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Council Building
2 High Street
Perth
PH1 5PH

Tuesday, 07 February 2017

A Meeting of the **Development Management Committee** will be held in **the Council Chambers, Ground Floor, Council Building, 2 High Street, Perth, PH1 5PH** on **Wednesday, 15 February 2017 at 10:00.**

If you have any queries please contact Committee Services on (01738) 475000 or email Committee@pkc.gov.uk.

BERNADETTE MALONE
Chief Executive

Those attending the meeting are requested to ensure that all mobile phones and other communication devices are in silent mode.

Members:

Councillor Tom Gray (Convener)
Councillor Bob Band (Vice-Convener)
Councillor Henry Anderson
Councillor Michael Barnacle
Councillor Ian Campbell
Councillor Dave Cuthbert
Councillor Ann Gaunt
Councillor Joe Giacobazzi
Councillor Callum Gillies
Councillor John Kellas
Councillor Alan Livingstone
Councillor Murray Lyle
Councillor Gordon Walker

Development Management Committee

Wednesday, 15 February 2017

AGENDA

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

- 1 WELCOME AND APOLOGIES/SUBSTITUTES**
- 2 DECLARATIONS OF INTEREST**
- 3 MINUTE OF MEETING OF THE DEVELOPMENT MANAGEMENT COMMITTEE OF 18 JANUARY 2017 FOR APPROVAL AND SIGNATURE 7 - 20**
- 4 DEPUTATIONS**
- 5 APPLICATIONS FOR DETERMINATION**
- (1) MAJOR APPLICATIONS**
 - (i) 16/01348/IPM - PERTH - RESIDENTIAL DEVELOPMENT (IN PRINCIPLE) ON LAND 150 METRES SOUTH WEST OF DOBBIES GARDEN CENTRE, EAST HUNTINGTOWER, PERTH 21 - 66**
Report of Handling by Interim Head of Planning (Recommendation - Approve) (copy herewith 17/68)
 - (ii) 16/01595/IPM - BLAIRGOWRIE - VARIATION OF CONDITION 5 (ROADS AND ACCESS) OF PERMISSION 09/01345/IPM (MIXED USE DEVELOPMENT INCLUDING RESIDENTIAL, BUSINESS, NURSING HOME AND HOTEL) AT GLENISLA GOLD CLUB, ALYTH BLAIRGOWRIE 67 - 92**
Report of Handling by Interim Head of Planning (Recommendation - Approve) (copy herewith 17/69)
 - (iii) 16/01874/FLM - BLAIRINGONE - DELETION OF CONDITION 6 (OCCUPATION) OF PERMISSION 08/01561/FLM (FORMATION OF AN EQUESTRIAN CENTRE, UTILITY SHED, INDOOR RIDING SCHOOL, STABLES, 4 CHALET/COTTAGES AND 7 DWELLINGHOUSES WITH ASSOCIATED CAR PARKING) ON LAND 100 METRES WEST OF EASTER MUIRHEAD, BLAIRINGONE 93 - 110**

Report of Handling by Interim Head of Planning (Recommendation - Approve) (copy herewith 17/70)

(2) LOCAL APPLICATIONS

- (i) **15/02097/FLL - DUNNING - ERECTION OF 3 AGRICULTURAL BUILDINGS AND WORKSHOP/OFFICE/STAFF ACCOMMODATION BUILDING AND LAND ENGINEERING OPERATIONS (IN PART RETROSPECT) AT LAND 200 METRES SOUTH EAST OF A M HOWIE YARD, YETTS OF MUCKART ROAD, DUNNING** **111 - 146**
Report of Handling by Interim Head of Planning (Recommendation - Approve) (copy herewith 17/71)
- (ii) **16/01313/FLL - CROOK OF DEVON - ERECTION OF A DWELLINGHOUSE AT LAND 40 METRES WEST OF DEVONLADE, MAIN STREET, CROOK OF DEVON** **147 - 168**
Report of Handling by Interim Head of Planning (Recommendation - Approve) (copy herewith 17/72)
- (iii) **16/01418/FLL - ALYTH - VARIATION OF CONDITION 1 OF PERMISSION 13/00615/IPL (RESIDENTIAL DEVELOPMENT (IN PRINCIPLE) TO EXTEND THE TIME PERIOD FOR THE COMMENCEMENT OF DEVELOPMENT AT LAND 60 METRES EAST OF 9 LOYAL ROAD, ALYTH** **169 - 190**
Report of Handling by Interim Head of Planning (Recommendation - Approve) (copy herewith 17/73)

(3) PROPOSAL OF APPLICATION NOTICE (PAN)

- (i) **16/00013/PAN - PERTH - PROPOSED PLANNING PERMISSION IN PRINCIPLE FOR RESIDENTIAL AND DEVELOPMENT (CLASSES 4, 5 & 6) AND ASSOCIATED WORKS WITH POSSIBLE PRIMARY SCHOOL, DISTRICT HEATING SYSTEM AND PARK AND RIDE AT LAND 250 METRES SOUTH EAST OF AUTEVEN, WEST HUNTINGTOWER, PERTH** **191 - 202**
Report of Handling by Interim Head of Planning (copy herewith 17/74)
- (ii) **16/00014/PAN - AUCHTERARDER - PROPOSED BUSINESS PARK INCLUDING USE CLASSES 4, 5 & 6 AND ASSOCIATED WORKS AT LAND 130 METRES SOUTH OF FIELD VIEW, WINDSOLE, AUCHTERARDER** **203 - 214**
Report of Handling by Interim Head of Planning (copy herewith 17/75)

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DEVELOPMENT MANAGEMENT COMMITTEE

Minute of meeting of the Development Management Committee held in the Council Chambers, Ground Floor, Council Building, 2 High Street, Perth, PH1 5PH on Wednesday 18 January 2017 at 10.00am.

Present: Councillors T Gray (Convener), B Band (Vice-Convener), H Anderson, M Barnacle, I Campbell, D Cuthbert, J Giacomazzi, C Gillies, J Kellas, A Livingstone, M Lyle, G Walker and W Wilson (substituting for A Gaunt).

In Attendance: N Brian, A Condliffe, M Barr, T Maric, S Perfett, M Petrie and J Scott (all The Environment Service); C Elliott and H Rheinallt (both Corporate and Democratic Services).

Apology: Councillor A Gaunt.

Councillor T Gray, Convener, Presiding.

. WELCOME AND APOLOGIES

The Convener welcomed everyone to the meeting and an apology was noted as above.

. DECLARATIONS OF INTEREST

There were no Declarations of Interest in terms of the Councillors' Code of Conduct.

. MINUTE OF PREVIOUS MEETING

The minute of meeting of the Development Management Committee of 16 November 2016 (Arts. 794-798) was submitted, approved as a correct record and authorised for signature.

. DEPUTATIONS

In terms of Standing Order 59, the Committee agreed to hear deputations in relation to the following planning applications:

Planning Application No.	Art. No.
16/01239/FLL	** (2)(i)
16/01361/IPL	** (2)(ii)

. APPLICATIONS FOR DETERMINATION

(1) Major Applications

- (i) **16/01809/IPM – AUCHTERARDER – Deletion of condition 14 (to seek waste advice) of permission 08/01133/IPM (residential, business, general industry and storage and distribution development (in principle) on land at Castlemains Farm, Auchterarder – Report 17/19 - Stewart Milne Homes**

Resolved:

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

Direction

Perth and Council direct that subsections (2)(a)(i) and (3) of Section 59 of the Town and Country Planning (Scotland) Act 1997 apply as respects to application 16/01809/IPM with the substitution for the period of 3 years referred to in each of those subsections, of the period of 15 years.

Conditions

1. The development shall not commence until the following matters have been approved by the Planning Authority: the siting, design and external appearance of the development, the landscaping of the site, all means of enclosure, the car parking and means of access to the site.
2. All matters regarding access, car parking, road layout, design and specification (including street lighting and disposal of surface water) shall be in accordance with the standards required by the Council as Roads Authority.
3. Storm water drainage from all paved surfaces, including the access, shall be disposed of by means of suitable sustainable urban drainage systems to meet the requirements of the Planning Authority.
4. Prior to the commencement of any development on site, the details of the roads proposals and implementation programme shall be submitted for approval by the Planning Authority in accordance with the relevant Minutes of Agreement with Transport Scotland.
5. Prior to the occupation of any part of the development, infrastructure modifications to the A9 (T) Loaninghead Interchange, generally as indicated in DBA drawing 08007/SK/03, and the closure of central reserve gaps on the A9 (T) between the Loaninghead (A823) Interchange and the Aberuthven (A824) junction, shall be implemented to the satisfaction of the Planning Authority, after consultation with Transport Scotland - Trunk Road Network Management Directorate, unless otherwise agreed in writing with the Planning Authority in consultation with Transport Scotland.

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6. The submission of reserved matters referred to in Condition No 1 shall include control measures for noise, dust and odours. These measures shall be fully implemented to the satisfaction of the Planning Authority prior to the occupation of the dwellinghouses.
7. The submission of reserved matters referred to in Condition 1 shall include the detailed Ecological/Biodiversity proposals which will identify opportunities for the enhancement of natural heritage including structure planting for ecological benefits and use of native hedging, impact on breeding birds, new habitat creation for species adversely affected and as part of the SUDS scheme.
8. No development shall take place within the development site as outlined in red on the approved plan until the developer has secured the implementation of a programme of archaeological works in accordance with a written scheme of investigation which has been submitted by the applicant agreed by Perth and Kinross Heritage Trust, and approved by the Planning Authority. Thereafter the developer shall ensure that the programme of archaeological works is fully implemented and that all recording and recovery of archaeological resources within the development site is undertaken to the satisfaction of the Planning Authority in agreement with Perth and Kinross Heritage Trust.
9. The submission of reserved matters referred to in Condition 1 shall include carbon emission reduction measures including the onsite use of renewables and/or low carbon technologies. Each dwelling shall be constructed to achieve a minimum 'EcoHomes' (or equivalent quality assured scheme as agreed by the Council) overall 'very good' standard comprising the following minimum elements:-
 - i. 'Excellent' standard in respect of energy credits.
 - ii. 'Excellent' standard in respect of water credit
 - iii. 'Very Good' standards in respect of the material credits.
10. Prior to the commencement of development the following carbon reduction details shall, together, be submitted to and approved in writing by the Council as Planning Authority:-
 - a) details of a 'Design Stage' type assessment in accordance with the BREEAM EcoHomes (2006):Environmental rating for homes - Pre Assessment Estimator: and
 - b) details of how the development will reduce carbon dioxide emissions to a level 15% below the level of emissions that would result from the predicted

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- total energy demand through the use of on-site sustainable energy technologies, such as renewables and/or low carbon technologies
11. Following completion of the final dwelling within each phase, a Post Construction, type assessment and related certification confirm the 'EcoHomes' standard that has been achieved, and stating the amount of residual carbon emissions, and how they are proposed to be dealt with to ensure that the development meets the requirements of conditions 11 and 12 (including details of any necessary mechanisms to be put in place and associated timetables) shall be submitted to and approved in writing by the Local Planning Authority. The approved measures and technologies necessary to achieve the minimum 'EcoHomes' 'very good' standard shall be implemented in accordance with the approval and thereafter shall be retained in working order in perpetuity.
 12. The developer shall provide a continuous footpath link along Castlemains Road to the site of the new playing fields to the satisfaction of the Planning Authority.

Justification

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

Procedural notes

Perth and Kinross Council direct that subsections (2)(a)(i) and (3) of section 59 of the Town and Country Planning (Scotland) Act 1997 apply as respects to application 16/01809/IPM with the substitution for the period of 3 years referred to in each of those subsections, of the period of 15 years.

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

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

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constitute a breach of planning control under section 123(1) of that Act, which may result in enforcement action being taken.

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.
3. This development will require the 'Display of notice while development is carried out', under Section 27C(1) of the Town and Country Planning Act 1997, as amended, and Regulation 41 of the Development Management Procedure (Scotland) Regulations 2013. The form of the notice is set out in Schedule 7 of the Regulations and a draft notice is included for your guidance. In accordance with Regulation 41 the notice must be:
Displayed in a prominent place at or in the vicinity of the site of the development
Readily visible to the public
Printed on durable material.
4. Please consult the Street Naming and Numbering Officer, The Environment Service, Perth and Kinross Council, Pullar House, 35 Kinnoull Street, Perth PH1 5GD for a new postal address. The form is downloadable from www.pkc.gov.uk and should be returned to snn@pkc.gov.uk.
5. The applicant is advised that in terms of Sections 21 of the Roads (Scotland) Act 1984 he/she/they must obtain from the Council as Roads Authority consent to construct a new road prior to the commencement of roadworks. Advice on the disposal of surface water must be sought at the initial stages of design from Scottish Water and the Scottish Environmental Protection Agency.
6. No work shall be commenced until an application for building warrant has been submitted and approved.
7. The applicant is advised that the granting of planning permission does not guarantee a connection to Scottish Water's assets. The applicant must make a separate application to Scottish Water Planning & Development Services team for permission to connect to the public wastewater system and/or water network and all their requirements must be fully adhered to.
8. The developer is advised to contact the Council's Community Waste Advisor in order to ensure appropriate provision is made for storage of waste and recycling facilities and access for service provision.

