher or lower figure could be acceptable.
- 72 Paragraph 46 of SPP recommends higher density development in central and accessible locations that will reduce the reliance on private cars and prioritising sustainable and active travel choices, such as walking, cycling and public transport. Through good design it is considered possible to achieve higher density living environments without overcrowding or loss of amenity.
- 73 The proposed site is considered to be a gap site within an established residential area of Bridge of Earn and its development is in an accessible location as it is close to the public transport network and the services provided within the village. The proposed density of 80 dwellings is considered to be acceptable. 41 of the proposed dwellings will be 1, 2 and 3 bedroom units which will help meet current market demand for smaller sized easy to maintain dwellings especially for first time buyers or those downsizing. All properties will have an acceptable amount of garden ground to enjoy and will not have an adverse impact (overlooking or overshadowing) on any of the surrounding properties.
- 74 The proposed development accords with SPP 2014, TAYplan Policy 8 and LDP Policies PM1 and RD1 as it is considered that the proposed density of development represents an efficient use of what is considered to be a gap site whilst still respecting the surrounding environment and neighbouring properties.

### **Design and Layout**

- 75 Through Designing Places (2001) the Scottish Government signalled the importance they attach to achieving improvements in the design and quality of new development, and bringing long-term benefits to the urban and rural environment. It should be noted that good design should be the aim of everyone in the planning and development process with it being important at all scales of development.
- 76 Designing Streets (2010) published by the Scottish Government suggests that streets should be designed as social spaces, being well-connected at all levels. It aims to move away from vehicle dominated road layouts in favour of streets designed for people that achieve a sense of place, producing interesting and useable street layouts.
- 77 Permeability of places is a crucial component in good street design. Internal permeability is important, but any area should also be properly connected with adjacent street networks. A development with poor links to the surrounding area creates an enclave which encourages movement to and from it by car rather than by other modes. In this case the proposal includes two vehicular and five pedestrian/cyclist access points and is thereby considered to be a

permeable and well connected site that accords with the National Roads Development Guide 2014 and LDP Policy TA1 Transport Standards and Accessibility Requirements.

- 78 When considering the layout of any new development, one of the most important issues to consider is creating the opportunity for natural surveillance. Buildings, spaces and pedestrian routes should be located to maximise natural observation from pedestrians and passing motorists. Active frontages should be encouraged wherever possible i.e. doors leading onto the street and windows overlooking all public areas. The proposed layout takes cognisance of Designing Streets and incorporates appropriate natural surveillance of all areas of space and the main pedestrian routes. The proposal is in line with PAN 77 - Designing Safer Places and LDP Policy PM1 Placemaking
- 79 The proposal consists of two storey detached, semi-detached, terraced and flatted properties providing a good mixture of house types. Much of the site contains shared surfaces that help achieve a sense of place and provides linkages to ensure the site is extremely permeable for all modes of transport especially pedestrians and cyclists with several footpaths towards the village centre, public transport connections and the surrounding neighbourhood.
- 80 In terms of materials, whilst it is of a standard palette it has been primarily influenced by the neighbouring development by the same developer. Main finishes of render, facing brick, and tiled roofs and will ensure the continuity of the neighbouring developments is maintained and will help integrate the development into its locale.
- 81 As mentioned above, the massing and scale of the dwellings can be accommodated within the plots without having an adverse impact on the amenity of neighbouring properties.

## **Residential Amenity**

### Overlooking

- 82 A number of representation submitted raised concern about overlooking of their properties especially garden areas and bedrooms. Boundary distances have been measured for every dwelling and I do not consider the proposed residential units will result in overlooking to neighbouring properties due to acceptable separation distances between proposed and existing dwellings. Every proposed dwelling directly facing onto an existing dwelling will be over 18 metres from the exterior wall of a neighbouring property. For dwellings at angles to each other this distance can be shortened and there are instances where gable ends with no windows will face onto existing properties.
- 83 The proposed site levels and finished floor levels of the dwellings will be similar to the neighbouring properties and will not result in any overlooking issues.

### Overshadowing, loss of sunlight and daylight.

- 84 As well as the issue of overlooking some representations argued that the proposed dwellings at 2 storey height will block daylight. The Building Research Establishment (BRE) document 'Site Layout Planning for Daylight and Sunlight- a guide to good practice 1991' sets out guidelines on how to assess the potential impact, it should be noted that the standards are not mandatory and should be interpreted flexibly.
- 85 Taking cognisance of the BRE document, the proposed distances between new and existing properties and similar site levels I consider an acceptable level of daylight and sunlight will be provided to each neighbouring property. Overall, in terms of residential amenity the proposal complies with LDP Policy PM1 as the design and siting respects the character and amenity of the surrounding properties.