(ii) **16/01842/FLM – ALYTH – Deletion of condition 5 of permission 15/01177/FUL to remove the requirement for an**

**equipped area of play on land north east and south east of
Westpark, St Ninian's Road, Alyth – Report 17/20 - Guild
Homes (Tayside)**

Motion (Councillors Gray and Livingstone) – Grant, subject to the terms, conditions and informatives contained in Report 17/20.

**Amendment (Councillors I Campbell and W Wilson) –
Refuse, as the proposal is contrary to:**

- 1. Policy CF1B of the Perth and Kinross Local Development Plan 2014, in that the proposal seeks to remove appropriate formal open space. There is insufficient justification to warrant the removal of Condition 5.**
- 2. Policy PM1A of the Perth and Kinross Local Development Plan 2014, in that the proposal would not contribute positively to the surrounding built and natural environment. The loss of a formal equipped play area would involve an increased distance of travel to an alternative play area.**
- 3. Policy RD1 of the Perth and Kinross Local Development Plan 2014 in that the proposal would not improve the residential amenity of the area due to the loss of the formal equipped play area. The loss of a formal equipped play area would involve an increased distance of travel to an alternative play area.**

In accordance with Standing Order 44, a roll call vote was taken.

8 members voted for the Amendment as follows:

Councillors B Band, H Anderson, M Barnacle, I Campbell, D Cuthbert, W Wilson, C Gillies and G Walker.

5 members voted for the Motion as follows:

Councillors T Gray, J Giacomazzi, J Kellas, A Livingstone and M Lyle.

Amendment – 8 votes

Motion – 5 votes

Resolved:

In accordance with the Amendment.

(2) Local Applications

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(i) **16/01239/FLL – PERTH – Change of use and alterations from carpet warehouse to car storage and office (in retrospect) at Unit 1, Blair Street, Perth – Report 17/21 - A and B Taxis**

Ms C Newton, objector to the application, followed by Mr J McCole, agent for the applicant, addressed the Committee and following their respective representations, withdrew to the public benches.

Resolved:

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

1. The development hereby approved must be carried out in accordance with the approved drawings and documents, unless otherwise provided for by conditions imposed by this decision notice.
2. Vehicles shall only enter or exit the building between the hours of 0700 hours to 1900 hours Monday to Saturday. There shall be no vehicle movements into or out of the premises on Sundays.
3. The hours of operations shall be restricted to 0700 hours to 1900 hours Monday to Saturday and no operations shall be undertaken on the premises on Sunday.
4. Within 2 months of the date of this consent, a Noise Management Plan shall be submitted to and approved in writing by the Council as Planning Authority. The plan as approved shall be fully implemented to the satisfaction of the Planning Authority.

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. 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.
2. An application for Building Warrant may be required.

(ii) **16/01361/IPL – ABERNETHY – Erection of a dwellinghouse (in principle) on land south west of Strathview, Station Road, Abernethy – Report 17/22 - Mr J Wallace**

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Ms K Wallace, objector to the application, addressed the Committee and, following her representation, withdrew to the public benches.

Resolved:

Grant, subject to the following terms, conditions and informatives, including an additional informative 4 as follows:

1. The development shall not commence until the following specified matters have been the subject of a formal planning application for the approval of the Council as Planning Authority: the siting, design and external appearance of the development, the hard and soft landscaping of the site, all means of enclosure, means of access to the site, vehicle parking and turning facilities, levels, drainage and waste management provision.
2. Further to Condition 1 above, a detailed protected species survey covering the site shall be submitted as part of the specified matters requiring to be the subject of a further formal planning application for the approval of the Council as Planning Authority. The report shall include appropriate mitigations to protect any identified species.
3. Further to Condition 1 above, a Tree Survey shall be submitted as part of the specified matters requiring to be the subject of a further formal planning application for the approval of the Council as Planning Authority. The Tree Survey shall include:
 - (a) a plan, to a scale and level of accuracy appropriate to the proposal, showing the position of every tree on the site and on land adjacent to the site (including street trees) that could influence or be affected by the development, indicating which trees are to be removed; and
 - (b) in relation to every tree identified a schedule listing:
 - i. information as specified in paragraph 4, BS 5837 2012: Trees in Relation to Design, Demolition and Construction;
 - ii. any proposed pruning, felling or other work; and
 - (c) in relation to every existing tree identified to be retained on the plan referred to in (a) above, details of:
 - i. any proposed alterations to existing ground levels, and of the position of any proposed excavation, that might affect the root protection area (see BS 5837 2012: Trees in Relation to Design, Demolition and Construction) and
 - ii. all appropriate tree protection measures required before and during the course of development (in accordance with BS 5837 2012: Trees in

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Relation to Design, Demolition and Construction), and

- (d) areas of existing landscaping to be protected from construction operations and the method of protection.
4. The layout illustrated on the submitted indicative layout is not approved by this permission.
 5. The development shall be in accordance with the requirements of Perth & Kinross Council's Developer Contributions and Affordable Housing Supplementary Guidance 2016 in line with Policy PM3: Infrastructure Contributions of the Perth & Kinross Local Development Plan 2014 with particular regard to primary education infrastructure, unless otherwise agreed in writing with the Council as Planning Authority.
 6. The development shall be in accordance with the requirements of Perth & Kinross Council's Developer Contributions and Affordable Housing Supplementary Guidance 2016 in line with Policy PM3: Infrastructure Contributions of the Perth & Kinross Local Development Plan 2014 with particular regard to transport infrastructure, unless otherwise agreed in writing with the Council as Planning Authority.

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. Application for the approval of matters specified in conditions shall be made before the expiration of 3 years from the date of the grant of planning permission in principle, unless an earlier application for such approval has been refused or an appeal against such refusal has been dismissed, in which case application for the approval of all outstanding matters specified in conditions must be made within 6 months of the date of such refusal or dismissal.
2. The approved development shall be commenced not later than the expiration of 3 years from the date of grant of planning permission in principle or 2 years from the final approval of matters specified in conditions, whichever is later.
3. The developer is advised that a suitable surface water drainage scheme (SUDS) will need to be incorporated into any development. Please refer to the Council's guidance note on Flooding & Drainage June 2014.

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4. Network Rail advises that the developer should be aware that access to the application site is via a bridge under the Ladybank junction to Hilton junction railway which has a low headroom of 3.6m. To avoid the risk of bridge strike by vehicular traffic, the developer must ensure that all construction traffic is suitable to use this bridge access.

(iii) 16/01866/IPL – PERTH – Erection of a dwellinghouse (in principle) on land east of 21 Fairmont Terrace, Barnhill, Perth – Report 17/23 - Mr and Mrs Wilson

Resolved:

Grant, subject to the following terms, conditions and informatives, including an additional informative 5 as follows:

1. The development shall not commence until the following matters have been approved by the Planning Authority through the submission of an application or applications for approval of matters specified in conditions:
 - a) A detailed levels survey (existing and proposed) and cross sections showing proposed finished ground and floor levels of all buildings forming part of the development, relative to existing ground levels and a fixed datum point.
 - b) The siting, design, height and external materials of all buildings or structures.
 - c) Details of vehicular access to the site and the provision of two car parking spaces and turning facilities.
 - d) Details of all landscaping, planting, screening and boundary treatment.
 - e) A detailed tree survey to the requirements of BS 5837 2012 to indicate those trees required for removal and those to be retained.
 - f) A protected species survey of the entire site.
 - g) Details of a pedestrian refuge on the access road accommodated within the bellmouth access into the site to allow pedestrians and other recreational users to step off the KINL/3 core path to allow vehicles to pass which shall be formed prior to the commencement of any built development on site.
 - h) A construction management plan to ensure the protection and continued use of the KINL/3 core path during construction operations which shall include detailed repair and reinstatement measures for the core path following completion of construction operations.
2. In pursuance of condition 1c) the scheme shall include:

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- i) Turning facilities to enable all vehicles to enter and leave in a forward gear which shall be formed prior to the occupation of the dwellinghouse.
 - ii) A layout to accommodate a minimum of two car parking spaces which shall be formed prior to the occupation of the dwellinghouse.
 - iii) Suitable storage for waste disposal/collection which shall be formed prior to the occupation of the dwellinghouse.
- 3. In pursuance of condition 1d) the scheme shall include:
The location of new trees, shrubs, hedges, grassed areas and water features.
 - i) A schedule of plants to compromise species, plant sizes and proposed numbers and density including robust planting on the north and west boundaries to provide privacy to neighbours and planting on the south boundary to allow a robust planting edge to the settlement to be formed.
 - ii) The location, design and materials of all hard landscaping works including walls, fences, gates, any other means of enclosure.
 - iii) All soft and hard landscaping proposals shall be carried out in accordance with the approved scheme and shall be completed during the planting season immediately following the commencement of the development, or such date as may be agreed in writing with the planning authority.
 - iv) Any planting which, within a period of 5 years from the completion of development, in the opinion of the planning authority is dying, has been severely damaged or is becoming seriously diseased, shall be replaced by plants of similar size and species to those originally required to be planted.
- 4. In pursuance of condition 1(f) the scheme shall include:
 - a) A detailed tree survey and tree constraints plan in accordance with BS5837:2012 Trees in Relation to Design, Demolition and Construction. This survey shall ensure the retention of trees along the boundaries of the site to provide screening and containment to the site. The survey shall include all trees overhanging the access/core path.
 - b) The tree survey shall clearly indicate the location of trees and their crown spread which are within or bordering the site on a scalable plan, allocate them a reference number, provide an assessment of their general state of health and stability and provide details of any topping, lopping or felling required. Trees and shrubs on the north boundary should be

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retained to provide a landscape boundary to the edge of the settlement.

- c) The tree constraint plan shall clearly detail the trees to be retained and identify their root protection area (RPA) on a scalable plan, the location of protective fencing for the retained trees shall be marked on this plan and a specification of the protective fencing provided. Any works required to be undertaken within the RPA of the retained trees shall be detailed. The tree constraint plan shall also show details of those trees proposed for removal.
 - d) That the erection of protective fencing shall be undertaken in accordance with the plan and fencing specification approved under section (b) of this condition before any equipment, machinery or materials are brought on to the site for the purposes of the development. Thereafter the fencing shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed in any area fenced and the ground levels within those areas shall not be altered nor shall any excavation be made unless details have been approved under paragraph (b) or written consent from the Planning Authority has been sought.
5. In pursuance of condition 1(f) the scheme shall include:
- a) A full protected species survey of the entire application site which shall be carried out by a suitably qualified ecologist and shall include detailed mitigation measures for any protected species identified.
6. Prior to the commencement of the development hereby approved, a management plan indicating any temporary diversions and signage needed to facilitate the development and/or any works proposed to the right of way/core path as part of the development shall be submitted for the further agreement of the Council as Planning Authority. The plan as agreed shall be implemented in accordance with the timings identified in the plan.
7. The asserted right of way/core path (KINL/3) located along the vehicular access to the site and on the eastern boundary must not be obstructed during building works or on completion of the development. Any damage done to the route and/or the associated signage during building works must be made good before the development is completed or brought into use, whichever is the earlier.
8. In pursuance of condition 1(h) the scheme shall include:

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A detailed Construction Management Plan which provides detail on how construction vehicles will utilise the core path/access track in conjunction with recreational users. The plan shall include detail of timings of deliveries to site, which shall be limited to agreed times. The document shall also include measures to ensure the repair and reinstatement of the path/track and the adjacent drainage ditch to its original condition following completion of the development. It should also detail that no material storage or vehicle parking is permitted within the newly formed pedestrian refuge. The plan shall also detail upgrades and works required to the track to allow access for construction vehicles to ensure there is no impact on the stability of the track and adjacent banking. The plans, as approved by the Planning Authority shall be strictly adhered to during the development of the site.

9. The development shall be in accordance with the requirements of Perth & Kinross Council's Developer Contributions and Affordable Housing Supplementary Guidance 2016 in line with Policy PM3: Infrastructure Contributions of the Perth & Kinross Local Development Plan 2014 with particular regard to primary education infrastructure, unless otherwise agreed in writing with the Council as Planning Authority.
10. The development shall be in accordance with the requirements of Perth & Kinross Council's Developer Contributions and Affordable Housing Supplementary Guidance 2016 in line with Policy PM3: Infrastructure Contributions of the Perth & Kinross Local Development Plan 2014 with particular regard to transport infrastructure, unless otherwise agreed in writing with the Council as Planning Authority.

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. Application for the approval of matters specified in conditions shall be made before the expiration of 3 years from the date of the grant of planning permission in principle, unless an earlier application for such approval has been refused or an appeal against such refusal has been dismissed, in which case application for the approval of all outstanding matters specified in conditions must be made within 6 months of the date of such refusal or dismissal.

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The approved development shall be commenced not later than the expiration of 3 years from the date of grant of planning permission in principle or 2 years from the final approval of matters specified in conditions, whichever is later.

2. Applicants are advised that should their application for Approval of Matters specified be refused and/or their appeal against such refusal dismissed outwith the three year time limit they are entitled to submit a revised application for Approval of Matters specified within six months after the date of refusal of the earlier application or of the dismissal of an appeal against such refusal.
3. No work shall be commenced until an application for building warrant has been submitted and approved.
4. A watching brief during redevelopment is required in relation to contaminated land. 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.
5. The developer is advised that a suitable surface water drainage scheme (SUDS) will need to be incorporated into any development. Please refer to the Council's guidance note on Flooding & Drainage June 2014.

Perth and Kinross Council
Development Management Committee – 15 February 2017
Report of Handling by Interim Head of Planning

Residential development (in principle) at land 150 Metres South West Of Dobbies Garden Centre East Huntingtower, Perth

Ref No: 16/01348/IPM
Ward No: 9 Almond and Earn

Summary

This report recommends approval of the in principle application to formally establish the principle of residential development and associated uses at the former auction mart site at East Huntingtower, Perth. The development is considered to comply with the current Development Plan. The application is recommended for approval, subject to conditions and an associated legal agreement.

BACKGROUND AND PROPOSAL

- 1 The site is located to the south of the A85 trunk road and to the west of the A9 trunk road as it bypasses the western extent of Perth. There are a number of houses directly opposite the access into the site and extending some 160 metres along the A85. To the east of the A9 lies established residential areas with the closest housing being approximately 120 metres from the site.
- 2 The site is bounded to the west by the boundary of the former agricultural mart landholding which is defined by a hedge and core footpath running north-south. The footpath, which is located outwith the application site boundary, meets a path running west-east some distance to the south of the application site, along what was the southern boundary of the former mart site.
- 3 The site gradually slopes down from south to north which levels out before reaching Huntingtower Castle. To the south of the site sits Newhouse farm and land that gradually rises beyond.
- 4 The application site extends to some 6.0 hectares and is located on the footprint of the former United Action Mart, to the west of the Dobbie's Garden Centre at East Huntingtower. It is currently accessed from the A85 along with other existing businesses. Within the site there are significant areas of poor quality hardstanding associated with its previous use.
- 5 Landscaping around the site is already well established due to the use of planting to screen the previous development, the majority of which was undertaken to minimise the impact of development on the edges of the site that border onto open countryside, notably along its western and southern edges. This has resulted in a planted southern edge some 50 metres thick and a broken line of trees running along the western edge, which itself is raised by a 2 metre high bund feature that runs the length of the site. The trees along the site's western edge run into a 40 metre wide strip of vegetation close to the north west corner of the site. There are mature clumps and strips of woodland

around Newhouse farm and along the ridgeline that runs just north of Huntingtower Castle.

- 6 The site is located within the settlement boundary of Perth as defined by the Perth and Kinross Local Development Plan 2014. It is not allocated for a particular use but is classed as a brownfield site due to its previous and current condition.
- 7 This site is now under control of administrators and their proposal seeks to formally establish the principle of residential development, serving the west of Perth with the submission of a masterplan, indicative site layout plan and phasing plan.
- 8 The proposed new development comprises the following uses:
 - Residential development of up to 270 dwellings (indicative)
 - Open space.
 - Play areas.
 - New vehicular and pedestrian routes including connecting to the adjacent allocated site (H70) known as Perth West.
- 9 The exact scale, mix and final numbers relating to the above uses would be arrived at through the production and submission of further detailed planning applications with associated supporting information, if planning consent is granted to this application..
- 10 The application has been accompanied by a supporting Transport Assessment, Noise Assessment, Air Quality Assessment, Flood Risk and Drainage Assessment, Habitat Assessment, a Design and Access statement, Pre-Application Consultation Report and Sustainability Checklist.

Environmental Impact Assessment (EIA)

- 11 Directive 2011/92/EU requires the 'competent authority' (and in this case Perth and Kinross Council) when giving a planning consent for particular large scale project to do so in the knowledge of any likely significant effects on the environment. The Directive therefore sets out a procedure that must be followed for certain types of project before 'development consent' can be given.
- 12 This procedure, known as Environmental Impact Assessment (EIA), is a means of drawing together, in a systematic way, an assessment of a project's likely significant environmental effects. This helps to ensure that the importance of the predicted effects, and the scope for reducing any adverse effects, are properly understood by the public and the relevant competent authority before it makes its decision.

- 13 An Environmental Statement (ES) was submitted and assessed as part of the 09/02126/FLM application for retail development. As this is a major application for a different use it was required to be re-screened for an EIA and it was found that on this occasion an EIA was not required as the previous ES showed there to be low environmental impact and little has changed over the intervening years. The applicant has submitted a suite of up to date supporting assessments, looking at flood risk, drainage, transport, ecology, noise, air quality and contaminated land.

PRE-APPLICATION CONSULTATION

- 14 The proposed development is classed as a Major development under class 9 of the Town and Country Planning (Hierarchy of Developments) (Scotland) Regulations 2009. The regulations require the renewal of major planning application to have carried out pre-application consultation with the local community prior to submission of the renewal.
- 15 A Proposal of Application Notice (PAN) (16/00004/PAN) was submitted to the Council in May 2016 and approved in June 2016. A public exhibition was held locally on 18 May 2016. The ward Councillors and Methven Community Council were invited. The results of the community consultation have been submitted with the application as part of the required Pre-Application Consultation (PAC) Report.

NATIONAL POLICY AND GUIDANCE

- 16 The Scottish Government expresses its planning policies through the National Planning Framework (NPF) 3, the National Roads Development Guide 2014, Scottish Planning Policy (SPP) 2014 and Planning Advice Notes (PAN).

National Planning Framework

- 17 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

- 18 The Scottish Planning Policy (SPP) was published on 23 June 2014. It sets out national planning policies which reflect Scottish Ministers' priorities for operation of the planning system and for the development and use of land. The SPP promotes consistency in the application of policy across Scotland whilst allowing sufficient flexibility to reflect local circumstances. It directly relates to:
- The preparation of development plans.
 - The design of development, from initial concept through to delivery.
 - The determination of planning applications and appeals.
- 19 Of relevance to this application are;
- Paragraphs 24 – 35: Sustainability
 - Paragraphs 36 – 57: Placemaking
- 20 A successful Sustainable Place
- Paragraphs 126 – 131 Affordable Housing
 - Paragraphs 135 – 151 Valuing the Historic Environment
- 21 A Natural, Resilient Place.
- Paragraphs 219 – 233 Maximising the Benefits of Green Infrastructure
 - Paragraphs 254 – 268 Managing Flood Risk & Drainage
- 22 A Connected Place
- Paragraphs 286 – 291 Promoting Sustainable Transport and Active Travel
- 23 The following Scottish Government Planning Advice Notes (PAN) are also of interest:
- PAN 2/2010 Affordable Housing and Housing Land Audits
 - PAN 1/2011 Planning and Noise
 - PAN 40 Development Management
 - PAN 51 Planning, Environmental Protection and Regulation
 - PAN 58 Environmental Impact Assessment
 - PAN 60 Planning for Natural Heritage
 - PAN 61 Planning and Sustainable Urban Drainage Systems
 - PAN 63 Waste Management Planning
 - PAN 65 Planning and Open Space
 - PAN 67 Housing Quality
 - PAN 68 Design Statements
 - PAN 69 Planning & Building Standards Advice on Flooding
 - PAN 75 Planning for Transport

- PAN 79 Water and Drainage
- PAN 83 Masterplanning

Designing Places 2001

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

Designing Streets 2010

- 25 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

- 26 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.

LOCAL POLICY AND GUIDANCE

TAYPlan Strategic Development Plan 2012-2032

- 27 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"

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

Policy 1 – Location Priorities

- 29 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

- 30 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

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

Policy 4: Strategic Development Areas

- 32 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

- 33 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.

Policy 8 – Delivering the Strategic Development Plan

- 34 States, *“To ensure that quality is designed-in to development and places, developer contributions shall be sought for new development to mitigate any adverse impact on infrastructure, services and amenities brought about by development including contributions towards schools, affordable housing, transport infrastructure and facilities (including road, rail, walking, cycling and public transport) and other community facilities in accordance with the Scottish Government Circular 1/2010”.*

Perth and Kinross Local Development Plan 2014

- 35 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.
- 36 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.”

- 37 Under the LDP, the following policies are of particular importance in the assessment of this application.

Policy PM1A - Placemaking

- 38 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

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

Policy PM1C - Placemaking

- 40 Proposals of more than 200 houses or 10 ha should create a sustainable neighbourhood and seek to meet the key needs of residents or businesses either within or adjacent to the development. A Masterplan will be required in most cases.

Policy PM2 - Design Statements

- 41 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

- 42 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 ED1A - Employment and Mixed Use Areas

- 43 Areas identified for employment uses should be retained for such uses and any proposed development must be compatible with surrounding land uses and all six of the policy criteria, in particular retailing is not generally acceptable unless ancillary to the main use.

Policy RD1 - Residential Areas

- 44 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

- 45 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

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

Policy TA1B - Transport Standards and Accessibility Requirements

- 47 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

- 48 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

- 49 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 CF3 - Social and Community Facilities

- 50 The loss or change of use of land or buildings used for community purpose will only be permitted where the availability of community facilities in the locality is not seriously affected, no suitable alternative community use can be found or alternative facilities of equivalent benefit and provided.

Policy HE1A - Scheduled Monuments and Non Designated Archaeology

- 51 There is a presumption against development which would have an adverse effect on the integrity of a Scheduled Monument and its setting, unless there are exceptional circumstances.

Policy HE1B - Scheduled Monuments and Non Designated Archaeology

- 52 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 HE2 - Listed Buildings

- 53 There is a presumption in favour of the retention and sympathetic restoration, correct maintenance and sensitive management of listed buildings to enable them to remain in active use. The layout, design, materials, scale, siting and use of any development which will affect a listed building or its setting should be appropriate to the building's character, appearance and setting.

Policy HE4 - Gardens and Designed Landscapes

- 54 The integrity of sites included on the Inventory of Gardens and Designated Landscapes will be protected and enhanced.

Policy NE1A - International Nature Conservation Sites

- 55 Development which could have a significant effect on a site designated or proposed as a Special Area of Conservation, Special Protection Area or Ramsar site will only be permitted where an Appropriate Assessment shows that the integrity of the site will not be adversely affected, there are no alternative solutions and there are imperative reasons of overriding public interest.

Policy NE1B - National Designations

- 56 Development which would affect a National Park, National Scenic Area, Site of Special Scientific Interest or National Nature Reserve will only be permitted where the integrity of the area or the qualities for which it has been designated are not adversely affected or any adverse impacts are clearly outweighed by benefits of national importance.

Policy NE2A - Forestry, Woodland and Trees

- 57 Support will be given to proposals which meet the six criteria in particular where forests, woodland and trees are protected, where woodland areas are expanded and where new areas of woodland are delivered, securing establishment in advance of major development where practicable.

Policy NE2B - Forestry, Woodland and Trees

- 58 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

- 59 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

- 60 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

- 61 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

- 62 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

- 63 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 EP3A - Water, Environment and Drainage

- 64 Proposals which do not accord with the Scotland River Basin Management Plan and any relevant associated Area Management Plans will be refused unless they are considered to be of significant specified benefit to society and / or the wider environment.

Policy EP3B - Water, Environment and Drainage

- 65 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

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

Policy EP3D - Water, Environment and Drainage

- 67 Development over an existing culvert or the culverting of watercourses as part of a new development will not be supported unless there is no practical alternative. Existing culverts should be opened and redundant water engineering features removed whenever possible.

Policy EP8 - Noise Pollution

- 68 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 EP11 - Air Quality Management Areas

- 69 Development proposals within or adjacent to designated Air Quality Management Areas which would adversely affect air quality may not be permitted.

Policy EP12 - Contaminated Land

- 70 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

- 71 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.
 - Employment and Mixed Use Areas Supplementary Guidance May 2014.
 - Sustainable Design and Zero Carbon Development Supplementary Guidance May 2014.
 - Perth and Kinross Retail Study 2014.

Perth & Kinross Community Plan (2006 – 2020)

- 72 Key aim - Create a vibrant and successful area through:
- A thriving economy including successful tourism and cultural sectors.
 - A positive image locally, nationally and internationally.
 - Improved infrastructure and transport links.
 - A sustainable natural and built environment.

Perth & Kinross Corporate Plan 2013-2018

- 73 The Corporate Plan Vision includes promoting a prosperous, inclusive and sustainable economy; and creating safe and sustainable places for future generations.

Perth and Kinross Local Transport Strategy

- 74 The Local Transport Strategy (LTS) for Perth & Kinross is located within 'Shaping Perth's Transport Future – A Transport Strategy for Perth and the wider region' (2010). The LTS sets out the Council's transport vision.

The Perth City Plan 2015 – 2035

- 75 This plan produced by the City Development Board and sets out the long-term vision for Perth as one of Europe's great small cities. It sets out a framework for investment in strategic infrastructure, along with a 5 year delivery plan for economic development and placemaking.