### **Transport Issues**

- 86 A high number of representations raised concerns about the capacity and condition of the existing roads in the vicinity. A Transport Assessment (TA) has been submitted and audited by Transport Planning and having reviewed the TA, they are satisfied that it demonstrates that the local network can accommodate the generated traffic and there are sustainable travel options available in the vicinity.
- 87 A Construction Management Plan has been submitted which shows that construction access to the site can be taken directly off Kintillo Road and not impact on the road surface through The Meadows and Poplar Avenue. A Construction Traffic Management Plan will be required prior to the commencement of development and this will tie in with a maintenance agreement for the existing public road which will deal with any liability in respect of abnormal deterioration caused by the construction traffic. This should help alleviate a major concern for existing residents especially in The Meadows.
- 88 The southern "leg" of the development effectively forms a large cul-de-sac and is not normally supported. However because it is such a narrow site, with two access points and the inclusion of a footway to the south of the site which will link back into The Meadows and LDP site H14 it is considered to be a very permeable site and therefore acceptable in this instance.
- 89 Both Transport Scotland and Transport Planning offers no objection to the proposal. The proposal complies with LDP Policy TA1 because the transport network can accommodate the proposed level traffic generation with minimal impact and because of its location it should provide a realistic choice of more sustainable modes of transport and thereby help reduce travel demand by car.

### **Drainage and Flooding**

- 90 The site is not located within a recorded area of flood risk. However due to development reducing surface permeability by replacing the grassed area with

hard standing and buildings surface run-off will occur. A SUDS facility is proposed to be located in a key position within the site to add to the open feel of the central area, and integrate this element into the development as a prominent feature.

- 91 Scottish Environment Protection Agency (SEPA) offers no objection provided the submitted drainage plan is delivered. The Council's Flooding Engineer also seeks the delivery of the SUDS scheme with design calculations to support the attenuation. Conditions will ensure that foul flows are connected to the public drainage network and there is no ponding along the site boundary.
- 92 SEPA and the Councils Flood Team have both concluded that the submitted information including drainage will not have an adverse impact on flooding or drainage capacity in the area. The proposal therefore complies with LDP Policies EP2, EP3 and EP7.

### **Landscape Buffer**

- 93 Most of the representations submitted referred to the issue of some of the proposed housing being located within the 60 metre landscape buffer at the southern end of the site as shown in the LDP Proposals Map for Bridge of Earn. The applicant's proposal looks to provide a 20 metre landscape buffer out with the application and LDP boundary that will screen both the proposed housing and existing housing along the southern edge of Bridge of Earn. Within this landscape buffer will be a footpath that will link back into the existing housing and LDP site H14 immediately east of The Meadows.
- 94 The applicant states that landscape buffer presents an opportunity to create a defined and attractive settlement edge for Bridge of Earn on the western and southern boundary of the housing site.
- 95 As has been confirmed by the Councils Development Plans team the provision of the landscape buffer out with the application and LDP boundary represents a departure from the development plan and would thereby be contrary to LDP Policy PM4 – Settlement Boundaries.
- 96 The applicant contends that whilst the new landscaped area extends beyond the current settlement boundary it does not involve development, and the purpose of this part of the proposal is to create and define a new and robust settlement edge. An alternative option is to provide the proposed housing as per the LDP that will result in landscaping for the proposed site only and not include the existing areas nor a new footpath linking the site with The Meadows and LDP Site H14.
- 97 When you compare and assess these two options I am of the opinion that the proposed planting and a footpath out with the boundary will actually result in a better planning solution and betterment for this area of Bridge of Earn with

most of the southern boundary of the village being well screened especially from the M90 and provide a clear consistent boundary.

- 98 The current proposal obviously represents a departure from the LDP but with a better planning, landscape and connectivity solution for this part of Bridge of Earn, it is considered on this occasion to be an acceptable departure and therefore supportable.
- 99 The applicant has confirmed that the proposed landscaping as shown in the submitted Landscaping Plan is within their control to deliver and Legal Services have confirmed that the planting and footpath can be controlled and delivered via the Section 75 legal agreement that is required to cover other requirements. Community Greenspace have confirmed they are supportive of the proposed landscape buffer both in terms of effective screening, connectivity with LDP Site H14 and the proposed native species are considered acceptable.