West/North West Perth Strategic Development Framework (SDF) Non-Statutory Supplementary Guidance January 2017

- 76 Three Long Term Strategic Development Areas are identified in the adopted LDP for Perth at Bertha Park (H7), Perth West (H70), and Almond Valley Village (H73). Together these form the West / NorthWest Perth Strategic Development Area, as identified in the Strategic Development Plan (TAYplan).

- 77 The SDF pulls together existing information from a variety of sources including: work to date on masterplans, the existing site specific developer requirements in the adopted LDP, and work undertaken by, or on behalf of the Council on specific projects, such as the Cross Tay Link Road, and the Perth West Charrette.

SITE HISTORY

- 78 There have been a series of applications relating to this site over the years. These include:

00/01747/OUT: Relocation of existing car auction mart and erection of health and fitness centre, hotel with restaurant facilities and class 4 business premises. Application withdrawn December 2004.

08/01513/IPM: In Principle Permission sought for a Mixed Use Development. Application appealed due to non-determination but withdrawn by the applicant in October 2010 prior to determination by Directorate of Planning and Environmental Appeals (DPEA).

09/02126/FLM: Detailed planning permission for erection of Class 1 retail superstore and petrol filling station with associated landscaping and engineering works. Application approved by Development Management Committee 19 April 2013 and remains live until 19 April 2016.

12/00392/FLL: Detailed planning permission for the erection of a petrol filling station (PFS). Approved under delegated powers April 2013

13/01795/MPO: Modification of Planning Obligation associated with 09/02126/FLM to amend Clause 1.1, 2.1 and 3.1 and delete Clause 6. Application approved by Development Management Committee November 2013

16/00002/PAN Proposal of Application Notice for renewal of 09/02126/FLM for erection of Class 1 of retail superstore and petrol filling station. Content of PAN approved February 2016.

16/00004/PAN Proposal of Application Notice for residential development. Content of PAN approved June 2016.

16/00695/FLL Renewal of 12/00392/FLL for erection of petrol filling station. Currently awaiting 16/00696/FLM to be finalised.

16/00696/FLM Renewal of 12/02126/FLM for erection of Class 1 retail superstore and petrol filling station with associated landscaping and engineering works. Notification of Intention to Grant approved by Development Management Committee September 2016. S75 requires to be updated before decision can be issued.

CONSULTATIONS

EXTERNAL

Scottish Environment Protection Agency (SEPA)

- 79 No objection to the proposal provided certain conditions regarding drainage and culverts are imposed with any permission.

Scottish Water

- 80 No response to the proposal. Previously had no objection.

Transport Scotland

- 81 No objection to the proposal subject to certain conditions being imposed with any planning permission. They recommend a restriction of no more than 100 dwellings before the A9/A85 road works are complete and a financial contribution towards the proposals impact on Broxden roundabout is required.

Methven and District Community Council

- 82 Supports the proposal of housing on this brownfield site and should integrate with the adjacent Perth West site.

Perth & Kinross Heritage Trust

- 83 The proposed development site lies within an area that is considered to be archaeologically sensitive. A large proportion of the proposed development site contains cropmarks likely to represent archaeological remains that have been identified through aerial survey. The site lies to the south east of Huntingtower; an area of extensive archaeological remains and historic significance, including Scheduled Monuments (SM 3630) and Huntingtower Castle. It is recommended that a condition for an archaeological programme of works be attached to planning permission if granted to identify any archaeological remains and, if appropriate, to ensure that the impact of the development is mitigated through preservation in situ or by record.

INTERNAL

Strategy and Policy

- 84 No objection to the proposal. This site is located within the settlement boundary of the LDP where the principle of development is favourably considered subject to its assessment against the all the relevant general policies of the Development Plan.

Community Greenspace

- 85 No objection to the proposal. The vision presented is for tree lined streets and pockets of open space. It highlights the opportunity to connect the existing core paths through creation of new walking/cycling routes as well as the road network. The nearest existing play area is noted to be at Perth Caravan Park, however as this is privately owned it is not accessible to the public.
- 86 The design principle of designing for people and pedestrian movement rather than cars is welcomed. The SUDS and play area are integrated and designed to be complimentary without the need for fencing.

Transport Planning

- 87 No objection to the proposal as having reviewed the applicants Transport Appraisal they are satisfied that it accurately reflects the impact of the development on the local road network and demonstrates the sites potential accessibility by sustainable modes. They wish to secure a financial contribution towards public transport improvements as at present there is not the capacity within the local bus network to adequately serve the new development.

Environmental Health

- 88 No objection in principle to the application but recommend conditions regarding air quality and noise are included with any permission.

Air Quality

- 89 This site is outwith the Perth AQMA but as the boundary is along the A9 road directly adjacent, this proposal has the potential to impact on it. The main issue for Environmental Health is the potential of this application and the others in the vicinity to increase traffic to the point where the AQMA would need to be extended.
- 90 The applicant's Air Quality Assessment (AQA) showed a maximum increase in NO_2 of $0.6 \mu\text{g m}^{-3}$ and $0.1 \mu\text{g m}^{-3}$ for PM_{10} at residential receptors with this development over the committed developments in the area. This is deemed to have a negligible impact in terms of the IAQM guidance.
- 91 The AQA also assesses impacts from dust at the construction phase and suggests mitigation and a condition based on this is recommended.

Noise

- 92 Noise has also been assessed based upon the increase in traffic noise and impact on future residents. Whilst a small increase in traffic is predicted, the main concern is that future residents, particularly along the A9 and A85 can achieve a reasonable level of residential amenity.

- 93 Barriers along the A9 and A85 are suggested by the applicant but it is not clear whether their predictions include the effect of the barriers or not. The night time levels internally should be 30dBA or lower, however for some properties on this site this would appear to be unachievable with open windows whether a barrier is used or not. Environmental Health recommend that further mitigation should be explored at the approval of matters stage to enable windows to remain open at night time. A condition is recommended requiring further assessment of noise mitigation measures at the Approval of Matters stage to ensure a suitable level of residential amenity is achieved. A condition controlling the hours of noisy construction is also recommended.

Biodiversity Officer

- 94 The Preliminary Ecological Appraisal provides a baseline habitat survey of the site and identifies any potential ecological constraints on the site. While no protected species were identified during the daytime walkover survey there are known to be bat roosts locally, at Huntingtower to the north and at Newhouse Farm immediately to the south west of the site.
- 95 Invasive non-native species were found at a number of locations on the site and will need to be dealt with in an appropriate manner prior to development of the site. There are areas of trees which should be taken account of in the layout of the site and protected during development.
- 96 As this is not a detailed application there may be a delay in commencement of the development, should development not commence before November 2017 an updated ecological survey should be undertaken.

Developer Contributions

Affordable Housing

- 97 The application proposes approximately 270 dwelling houses, which would mean that the Affordable Housing Policy of 25 % would apply. A condition to reflect this should be attached to any planning application granted.

Primary Education

- 98 Based on the Council Developer Contributions Supplementary Guidance requires a financial contribution towards increased primary school capacity in areas where a primary school capacity constraint has been identified. This proposal is within the catchment of Ruthvenfield Primary School and a financial contribution will be required in this instance. A condition to reflect this should be attached to any planning application granted.

Transport Infrastructure

- 99 With reference to the Councils Transport Infrastructure Developer Contributions Supplementary Guidance the proposal requires a financial contribution towards the cost of delivering the transport infrastructure improvements which are required for the release of all development sites in and around Perth. A condition to reflect this should be attached to any planning application granted.

Flood Risk and Structures

- 100 No objection to the proposal having assessed the Drainage Strategy Plan and Flood Risk Assessment (FRA) for the development. They agree with the conclusions of the FRA in that Fluvial/Tidal/Pluvial and Groundwater flood risk is low. Whilst overland flooding has been considered and thought to be low, it is recommend this is closely monitored during the detailed design in order to contain any potential overland flood routes within the site. i.e. embankments above properties where overland flooding could affect the property etc.
- 101 The proposal for SUDS is acceptable. The Greenfield runoff rates from the site will require to be agreed in due course as will the detailed design. The calculated reduction in surface water runoff from the site is of the order of 80-90% to that of the 1 in 200 year return period and will help to reduce flood risk to the Lade. The greenfield runoff rates detailed in Appendix 8 of the FRA are acceptable. This will require to be formally agreed once a detailed design is complete.

REPRESENTATIONS

- 102 Two letters of representation have been received objecting to the proposal including one for the owners of the adjoining Perth West allocated site. The letters raise the following relevant issues:
- Unimaginative use of site and should be developed for sports and fitness use
 - Should require an EIA
 - Inadequate pre-application consultation
 - Contaminated land
 - Land ownership issue
 - Lack of breeding birds survey
 - Hogweed on site
 - Poor connectivity with H70 and wider area
 - Should remain a site for a supermarket to serve the adjacent developments
- 103 The material planning concerns raised are addressed in the Appraisal section of this report.

ADDITIONAL STATEMENTS

104	Environment Statement	Screened - Not required
	Screening Opinion	Yes
	Environmental Impact Assessment	Not required
	Appropriate Assessment	Not required
	Design Statement / Design and Access Statement	Submitted
	Report on Impact or Potential Impact	Transport Assessment, Habitat Assessment, Noise Assessment, Air Quality Assessment, Flood Risk and Drainage Assessment

APPRAISAL

Policy Appraisal

- 105 Sections 25 and 37(2) of the Town & Country Planning (Scotland) Act 1997 (as amended) requires the determination of the proposal to be made in accordance with the provisions of the Development Plan, unless material considerations indicate otherwise. The determining issues here are whether the proposals comply with Development Plan policy and Supplementary Guidance or if there are other material considerations, which justify a departure from policy. The most relevant policies of the Development Plan are listed in the policy section above.
- 106 The most relevant policies of the Development Plan are TAYplan Strategic Development plan 2012 and Perth and Kinross Local Development Plan 2014 including Supplementary Guidance.

Principle

- 107 TAYplan Policy 1 (Location Priorities) focuses the majority of development to Tier 1 settlements as they have the greatest potential to accommodate the majority of the region's additional development in the next 20 years. The proposed site is located within the Tier 1 settlement of Perth and is within the Perth Core Area and therefore complies with the objective of this policy.
- 108 TAYplan Policy 4 (Strategic Development Areas) is of particular importance as well as the site specific requirements contained in the LDP. The other relevant policy considerations are outlined in the policy summary section above and are considered in more detail below.

- 109 TAYplan sets the strategic framework for the LDP under Policy 4 and identifies the Perth Core Area as being the location for the majority of development in Perth and Kinross to meet the projected population growth by identifying three strategic development areas at North West Perth, Oudenarde and Invergowrie at the James Hutton Institute. The proposed site is located immediately adjacent to the North West Perth Strategic Development Area and the indicative layout shows that in the long term it will form part of the development at Perth West (H70). It will also provide additional accessibility for Perth West along the A85. The application is considered acceptable because it is consistent with the aspirations of TAYplan Policy 4.
- 110 The site is not allocated for a particular use in the LDP but is within the settlement boundary of Perth and is classed as an urban brownfield site due to its previous use and current condition. Because of its status in the LDP the general principle of development for a variety of uses is therefore considered acceptable and this includes residential.
- 111 The planning history of the site shows a mix of uses and the majority of the application site is now cleared and sitting empty. This derelict state is detracting from the adjoining businesses in the immediate area, potentially to their detriment. The current proposal would re-use this brownfield land.
- 112 LDP Policy PM1 requires that all development must contribute positively to the quality of the surrounding built and natural environment. In my view, the principle of residential development on this site is acceptable given the brownfield nature of the site, the existing and historic mix of uses on the site and the potential for environmental betterment.

Traffic and Transport

Background

- 113 The biggest single constraint facing the Perth Area is the capacity of the roads infrastructure in and around Perth. Of the future land supply identified through the LDP for the Perth Housing Market Area only 30% can be delivered without significant improvements to the transport network. Not only is congestion becoming an ever increasing problem but the increased pollution levels evident in several areas of the City have required the Council to identify Perth as an Air Quality Management Area. This deterioration in air quality is caused in part by standing traffic which is particularly evident around the A9/A85 junction at present.
- 114 To help alleviate these issues planning permission has now been granted for a new A9/A85 junction as part of the proposed Cross Tay Link Road (CTLR) project. The A9/A85 works have now commenced and should help alleviate a number of issues relating to congestion and air quality.

- 115 The strategy of the TAYplan focuses the majority of growth on Perth City and its Core area building upon its key role as the hub of the area. The Plan concentrates on the delivery of sites to the north-west and north of Perth as the main driver to achieving sustainable economic growth providing the prime source of future employment and housing land during and beyond the Plan period. The delivery of the A9/A85 junction improvement is a key component in achieving the aims of the LDP.

Transport Assessment

- 116 LDP Policy TA1 requires local road networks be capable of absorbing the additional traffic generated by the development and that a satisfactory access to the network is to be provided. The required standard is the impact that any development has on the operation of the associated road network should result in 'no net detriment'.
- 117 SPP 2014 emphasises the importance of locating development in places well served by public transport and a wide choice of transport modes, including on foot and by cycle.
- 118 A Transport Assessment (TA) was submitted with the planning application. The TA was assessed by the Transport Planning team and Transport Scotland.
- 119 Transport Planning are satisfied that it accurately reflects the impact of the development on the local road network and demonstrates the sites potential accessibility by sustainable modes.

Public Transport

- 120 The application site is at present accessible to the car but is not easily accessible to sustainable modes of transport of public transport, walking and cycling. It is not currently accessible by public transport with four services passing the site with two scheduled to stop near the proposed development. Transport Planning would wish to secure a financial contribution towards public transport improvements as at present there is little capacity within the local bus network to adequately serve the new development.
- 121 It is considered that, subject to a financial contribution the development is in compliance with LDP Policy TA1 in regard to transport and road safety issues.

Trunk Road Network

- 122 Transport Scotland have no objection to the proposal but have recommended that a cap of 100 dwellings be allowed to be occupied prior to the A9/A85 works are in operation. They also require a developer contribution to help mitigate the proposal's direct impact on Broxden roundabout. This is consistent with the approach taken for both Almond Valley and Berthapark and can be controlled by way of condition.

- 123 It is considered that a Green Travel Plan will need to be submitted with a view to minimising private single occupancy car usage whilst encouraging the use of public transport, car sharing, cycling and walking. An improved and extended bus service, as previously recommended could be reasonably required by condition, if permission were to be granted. The proposed Travel Plan would be considered in detail by Transport Scotland and the Council's Transport Planning and Public Transport sections prior to it being agreed. This could ensure a satisfactory package of appropriate measures would be put in place prior to the opening of the proposed store.

Footpaths/Cycle Access

- 124 The proposed residential development demonstrates good future connections with the Perth West allocation and masterplan framework to ensure it is well connected and permeable to the west and south.
- 125 It is noted that there is an existing at grade crossing of the A9 adjacent to this site, which provides an important active travel connection into Perth. The Perth West Masterplan Framework and the LDP Main Issues Report have also identified this need for the provision of a foot and cycle bridge as a shared commitment amongst the wider Perth West area.
- 126 Referring to the existing LDP, given the policy requirement of PM1 to create/improve links outwith the site and for developments to be designed for the safety and convenience of all potential users (TA1B), it is considered that the developer of this site should provide:
- (1) land that is required to safeguard the provision of this pedestrian/cycleway bridge provision over the A9.
 - (2) a proportionate financial contribution towards the provision of a pedestrian/cycleway bridge in vicinity of Newhouse Farm (to replace the at grade crossing here).
- 127 The TA identifies the designated cycle route NCR 77 runs to the north of the site and through Almondbank. This route links in with local cycle routes into the city centre. An existing core path runs along the western side of the application site, but outwith, the site. This route links in with routes in the wider area and while it was not developed specifically as a cycle route it will be available to cyclists and provide various traffic free routes which will be attractive to cyclists.
- 128 It is acknowledged within the TA that because of the existing cycle opportunities, connections to traffic free routes in the area and nature of the local road network, it is considered that the anticipated increased demand for cycling can be accommodated and will be a feasible mode choice for residents.

- 129 Whilst there are concerns relating to the lack of provision of a separate crossing over the A9 for both pedestrians and cyclists, there is no proposal for a dedicated pedestrian and cycle crossing over the A9 at the moment but a financial contribution towards it can be requested and ring fenced.
- 130 As the core path along the western boundary of the application site lies outwith the identified planning application site, it is not under the control of the applicant. To that end it would not be reasonable to condition any approval to require works to or the maintenance of the existing footpath.

Air Quality

- 131 Perth and Kinross Council have a duty to review and assess air quality within their area under the Environment Act 1995 and designate areas which exceed the national standard as AQMA. This was done for the City of Perth in 2006 for exceedances of the annual mean nitrogen dioxide (NO₂) and particulate (PM₁₀) standards and will be declared for PM_{2.5} in the near future.
- 132 The site is outwith the AQMA but as the boundary is along the A9 road directly adjacent, this proposal has the potential to impact on it, particularly if considered along with the recently approved proposals at Almond Valley and Bertha Park which are adjacent to this site. The main issue for Environmental Health is the potential of this application and the others in the vicinity to increase traffic to the point where the AQMA would need to be extended and to this end an air quality assessment has been done.
- 133 Levels of the aforementioned pollutants have been modelled locally for a 2015 baseline along with 2018 for committed developments and this proposal is in line with guidance laid out by the Institute of Air Quality Management (IAQM) and Environmental Protection UK (EPUK).
- 134 The assessment showed a maximum increase in NO₂ of 0.6 ug^m⁻³ and 0.1ug^m⁻³ for PM₁₀ at residential receptors with this development over the committed developments in the area. This is deemed to have a negligible impact in terms of the IAQM guidance.
- 135 Environmental Health has some minor issues with how the assessment was conducted such as the use of Leuchars rather than Strathallan for meteorological data and the use of general background maps for background data rather than background monitoring the Council have in place for both PM₁₀ and NO₂.
- 136 They also have a concern over the verification of the model as it appears to systematically under predict levels of NO_x significantly. This has been adjusted based on monitoring, albeit with only 2 diffusion tubes to give a better relationship.
- 137 However due to the very small increase and the fact levels are still predicted to be well below the standards, Environmental Health do not see any benefit in redoing the assessment and have no issues with regard to air quality.

- 138 The applicants AQA also assesses impacts from dust at the construction phase and suggests mitigation and Environmental Health have recommended a condition to mitigate this issue.

Noise

- 139 Noise has also been assessed based upon the increase in traffic noise and impact on future residents. Due to the relative small increase in traffic, the main concern is that future residents, particularly along the A9 and A85 can achieve a reasonable level of residential amenity.
- 140 The applicants Noise Assessment has evaluated noise in line with PAN 1/2011 Technical Advice Note (TAN) with regard to achieving external amenity levels of $L_{Aeq\ 16}$ hour of 55dB. Noise was measured then modelled for future years at 3 positions, day and night relating to different areas of the site. Position 1 was next to the A85, position 2 in the middle of the site and position 3 at the A9 and as expected positions 1 and 3 were the main issues although the noise model does seem to over predict slightly.
- 141 The maximum predicted daytime levels along the A85 receptors were 63dBA and 58dBA at night. The receptors along the A9 are similar with maximum levels of 62dBA and 52dBA for day and night respectively.
- 142 TAN states that this difference between 55dBA and 63dBA of 8dBA is of a moderate magnitude but combined with the high sensitivity of the receptor, this leads to a moderate/large significance of effect. For a large level of significance TAN states *"These effects are likely to be important considerations but where mitigation may be effectively employed such that resultant adverse effects are likely to have a Moderate or Slight significance."*
- 143 Barriers along the A9 and A85 are suggested by the applicant but it is not clear whether these predictions in the Noise Assessment include the effect of the barriers or not. The night time levels internally should be 30dBA or lower, however for some properties on this site this would appear to be unachievable with open windows whether a barrier is used or not. PAN 1/2011 states *"It is preferable that satisfactory noise levels can be achieved within dwellings with the windows sufficiently open for ventilation. Local circumstances, particularly relating to the existing noise character of the area, should influence the approach taken to noise levels with open or closed windows."* Therefore further mitigation should be explored at the approval of matters stage to enable windows to remain open at night time.
- 144 Due to this Environmental Health have recommended a condition requiring further assessment of noise mitigation measures at the Approval of Matters stage to ensure a suitable level of residential amenity is achieved. They have also recommended a condition controlling the hours of noisy construction based on the Environmental Health policy with respect to this.

- 145 In conclusion, and having considered the above, it is considered that there will be no significant detrimental loss of amenity to either nearby residential properties or the proposed new dwellings.

Contaminated Land

- 146 A Phase 1 Contaminated Land Assessment has been completed by the applicant and has identified local areas of contamination associated with the former land uses.
- 147 The Land Quality Officer has recommended a condition be applied to any planning consent to further identify any contamination and propose mitigation measures if required. This conditional control will ensure the development complies with LDP Policy EP12 – Contaminated Land.

Design and Layout

- 148 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.
- 149 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.
- 150 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.
- 151 A Masterplan including indicative layout plan and phasing plan for the site has been submitted as part of this 'In Principle' application. This sets out the principal components, uses and estimated timescales of the proposed development.
- 152 In this case the proposal includes two vehicular access points into and out of the adjoining allocated site (H70) at Perth West and pedestrian/cyclist access points onto the core path network. The proposal 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.

- 153 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 indicative 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.
- 154 The street layout shows a clear road hierarchy through the site and is considered to be easily usable by all users and helps ensure the proposal complies with Designing Streets (2010). The proposed lay out and linkages ensure the site is extremely permeable for all modes of transport including pedestrians and cyclists as it connects up with footpaths, core paths that serve Perth city centre. Public transport connections are available on the A85.
- 155 As mentioned above, the massing and scale of the dwellings shown on the indicative plan can be accommodated within the plots without having an adverse impact on the amenity of neighbouring properties. Because of the site's location at the edge of a settlement, it is considered that the proposed density of 270 is also considered acceptable.
- 156 In terms of house design, as it is just an 'In Principle' application we do not have such details at this stage.

Landscaping, Trees and Open Space

- 157 LDP Policy ER6 seeks to ensure development proposals have a good landscape framework within which the development can be set and, if necessary, can be screened. The site benefits from established perimeter planting inherited from the earlier development of the site. Within the site there is little established landscaping that will be affected. The proposed open space, play areas and landscaping shown within the submitted indicative plans should provide a significant positive enhancement of the site.
- 158 Community Greenspace considered that the vision presented in the Design and Access Statement and indicative layout plans for tree lined streets and pockets of open space is acceptable. It highlights the opportunity to connect the existing core paths through creation of new walking/cycling routes as well as the road network. The design principle of designing for people and pedestrian movement rather than cars is welcomed. The SUDS and play area are integrated and designed to be complimentary without the need for fencing.

- 159 In terms of play area provision the nearest existing play area is noted to be at Perth Caravan Park, however as this is privately owned it is not accessible to the public and a play area within the site will be required. The play area should comply with the Council's Play Area Strategy and located to be easily accessible to the majority of residents, overlooked from housing while not being adjacent to roads. Community Greenspace consider that the play area location shown on the indicative site layout plan is not ideal at this stage and recommend it is moved for any detailed planning application.
- 160 Because full landscaping details have not been submitted at this stage, it is appropriate to require further information by condition, should permission be granted. The potential exists for landscaping to effectively ensure the visual amenity of the area is protected and enhanced.

Impact on Listed Buildings and Scheduled Monuments

- 161 The proposed development site is to the north of the category B listed Newhouse Farmhouse, and associated category C listed partially-ruined steading.
- 162 The Conservation Planner considers that the principle of residential development on the site is acceptable in relation to the potential impact on the setting of the listed buildings. It should be ensured in the course of a future detailed application, however, that the area of woodland to the south of the site is retained in order to preserve the secluded aspect of the farmhouse and steading, and ensure visual separation from the proposed development.
- 163 The site is also over 350m from Huntingtower Castle which is Listed category A. Due to the distance between the sites, the topographical changes and the existing buildings, it is considered that there will be no detrimental impact on the Listed building or its setting.
- 164 There are four Scheduled Monuments in the vicinity of the application site. The previous ES contained an assessment of the potential impacts on these sites and concluded that there would be no significant impacts on any of the sites.

Archaeology

- 165 LDP Policy HE2 seeks to protect unscheduled sites of archaeological significance and their settings and where it is likely that archaeological remains exist the developer will be required to arrange for an archaeological evaluation to be carried out. The previous ES adequately considered the development in terms of the above and recommends that during the construction works an archaeological watching brief be put in place.

- 166 Perth and Kinross Heritage Trust has again advised that the development site contains an area of known archaeological sensitivity and is considered to have archaeological potential. On this basis it is recommended that a condition for an archaeological programme of works be attached to planning permission, should it be granted, to identify any archaeological remains and, if appropriate, to ensure that the impact of the development is mitigated through preservation in situ or by record.

Natural Heritage

- 167 LDP Policy NE3 requires development proposals to avoid detrimental impact on biodiversity and protected species. The Preliminary Ecological Appraisal provides a baseline habitat survey of the site and identifies any potential ecological constraints on the site. While no protected species were identified during the daytime walkover survey there are known to be bat roosts locally, at Huntingtower to the north and at Newhouse Farm immediately to the south west of the site.
- 168 Invasive non-native species such as Hogweed were found at a number of locations on the site and will need to be dealt with in an appropriate manner prior to development of the site. There are areas of trees which should be taken account of in the layout of the site and protected during development.

Flooding Risk and Drainage Strategy

Flood Risk

- 169 SEPA have confirmed that the site is not located within an area with a history of flooding but does show a small area along the northern boundary of the site is at risk of surface water flooding.
- 170 The applicant has undertaken some site investigations and a CCTV survey of 2 culverted watercourses within the site. The Newton Burn is thought to be culverted on the northern boundary of the site running alongside the A85. The applicant has also established a culverted watercourse within the site boundary which has an unknown source and its route is shown within Appendix 4 of the Flood Risk Assessment. The indicative plans indicate that no development is proposed above the Newton Burn which adheres to SEPAs guidance.
- 171 SEPA does have concerns regarding development above the culverted watercourse as the source is unknown and could be culverted beneath the entire length of the site. As there is an engineering solution and/or revised site layout to mitigate this risk of flooding, SEPA offers no objection to the principle of the development on the condition that additional information is provided regarding this culverted watercourse.