### **Open Space and Play Area**

- 100 The proposed play area and SUDs pond form an area of open space and landscaping that will be utilised by existing and future residents. The proposed play area is located in an excellent location that will benefit from natural surveillance that will also be accessible to LDP Site H14. Community Greenspace confirmed during pre-application discussions that only one of the two allocated sites at this location will be required to provide a play area provided it was easily accessible from the other site. This is one of the reasons why a footpath is proposed within the landscape buffer at the southern end of the site. Overall the proposed play area and SUDs pond will form an attractive area of open space within the site and therefore complies with LDP Policy CF1B – Open Space within New Developments.

### **Ecology**

- 101 When determining applications the Planning Authority is required to have regard to the Habitats Directive and the Habitats Regulations. Consideration of how 'European Protected Species' (EPS) are affected must be included as part of the consent process, not as an issue to be dealt with at a later stage. Three tests must be satisfied before the Scottish Government can issue a license under regulation 44(2) of the Habitats Regulations so as to permit otherwise prohibited acts. To enable an assessment against the three tests the applicant was advised that an Ecological Survey including Phase 1 Habitat Survey should be undertaken.
- 102 The Phase 1 Habitat Survey demonstrates that the proposed site is of low ecological value but there will be a net loss of grass with common wild flower species which currently provide foraging for a range of insects and in the short term, during the construction phase before the new landscape is in place there will be a temporary loss of habitat.
- 103 Ecological enhancement opportunities within the site include the proposed

SUDS pond, amenity open space and the native woodland at the southern end. A range of wild flower & native grass seed mixes are proposed for the open spaces and southern perimeter woodland strip.

- 104 The Council's Biodiversity Officer has examined the Ecological Survey and confirms he has no objection as the landscape proposals include native tree, shrub planting and the creation of wildflower meadows which will have a positive impact on biodiversity. There is also an opportunity to incorporate nest and roof boxes in some of the new buildings. He recommends certain conditions are applied with any planning permission. Overall the proposal is considered to comply with LDP Policy NE3 – Biodiversity.

### **Ground Conditions**

- 105 A Site Investigation Report was submitted with the application. Inspection of the proposed development site by Environmental Health did not raise any real concerns, although there is a record of contamination having been remediated on the former poultry farm immediately west of the site. There is therefore the potential that the proposed development site could have been impacted by migration of contaminants from the poultry farm. A watching brief during development is recommended as an informative.

### **Archaeology**

- 106 An Archaeological Assessment was carried out at pre-application stage for the site and has shown it to be free of known historical or archaeological features. PKHT are in agreement with this but should any previously unknown archaeological features be present on site they should be contacted in the first instance to ensure appropriate mitigation is achieved.

### **Affordable Housing**

- 107 The Council's Affordable Housing officer has confirmed that 25% (20 units) will be required for affordable housing. The proposal shows that 20 affordable units will be provided and delivery of this will be dealt with via the Section 75 Legal Agreement.

### **Education Provision**

- 108 The proposed development will result in the current primary school being over capacity. As a result a financial contribution (£383,700) is required for 60 dwellings (80-20 affordable units). This contribution will be dealt with via the Section 75 Legal Agreement.

### **Transport Contribution**

- 109 A financial contribution is required towards the cost of delivering the transport infrastructure improvements needed for the release of all development sites in

and around Perth. As a result a financial contribution (£248,440) is required and will be dealt with via the Section 75 Legal Agreement.

### **Pre application consultation**

- 110 Some representations made reference to the lack of public consultation before the application was submitted period for the application. I can confirm that the applicant has met the statutory requirements for a pre-application public exhibition. I note from the Per-Application Consultation (PAC) Report that the public event was well attended by over 70 people, and predominately residents of The Meadows, Dron View, Glenearn Terrace and Poplar Avenue which adjoin the development site. Visitors from elsewhere in Bridge of Earn also attended along with members of the Community Council.

### **ECONOMIC IMPACT**

- 111 The economic impact of 80 dwellings in Bridge of Earn is considered to be reasonably significant. Employment opportunities will obviously exist during the construction phase and afterwards the increased available expenditure should have a positive impact on the village centre and its services. Based on the Perth and Kinross Retail Study (2014) the average spend by each adult on convenience goods in 2018 will be £2,047 per annum. If each of the new dwellings contains two adults there could be in the region of £327,520 available to spend on groceries etc. In terms of comparison goods the potential available expenditure of £3,532 per adult could result in £565,120 being spent per annum in 2018.

### **LEGAL AGREEMENTS**

- 112 A Section 75 Legal Agreement will require to be drafted in relation to securing the following:
- On site Affordable Housing provision (20 units on site)
  - Commuted sum for primary school education provision (£383,700)
  - Transport infrastructure contribution (£248,440)
  - Maintenance arrangements (in perpetuity) of the agreed open space areas (landscape buffer, footpath provision, SUDs pond, play area).