- 172 Whilst overland flooding has been considered by the Councils Flood Risk Officer to be low, he would recommend this is closely monitored during the detailed design in order to contain any potential overland flood routes within the site. i.e. embankments above properties where overland flooding could affect the property etc.

Drainage Strategy

- 173 LDP Policy EP3 requires all development to have sufficient infrastructure to serve the development. Within a settlement the main aim is to ensure that the public services can accommodate the development.
- 174 The surface water drainage proposals outlined in the Drainage Strategy Plan and FRA are considered acceptable to SEPA in terms of water quality as it provides the required two levels of treatment for surface water run-off from the residential development. They note that the surface water is to discharge to the Perth Town Lade, through the existing culvert along the northern boundary and an existing surface water sewerage network.
- 175 The Councils Flood Risk Officer considers that the proposal for SUDS is acceptable. The Greenfield runoff rates from the site will require to be agreed in due course as will the detailed design. The drainage strategy does state that the ownership of the surface water sewer (375mm) is unknown and further investigation is required regarding ownership.
- 176 The calculated reduction in surface water runoff from the site is of the order of 80-90% to that of the 1 in 200 year return period and will help to reduce flood risk to the Town Lade. The greenfield runoff rates detailed in Appendix 8 of the FRA are acceptable but will require to be formally agreed once a detailed design is complete.

Developer Contributions

- 177 A Section 75 legal agreement is required to secure infrastructure for the site to ensure it complies with Policy PM3 - Infrastructure Contributions and associated Supplementary Guidance on Developer Contributions. A Draft Heads of Terms has been prepared and has been agreed with the applicant. It would cover the following topics:
- Primary School Delivery
 - Transport Infrastructure Contributions
 - Public Transport Improvement
 - Affordable Housing Provision
 - Open Space, Play Area Provision and Maintenance
 - Contribution towards pedestrian footbridge across A9.
 - Contribution towards improvements to Broxden roundabout

Pre-Application Public Consultation

- 178 Concern has been expressed in the representations that the pre-application public consultation exercise undertaken for this proposal was inadequate. The pre-application consultation was undertaken in accordance with the approved PAN submitted by the applicant and meets the Scottish Government's requirements for major planning applications.

Economic Impact

- 179 The development of up to 270 dwellings will provide a significant increase in available expenditure for the economy of Perth in particular and further afield. The Perth and Kinross Retail Study in 2014 estimated that average convenience goods available expenditure in 2019 per household will be £2,047 per annum and the average comparison goods available expenditure per household will be £3,634 per annum. Based on these figures and 270 dwellings the estimated expenditure on convenience and compassion goods would be in the region of £983,00 per annum. This expenditure should have a significant positive impact on Perth City Centre, nearby commercial centres and Inveralmond Industrial Estate with its many ancillary retail facilities.
- 180 The proposal accords with the aspirations of the Perth City Plan 2015 - 2035 by providing additional expenditure and skilled workforce to the local economy that will help sustain the city. In summary, the overall economic impact will be positive for the local area.

LEGAL AGREEMENTS

- 181 A legal agreement is required to secure infrastructure that will be impacted by the proposal. A Draft Heads of Terms has been agreed between the parties.

DIRECTION BY SCOTTISH MINISTERS

- 182 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

- 183 The proposal fully accords with National Guidance and Development Plan policy in relation to residential development on an urban brownfield site. The indicative proposals are acceptable in terms of its design, density, siting and landscape impact. The development can be satisfactorily accessed, with appropriate road infrastructure improvements, together with the implementation of the current junction improvements to the A85/A9 junction. It also offers good site permeability and connectivity with the adjoining allocated site at Perth West and beyond.

RECOMMENDATION

A Approve the application subject to the following direction and conditions:

Direction

Perth and Kinross Council direct that sub-sections (2)(a)(i) and (3) of Section 59 of the Town and Country Planning (Scotland) Act 1997 apply as respects the in Principle Permission (02/01482/IPM) with the substitution of the period of 3 years referred to in each of those subsections, of the period of 8 years.

Reason – This is an application in principle for which, in view of the scale of the proposed development, this extended period is appropriate.

Approval of Matters Specified in Conditions

- 1 The Council as Planning Authority hereby directs that formal application(s) for the Approval of Matters Specified in Conditions as specified below shall be submitted to, and approved by, the Planning Authority before the commencement of development. For the proposed phased development the application for Approval of Matters Specified in Conditions for shall be made no later than 2 years from the date of this permission or, if later, within 6 months from when an earlier approval for the same matters was refused or dismissed at appeal. Notwithstanding this, the proposed development shall be commenced within 5 years from the approval of this planning application for planning permission in principle, or within 3 years from the date of approval of the first application for such matters, whichever date is the earlier.

Reason: To ensure that the matters referred to are given full consideration and to accord with Section 59 of the Town and Country Planning (Scotland) Act 1997, as amended by the Planning etc. (Scotland) Act 2006.

- 2 The site layout plan, phasing plan and housing numbers as submitted are purely indicative and are not approved.

Reason: The application is for planning permission in principle only at this stage.

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

Reason: In order to ensure the implementation and completion of the development components of the proposal to coincide with infrastructure delivery and to release the elements of the proposed development which the planning authority considers will bring economic and social benefits to the area.

- 4 No development shall commence on any phase until further planning application/applications have been submitted to and approved by the Planning Authority in respect of the following matters to coincide with the delivery plan to be secured under the legal agreement:
- a) The delivery of the development in phases associated with the areas prescribed in the Masterplan.
 - b) Details of all cut and fill operations.
 - c) Full details of the proposed means of disposal of foul water to serve the development.
 - d) Full details of the disposal of surface water from the development by means of a Sustainable Urban Drainage System.
 - e) The siting, design, height and external materials of all buildings or structures.
 - f) Measures to enhance environmental sustainability through design, orientation and planting or any other means.
 - g) Details of any screen walls/fencing to be provided.
 - h) Details of all landscaping, planting and screening associated with the development
 - i) Details of play areas and the equipment to be installed.
 - j) Details regarding access, car parking, public transport facilities, walking and cycling facilities, the 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 (as detailed in the National Roads Development Guide).
 - k) Detailed specification of all street and footpath lighting.
 - l) Detailed specification of noise and lighting mitigation measures to be incorporated along properties that face the A9 and 85 Roads.
 - m) Detailed plan of public access across the site (existing, during construction and upon completion).

The development shall be implemented in accordance with the planning application(s).

Reason: permission for the development has been granted in principle only and subsequent approval is required for the reserved matters in accordance with Sections 58 and 59 of the Town and Country Planning (Scotland) Act 1997.

- 5 In pursuance of condition 4 c), foul drainage for each phase of the development shall be drained to the mains sewerage system or by other alternative means of adoptable sewerage and plant. The details of the foul drainage system shall be submitted to and approved in writing by the Council as Planning Authority in consultation with Scottish Water and Scottish Environment Protection Agency. The agreed foul drainage shall thereafter be implemented prior to the completion of the development.

Reason: in the interests of public health and to prevent pollution.

- 6 In pursuance of Condition 4 d), disposal of surface water:-
- a) all storm water drainage from all paved surfaces shall be disposed of by means of suitable Sustainable Urban Drainage Systems.
 - b) 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 to ensure the discharge of any surface water drainage shall be limited to the greenfield runoff rates as detailed in the Drainage Strategy. The agreed detail shall thereafter be implemented prior to the completion of the development.
 - c) 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.
 - d) The discharge of any surface water drainage shall be limited to the greenfield runoff rates for the Town Lade. The discharge of any surface water drainage to the Perth Town Lade will be limited to 80-90% of the greenfield runoff rate. All discharge rates shall be agreed in writing with the Perth and Kinross Council Flooding Team prior to the commencement of any works on site.

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

- 7 In pursuance of condition 4 f), measures to maximise environmental sustainability through design, orientation and planting or any other means each development phase shall also include:-
- a) The submission of sustainability checklists
 - b) Full details of the proposed energy efficiency measures and/or renewable technologies to be incorporated into that phase of the development.
 - c) Details on sustainability label of the domestic and non-domestic buildings to be erected to ensure it complies with Silver Active from 2016 and Gold Active from 2020 as per the 'Building Standards Technical Handbook Section 7 – Sustainability'.

Following written approval from the Planning Authority each development phase shall be undertaken in accordance with the approved details.

Reason: To ensure this development complies with the on-site carbon reductions required in Scottish Planning Policy and the LDP Policy EP1: Climate Change, Carbon Reduction and Sustainable Construction.

- 8 In pursuance of condition 4 j), all applications for each development phase shall include a transport statement scoped to include the means of access to the site from the wider public road network to include all modes of transport (walking, cycling, public transport and private car).

Reason: In the interest of sustainable transportation.

- 9 In pursuance of condition 4 (g, h, i, k), schemes of hard and soft landscaping works shall be submitted as part of the matters specified by condition application for each phase of development. Details of the scheme shall include:-

- a) Existing and proposed finished ground levels relative to a fixed datum point.
- b) Existing landscape features and vegetation to be retained.
- c) Existing and proposed services including cables and any substations.
- d) The location of new trees, shrubs, hedges, grassed areas and water features.
- e) A schedule of plants to comprise species, plant sizes and proposed numbers and density.
- f) The location, design and materials of all hard landscaping works including walls, fences, gates, any other means of enclosure, street furniture and play equipment.
- g) An indication of existing trees, shrubs and hedges to be removed.
- h) A programme for the completion and subsequent maintenance of the proposed landscaping.

All soft and hard landscaping proposals shall be carried out in accordance with the approved scheme and shall be completed during the planting season immediately following the commencement of the development on that part of the site, or such other date as may be agreed in writing with the Planning Authority.

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

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

- 10 In pursuance of condition 4 m), a detailed plan of public access across the site (existing, during construction and upon completion) for each phase of development, will be submitted for the written approval of the Council as Planning Authority and show:-

- a) All existing paths, rights of way, tracks, core paths and 'National Cycle Route 77'.
- b) Any areas proposed for exclusion from statutory access rights, for reasons of privacy, disturbance of curtilage, in relation to proposed buildings or structure.
- c) All paths and tracks proposed for construction, for use by walkers, riders, cyclists, all-abilities users etc.
- d) Any diversions of paths, temporary or permanent proposed for the purposes of the development.
- e) The detailed specification of the proposed paths and tracks, along with how they will be constructed to avoid impact on trees.

Reason: In the interest of sustainable transportation.

- 11 Development shall not commence until a Green Travel Plan, aimed to encourage more sustainable means of travel, has been submitted and approved in writing by the Council. The Travel Plan will have particular regard to provision for walking, cycling and public transport access to and within the various elements of the development and will identify the measures to be provided, the system of management, monitoring, review, reporting and the duration of the plan. The plan will include details of the financial contribution required to provide an adequate local bus service for the development and the pedestrian crossing over the A9.

Reason: To ensure that the development is accessible by sustainable transport modes and to encourage their use.

- 12 No part of the development shall be occupied until a MOVA (or equivalent) traffic signal control system is installed and operational at the A85 / Huntingtower Park access signalised junction. This should be linked to an equivalent system at the A85 signalised junction with the A9 northbound on /off slip roads. The details of this shall be agreed in writing with the Planning Authority, in consultation with Transport Scotland.

Reason: To mitigate the adverse impact of the development on the safe and efficient operation of the trunk road network.

- 13 No more than 100 residential units are permitted to be occupied until the A9 / A85 Junction Improvement, generally as proposed by Perth and Kinross Council as part of its 'Perth Transport Futures Project' transport strategy to support the Local Development Plan, is operational.

Reason: To ensure that the scale of development does not exceed that assessed by the supporting Transport Assessment and to ensure that the scale of development is commensurate with the infrastructure required to support the development.

- 14 No development shall commence until appropriate mitigation measures have been agreed to address the impact of the development at the Broxden Roundabout on the A9 trunk road. The nature of the mitigation shall either be physical improvements to this junction in the form of traffic signals and widening of approaches, or a financial contribution in lieu of the said physical works. The details of the physical works or the level of financial contribution required shall be agreed in writing with the Planning Authority, in consultation with Transport Scotland.

Reason: To mitigate the adverse impact of the development on the safe and efficient operation of the trunk road network.

- 15 Details of the lighting within the site shall be submitted for the approval of the Planning Authority, after consultation with Transport Scotland, as the Trunk Roads Authority.

Reason: To ensure that there will be no distraction or dazzle to drivers on the trunk road and that the safety of the traffic on the trunk road will not be diminished.

- 16 Prior to commencement of development, details of the frontage landscaping treatment along the trunk road boundary shall be submitted to, and approved by, the Planning Authority, following consultation with Transport Scotland.

Reason: To ensure that there will be no distraction to drivers on the trunk road, and that the safety of the traffic on the trunk road will not be diminished.

- 17 Prior to commencement of the development, details of the barrier proposals along the trunk road boundary shall be submitted to, and approved by, the Planning Authority, after consultation with Transport Scotland.

Reason: To minimise the risk of pedestrians and animals gaining uncontrolled access to the trunk road with the consequential risk of accidents.

- 18 There shall be no drainage connections to the trunk road drainage system.

Reason: To ensure that the efficiency of the existing trunk road drainage network is not affected.

- 19 No development shall commence until a Construction Traffic Management Plan (CTMP) has been approved in writing by the Planning Authority in consultation with Transport Scotland. In particular the CTMP shall identify measures to control the use of any direct access onto the A85 trunk road. Thereafter, all construction traffic associated with the development shall conform to the requirements of the agreed plan.

Reason: To mitigate the adverse impact of development traffic on the safe and efficient operation of the trunk road.

- 20 Prior to approval of further detailed applications, details of the lighting within the site likely to impact on the A9 and A85 trunk road shall be submitted for the written approval of this Council as Planning Authority and thereafter installed all to the satisfaction of the Planning Authority in consultation with Transport Scotland.

Reason: To ensure that there will be no distraction or dazzle to drivers on the road, and that the safety of the traffic on the road will not be diminished.

- 21 The Habitat Survey undertaken and submitted with the planning application 16/01348/IPM shall be updated and re-submitted to the Planning Authority for each phase of development as part of any further matters specified by condition applications.

Reason: To ensure a satisfactory standard of local environmental quality; to safeguard the welfare of any protected wildlife.

- 22 Development shall not commence until further information is submitted on the culverted watercourse flowing through the development site as shown on drawing entitled "CCTV Survey results, Drainage Strategy" by Goodson Associates, Drawing Number DSP01. Further Information must detail the culvert source, and detail post development proposals. No dwellings shall be erected above the culvert.

Reason: To prevent flood risk and in the interests of residential and environmental amenity.

- 23 No development shall take place within the development site as outlined on the approved plan until the developer has secured the implementation of a programme of archaeological works in accordance with a written scheme of investigation which has been submitted by the applicant, agreed by Perth and Kinross Heritage Trust, and approved by the Planning Authority. Thereafter the developer shall ensure that the programme of archaeological works is fully implemented and that all recording and recovery of archaeological resources within the development site is undertaken to the service, shall be submitted to and approved in writing by the planning authority, after satisfaction of the Planning Authority in agreement with Perth and Kinross Heritage Trust.

Reason: The site lies adjacent to areas of archaeological significance.

- 24 All external lighting to be installed shall be sufficiently screened and aligned so as to ensure that there is no direct illumination of neighbouring land and that light spillage beyond the boundaries of the site is minimised to the satisfaction of the Planning Authority.

Reason: In the interest of residential amenity.

- 25 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.

- 26 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) and Environmental Management Plan (EMP) detailing pollution prevention and control measures for all phases of the felling, construction and operation programmes will be submitted to and be approved in writing by the Planning Authority, in consultation with Scottish Environment Protection Agency. The CEMP shall be updated and submitted not less than two months prior to the commencement of each phase and shall incorporate detailed pollution avoidance and mitigation measures for all construction elements. 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 of bio-diversity

- 27 Dust mitigation measures as detailed in the Air Quality Impact Assessment document by Energised Environments dated 11 August 2016 shall be followed at all times during construction.

Reason: In the interests of residential amenity.

- 28 Construction work shall be limited to Monday to Friday 07.00 to 19.00, Saturday 08.00 to 13.00 with no noisy work on a Sunday.

Reason: In the interests of residential amenity.

- 29 Noise shall be re-assessed at the Approval of Matters application stage with further mitigation suggested to ensure all properties are adequately protected from road noise.

Reason: In the interests of residential amenity.

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

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

- 31 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 interests of the sustainable disposal of waste.

- 32 Prior to the submission for approval of further detailed applications a Feasibility Study shall be submitted in writing for the approval of the Planning Authority. This report should investigate the technical feasibility and financial viability of heat network/district heating for this site, identifying any available sources of heat (either within the site or offsite) and other factors such as where land will be safeguarded for future district heating infrastructure. The accompanying Design and Access Statement or other document as agreed by the Council should show/demonstrate how the findings of the feasibility study has been incorporated into the finalised design and layout of the proposal.

Reason: To investigate future district heating opportunities for the development.

- 33 The development shall be in accordance with the requirements of Perth & Kinross Council's Developer Contributions and Affordable Housing Supplementary Guidance 2016 in line with Policy RD4: Affordable Housing of the Perth & Kinross Local Development Plan 2014, unless otherwise agreed in writing with the Council as Planning Authority.

Reason: To ensure the development is in accordance with the terms of the Perth and Kinross Council Local Development Plan 2014 and to comply with the Council's policy on Developer Contributions and Affordable Housing Supplementary Guidance 2016.

- 34 The development shall be in accordance with the requirements of Perth & Kinross Council's Developer Contributions and Affordable Housing Supplementary Guidance 2016 in line with Policy PM3: Infrastructure Contributions of the Perth & Kinross Local Development Plan 2014 with particular regard to primary education infrastructure, unless otherwise agreed in writing with the Council as Planning Authority.

Reason: To ensure the development is in accordance with the terms of the Perth and Kinross Council Local Development Plan 2014 and to comply with the Council's policy on Developer Contributions and Affordable Housing Supplementary Guidance 2016.

- 35 The development shall be in accordance with the requirements of Perth & Kinross Council's Developer Contributions and Affordable Housing Supplementary Guidance 2016 in line with Policy PM3: Infrastructure Contributions of the Perth & Kinross Local Development Plan 2014 with particular regard to transport infrastructure, unless otherwise agreed in writing with the Council as Planning Authority.

Reason: To ensure the development is in accordance with the terms of the Perth and Kinross Council Local Development Plan 2014 and to comply with the Council's policy on Developer Contributions and Affordable Housing Supplementary Guidance 2016.

- 36 Prior to the commencement of development a detailed ground investigation and reclamation statement shall be submitted to and approved in writing by the Local Planning Authority. The assessment shall be restricted to those areas that will form garden grounds unless the investigation identifies the requirement to assess ground conditions in relation to the protection of the occupants, building fabric or wider environment from sources identified outwith the application area that may cause constraint to the proposed end use. The investigation should be compliant with relevant good practice, government guidance in force and applicable European and British standards. Any necessary works of remediation shall be implemented in accordance with the approved reclamation statement prior to the new dwellings being first occupied.

Reason: To ensure details are acceptable to the Local Planning Authority and to safeguard residential amenity.

B JUSTIFICATION

The proposal is contrary to the Development Plan but there are material considerations to justify a departure there from.

C PROCEDURAL NOTES

Consent shall not to be issued until a Section 75 Agreement relating to planning contributions set out above has been completed and signed to reflect the current planning reference 16/01348/IPM. 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.

D 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.
- 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.
- 3 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.
- 4 The developer is advised to contact Mr David Strachan, Archaeologist to discuss terms of reference for work required Tel 01738 477080.

- 5 The applicant is advised that in terms of Sections 21 of the Roads (Scotland) Act 1984 they must obtain from the Council as Roads Authority consent to construct a new road prior to the commencement of roadworks. Advice on the disposal of surface water must be sought at the initial stages of design from Scottish Water and the Scottish Environmental Protection Agency.
- 6 The applicant is advised that in terms of Sections 56 of the Roads (Scotland) Act 1984 they must obtain from the Council as Roads Authority consent to open an existing road or footway prior to the commencement of works. Advice on the disposal of surface water must be sought at the initial stages of design from Scottish Water and the Scottish Environmental Protection Agency.
- 7 The applicant is advised they must consult with Transport Scotland, Trunk Road and Bus Operations through its Management Organisation (Transerv, Broxden House, Broxden Business Park, Lamberkine Drive, Perth PH1 1RA) on the terms and conditions, under Roads legislation, that require to be agreed to enable works within the trunk road boundary to be approved.
- 8 There is evidence of Hogweed present on the site. This is an invasive species which may require a licence from SEPA for its disposal. Advice should be sought.