### **DIRECTION BY SCOTTISH MINISTERS**

- 113 Under the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013, regulations 30 – 32 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**

114 Section 25 of the Act requires that the application must be determined in accordance with the adopted Development Plan unless material considerations indicate otherwise.

115 In this respect, the proposal is considered to satisfactorily comply with the adopted Perth and Kinross Local Development Plan 2014 and TAYplan 2012. I have taken account of material considerations and consider that while the proposed landscape buffer will involve departure from the Development Plan it will provide a better planning, landscape and connectively outcome for this part of Bridge of Earn. On that basis the application is recommended for approval subject to conditions and completion of a Section 75 legal agreement.

### **RECOMMENDATION**

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

- 1 The proposed development must be carried out in accordance with the approved drawings and documents, unless otherwise provided for by conditions imposed on the planning consent.

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

- 2 Prior to the occupation of any residential plot, all matters regarding access, car parking, 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 and to the satisfaction of the Planning Authority.

*Reason: In the interest of vehicle and pedestrian safety and in accordance with the policies of the adopted development plan.*

- 3 Prior to the occupation of any residential plot details of the specification including materials of all footpaths shall be submitted to the Planning Authority for further approval. The agreed detail shall thereafter be implemented prior to the completion of the development.

*Reason: In the interest of pedestrian and cycle safety.*

- 4 Prior to the commencement of development details of all front driveway screening arrangements shall be submitted to the Planning Authority for further approval. The agree detail shall be thereafter implemented prior to the occupation of each dwelling.

*Reason: In the interest of visual amenity and in compliance with the National Roads Development Guide.*

- 5 No development shall commence until full details of earthworks at the southern half of the site has been submitted to and approved in writing by Planning

Authority thereafter the development shall be carried out in accordance with the approved details.

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

- 6 The detailed landscaping and planting scheme as approved shall be implemented fully within one calendar year of the commencement of development and thereafter maintained.

*Reason: In the interests of visual amenity; to ensure a satisfactory standard of local environmental quality and in pursuance of suitably satisfying placemaking policy criteria of the adopted development plan.*

- 7 Any planting failing to become established within five years shall be replaced in the following planting season with others of similar sizes and species.

*Reason: In the interests of visual amenity; to ensure a satisfactory standard of local environmental quality and in pursuance of suitably satisfying placemaking policy criteria of the adopted development plan.*

- 8 The areas of public open space indicated on the approved landscape and planting drawings shall be planted in accordance with the open space standards of the Planning Authority and completed to phase with the adjacent dwellinghouses in accordance with a programme to be submitted to and agreed in writing with the Planning Authority prior to the commencement of the development. The scheme shall thereafter be maintained.

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

- 9 Prior to the commencement of development a detailed layout of the proposed children's play area indicated in the site layout plan shall be submitted for the further approval of the Planning Authority. The play area(s) 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 on the site. 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 Storm water drainage from all paved surfaces shall be disposed of by means of suitable Sustainable Urban Drainage Systems to meet the requirements of best management practices

*Reason: In the Interest of vehicle and pedestrian safety.*

- 11 Full drainage calculations and the final layout and depth of the proposed SUDS pond and associated infrastructure to be agreed in writing with the Council as Planning Authority, in consultation with the Council's Flooding Team. The

agreed detail shall thereafter be implemented prior to the completion of the development.

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

- 12 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, as contained in the SUDS Manual (C697) and Site Handbook for the Construction of SUDS (C698) published by CIRIA, all to the satisfaction of the Council as Flood Authority.

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

- 13 The Meadows shall not be used at any time by construction traffic associated with the development, unless otherwise agreed by the Planning Authority.

*Reason: In the interests of pedestrian and traffic safety, residential amenity.*

- 14 Prior to the commencement of development a Construction Environment Management Plan (CEMP), incorporating a Construction Method Statement (CMS), a Construction Traffic Management Plan (CTMP), a Site Waste Management Plan (SWMP), a Site Access Management Plan, a Drainage Management Plan (DMP) shall be submitted to and be approved in writing by the Planning Authority. Thereafter the development shall be fully undertaken in accordance with the CEMP unless otherwise agreed in writing by the Planning Authority.

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

- 15 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 first submitted to and agreed in writing by the Planning Authority. 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 and no fire shall be lit in the position where the flames could extend to within 5 metres of foliage, branches or trunks.

*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 There is to be no removal of vegetation, including trees and shrubs between 1<sup>st</sup> March and 31 August inclusive unless a competent ecologist has undertaken and submitted in writing to the Planning Authority a detailed vegetation check for active birds' nests immediately before the vegetation is to be cleared and that no birds will be harmed and/or that there are appropriate measures in

place to protect nesting birds on site. Any such written confirmation must be approved by the Planning Authority prior to commencement of works.

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

- 17 No works which include the creation of trenches, culverts or the presence of pipes will commence until measures to protect animals from becoming trapped in open excavations and/or pipes and culverts are submitted to and approved in writing by the Planning Authority. The measures could include, but are not restricted to, creation of sloping escape ramps from trenches and excavations and securely sealing open pipework at the end of each working day.

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

- 18 All species used in the planting proposals as detailed in the Proposed Landscaping Plans (Drawing C1533.004 Rev: B) shall be locally native species of local provenance unless otherwise agreed in writing with the Planning Authority.

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

- 19 The developer shall incorporate swift bricks and bat roost bricks at eaves height in a minimum of 40 properties.

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

- 20 All deliveries to the construction site shall be Monday to Friday 07:00 to 19:00 hours, unless otherwise agreed in writing with the Planning Authority

*Reason: In the interest of protecting environmental quality and residential amenity.*

- 21 The hours of operation at the construction stage shall be Monday to Friday 07:00 to 19:00hours. Saturday 08:00 to 13:00hour and no noisy working on a Sunday, unless otherwise agreed in writing with the Planning Authority.

*Reason: In the interest of protecting environmental quality and residential amenity.*

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

*Reason: In the interest of the sustainable disposal of waste.*

- 23 All domestic properties require an appropriate storage area for a minimum of 3 x 240 litre bins (1 for general waste, 1 for garden & food waste and 1 for dry mixed recyclates/paper) and suitable access/surface to wheel the bins from the storage area to the kerbside where they must be presented for collection.

Bin Dimensions

Capacity (litres)	Width (mm)	Height (mm)	Depth (mm)
240	580	1100	740

*Reason: In the interest of the sustainable disposal of waste.*

- 24 The development shall be in accordance with the Council's Developer Contributions and Affordable Housing Policy approved in April 2016 which requires a 25% allocation of affordable units within the development all to the satisfaction of the Council as Planning Authority.

*Reason: To comply with the Council's approved policy on Developer Contributions and Affordable Housing.*

## **B JUSTIFICATION**

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

## **C PROCEDURAL NOTES**

Consent shall not to be issued until a Section 75 Agreement relating to planning contributions set out below has been completed and signed to reflect the current planning reference 15/02176/FLM. The legal agreement should be concluded and completed within 4 months of the date of any Committee approval. Failure to conclude a legal agreement within 4 months will result in the planning application being re-assessed through failing to comply with the associated developer contributions policy and will be ultimately recommended for refusal under delegated powers.

- Affordable housing
- Education contribution
- Transport infrastructure contribution
- Open space provision /maintenance
- Play area provision.
- Landscape buffer and footpath provision

## **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 38 of the Development Management Procedure (Scotland) Regulations 2008. 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 38 the notice must be:
  - Displayed in a prominent place at or in the vicinity of the site of the development.
  - Readily visible to the public.
  - Printed on durable material.
- 5 The applicant is advised that to enable some of the negative suspensive conditions to be fulfilled works which are operational development may have to be undertaken out with the application site. These works themselves may require the submission of a planning application.
- 6 Should any archaeology be present the developer is advised to contact Perth and Kinross Heritage Trust to discuss terms of reference for work required Tel 01738 477080.
- 7 The applicants are advised that they must apply to the Roads Authority, for construction consent to form a new street. Please contact The Construction and Maintenance Manager, The Environment Service, Perth and Kinross Council, The Atrium, Glover Street, Perth.

- 8 Please consult the Street Naming and Numbering Officer, The Environment Service, Perth and Kinross Council, Pullar House, 35 Kinnoull Street, Perth PH1 5GD
- 9 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.
- 10 No work shall be commenced until an application for building warrant has been submitted and approved.
- 11 The delivery timescale of the new primary school at Oudenarde will be determined by the Councils Education and Children's Services Department to ensure there is sufficient local primary education capacity for the proposed development.
- 12 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.
- 13 The Council shall be immediately notified in writing if any ground contamination is found during construction of the development, and thereafter a scheme to deal with the contamination shall be submitted to and agreed in writing by the Council as Planning Authority.

Background Papers: 37 letters of representation  
 Contact Officer: Steve Callan Ext 75337  
 Date: 23 May 2016

**Nick Brian**  
**Development Quality Manager**

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

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

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