Background Papers: 2 letters of representation

Contact Officer: Steve Callan

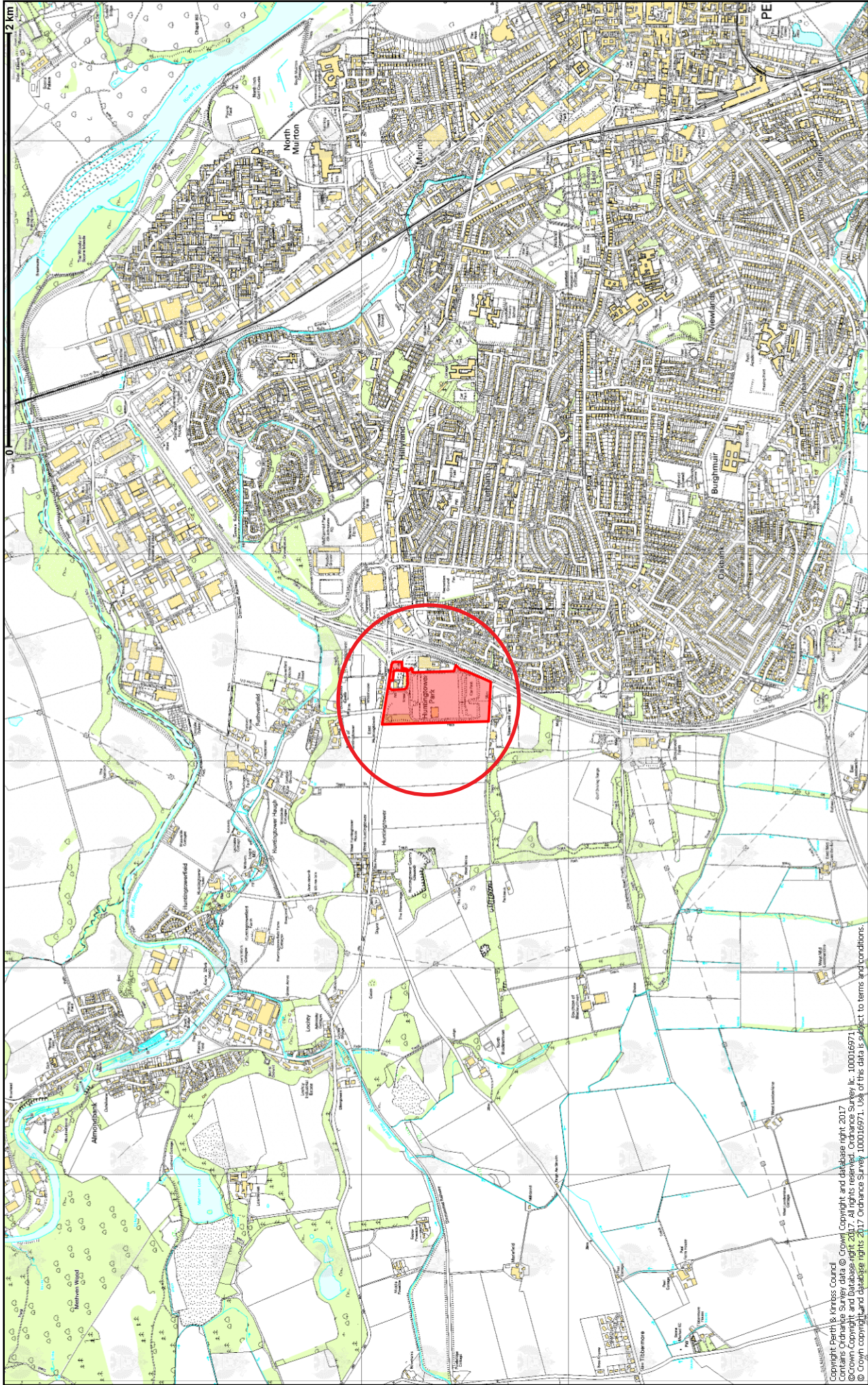
Date: 26 January 2017

Nick Brian
Interim Head of Planning

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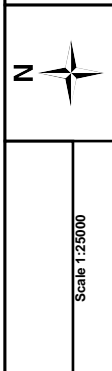
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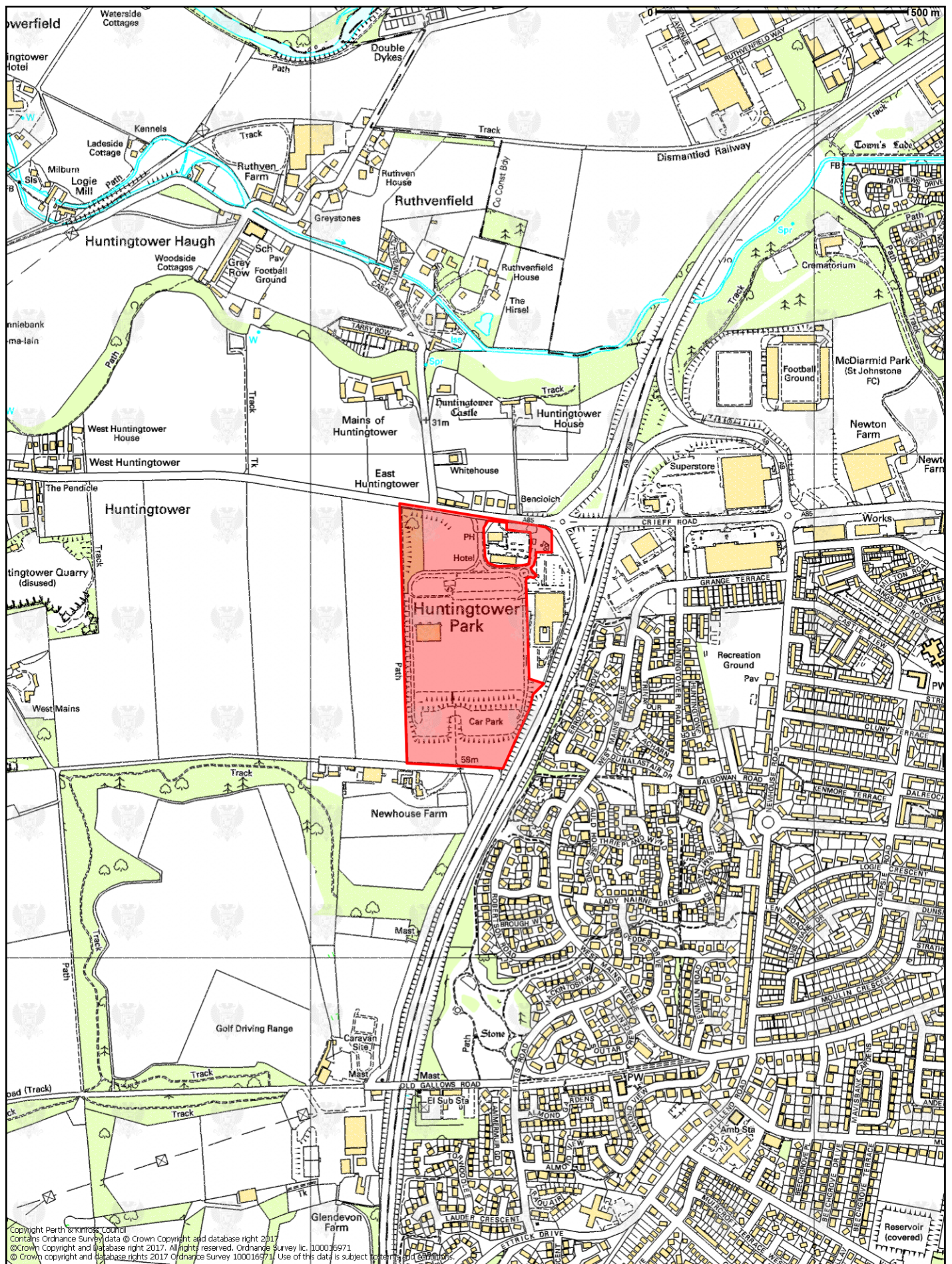
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Scale 1:25000

16/01348/IPM
 Residential Development (in principle)





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16/01348/IPM
 Residential Development (in principle)



Perth and Kinross Council
Development Management Committee – 15 February 2017
Report of Handling by Interim Head of Planning

Variation of condition 5 (roads and access) of permission 09/01345/IPM (mixed use development including residential, business, nursing home and hotel) at Glenisla Golf Club, Alyth, Blairgowrie

Ref. No: 16/01595/IPM
Ward No: N2 - Strathmore

Summary

This report recommends approval of an application made under section 42 of the Act for the variation of a roads and access condition (condition 5) which was imposed on a planning in principle consent for improvements to golf club/course, erect 9 business units, hotel, nursing home and residential development at Glenisla Golf Course, Alyth, with the Council issuing a direction to clarify the timescales for a) the submission of the matters specified and b) the development to commence.

BACKGROUND AND DESCRIPTION

- 1 The application site covers an area of approx. 51.29 ha of land at the Glenisla Golf Club, a former public golf course located to the east of Alyth and which closed in October last year as an independent going concern, but has since been leased to a neighbouring golf club / local business on short 1 year leases. The site can be essentially divided into two parts, east and west. The western part is currently occupied by several golf holes associated with the course, whilst the eastern part of the site largely consists of agricultural fields.
- 2 In June 2010, the Council granted outline planning permission for the improvements to the existing golf club/course, the erection of 9 business units, the erection of a hotel, the erection of a nursing home and a residential development including a retirement village. A further planning application to only vary condition 1 (timescales) of the 2009 permission to allow for an extension of time for the submission of the required reserved matters was approved in 2013 (13/01114/IPM).
- 3 In 2014, an application for the approval of matters specified by condition (14/00282/AMM) relating to the 1st phase of the development was refused by the Development Management Committee on the grounds that the planning application failed to,
 - a) provide precise phasing details of the implementation of the development
 - b) provide an acceptable Transport Assessment
 - c) provide a road layout which is acceptable to the Council as Planning Authority

- 4 This current planning application seeks to vary a roads condition which was attached to the original planning consent via a planning application made under Section 42 of the Planning Act. The original condition which was imposed on the extant planning consent (condition 5) read as:-

"Prior to the occupation of the first residential unit, or the commencement of use of any of the commercial aspects, 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 Council as Planning Authority"

- 5 The applicant has indicated that they wish the above condition amended to read,

"Prior to the commencement of construction within each phase of the development, all matters regarding access, car parking, road layout, design and specification within that phase, including the disposal of surface water, shall be designed in accordance with the standards required by the Council as Roads Authority and to the satisfaction of the Council as Planning Authority. Thereafter, all approved works shall be completed within a timescale agreed with Perth and Kinross Council."

- 6 Section 42 of the Town and Country Planning (Scotland) Act 1997 is a mechanism which allows for the submission of a planning application for the development of land without complying with conditions subject to which a previous planning permission was granted. Section 42 of the Act stipulates that in this type of application "the Planning Authority shall consider only the question of the conditions subject to which planning permission should be granted". Nevertheless, it is the case that a permission relating to an application made under Section 42 is considered to be a new permission in its own right, and the need to impose other conditions / advisory notice on the decision notice remains.

- 7 It should be noted that during the course of this planning application, the site has changed ownership and the Glenisla Golf Club was closed under the previous ownership. The golf holes and associated sheds have now been leased out over a short term period to the neighbouring Alyth Golf Club, and the clubhouse has been leased to a local business, again on a short term lease. The new owners of the site (also the current applicant) have indicated to the Council that it is their full intention to re-open the golf club under a 'Glenisla' branding as soon as practically possible when it can function as a viable business. The applicants also fully acknowledge that it is regrettable that this development has not moved forward in recent years; however they have indicated to the Council a willingness to submit a masterplan for the whole site for approval during 2017 as well as detailed plans for the 1st phase of development - which will include non-residential elements. The applicant has suggested that they are aiming to commence development on site sometime during 2018. Thereafter, the applicant envisages a 3-5 year timescale for the completion of the development.

- 8 As part of this planning application, no details of the proposed phasing have been lodged in a formal context, however the applicant has indicated that in the short term they are looking to obtain an initial detailed consent for a far larger phase 1 scheme than the one previously refused under 14/00282/AML and which comprises not just mainstream housing but affordable units, a care home, care focused retirement units and small business units as well improvements to the (public) golf course and clubhouse – which will all be part of a wider business plan which will ensure that the non-residential land uses associated with the development are deliverable. Once the initial ‘core’ first phase has been developed, further phases will then be advanced.

PROCEDURAL MATTERS

Pre-application Consultation (PAC)

- 9 The Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013 which came into force on the 30 June 2013, removes the requirement for Pre-application Consultation for Section 42 applications (which relates to a ‘major planning application’) made on, or after the 3 February 2013.

Environment Assessment

- 10 Deciding whether or not an Environmental Statement should be re-submitted as a result of a change or modification to an approved development is a decision which is made by the relevant competent, determining authority, which in this case is the Council. As there are no statutory provisions or procedures on this subject, it is reasonable that the Council should make the decision on whether or not a new environmental statement is required for this application after consideration of the following two questions.
- a) *Is the development proposed significantly different that the original environmental statement needs to be revised or added too?*
 - b) *Are the environmental effects of the development so significantly different as to invalidate the original environmental statement and consultee responses?*
- 11 As the answers to both questions, is ‘no’, it is the view of the Council (as the component Authority) that a new or updated Environmental Statement is not required.

Applicant Supporting Case

- 12 Whilst this application is for the amendment of a road related planning condition, the applicant has taken the opportunity to update the Council on a number of background matters relating to what has occurred/happening on the site since a) the closure of the course and b) the change in ownership.

- 13 Since the closure of the Glenisla Club, the clubhouse and farmhouse have been leased to a local businesswoman for a licensed restaurant/coffee house, local produce and craft shop and a B&B. This is on a short lease of 1 year, albeit she will have options to extend this as the applicants work up their masterplan and move towards a detailed planning submission. This short term let ensures that the buildings are maintained and are kept in an active use for the near future. It is my understanding that the business is already recruiting staff, and is investing in the building and surrounding area and is open to the general public.
- 14 The golf holes and greenkeepers sheds have been leased to the neighbouring Alyth Golf Club, again for 1 year with options to extend. The golf holes are to be open to Alyth members, ex Glenisla Members and the general public in the very near future.
- 15 The applicant has informed the Council that a local care provider has been secured as a partner for the proposed development, and that negotiations are advanced with regards to the provision of a new-build care home which would provide staff and services to residents of the proposed assisted living units, and would generate permanent employment and have significant economic benefits to the area.
- 16 The applicants have also indicated that they have been in positive discussions with engineers to secure site infrastructure investment from utility/power companies whereby eco-friendly power may be secured (e.g. Biomass and solar), which will assist funding models for investment in the project. With the land transferred into a new company, the applicants have indicated that they have sourced the initial development funding for the project which appears to be significant progress bearing in mind the existing buildings/land owned on site have been leased out, a care provider in place, and site infrastructure investment is progressing as above.
- 17 In addition to housing for sale to the general public and the elderly with a care need, due to the number of golf courses available within the local area, the applicants are looking at the potential to expand upon the tourism element of this development. This is subject to further discussion with the Council and the end users but would look to provide local accommodation, employment and business opportunities for the local community.

- 18 In summary, the applicant has indicated that it is their intention to promote and progress the extant mixed use development as quickly as possible from here on in, which will enhance the local community providing a range of housing, care provision, leisure/golf, food & beverage, holiday accommodation and business facilities, which in turn will help to generate significant investment in the local area and permanent employment. They are looking to improve/deliver the uses set out within the original planning permission and other uses which the applicants consider are all complementary to those already explicitly approved and these are,

- Bungalows/units for the elderly and retired with options for care provision in the home (homes to have specific features for care if required);
- Family homes for sale to the general public, with an agreed proportion of affordable units;
- A Care Home;
- Leisure/commercial business units, possibly providing facilities for residents as occupancy grows;
- Operating golf course available to residents and to the public;
- Golf Clubhouse with bar/restaurant available to residents and to the public; and
- Communal/landscaped areas, bowling green etc

NATIONAL POLICY AND GUIDANCE

- 19 The Scottish Government expresses its planning policies through the National Planning Frameworks, the Scottish Planning Policy (SPP), National Roads Development Guide, and Planning Advice Notes (PAN).

- 20 Of specific relevance to this planning application are,

Scottish Planning Policy 2014

- 21 The Scottish Planning Policy (SPP) was published in June 2014 and sets out national planning policies which reflect Scottish Ministers' priorities for operation of the planning system and for the development and use of land. The SPP promotes consistency in the application of policy across Scotland whilst allowing sufficient flexibility to reflect local circumstances. It directly relates to:

- The preparation of development plans;
- The design of development, from initial concept through to delivery; and
- The determination of planning applications and appeals.

- 22 Of relevance to this application are,

- Paragraphs 74 - 83, Promoting Rural Development
- Paragraphs 92 – 108, Supporting Business & Employment
- Paragraphs 109 - 134, Enabling Delivery of New Homes
- Paragraphs 135 – 151, Valuing the Historic Environment

Planning Advice Note 43 (Golf Courses and Associated Developments)

- 23 States that the location, siting and design of new courses and facilities will typically present developers, planning authorities and other interested parties with a wide range of issues to consider. Not least amongst these will be the policies in development plans dealing with the countryside and green belts. To assist that consideration, this Planning Advice Note:
- provides background information;
 - sets out the locational and land-use context of Scottish Sports Council research;
 - restates the existing national planning policy framework;
 - identifies the planning issues associated with golf courses and related developments; and
 - gives advice on development plan policies

Planning Advice Note 67 (Housing Quality)

- 24 Designing Places, published November 2001, sets out the Scottish Government's aspirations for design and the role of the planning system in delivering them. This Planning Advice Note explains how Designing Places should be applied to new housing.

PAN 2/2011 (Planning and Archaeology)

- 25 This PAN provides advice to planning authorities and developers on dealing with archaeological remains.

Circular 4/1998 - The use of conditions in planning permissions

- 26 This circular states that conditions can enable many development proposals to proceed where it would otherwise have been necessary to refuse planning permission. The guidance establishes that conditions should meet the following six tests, requiring that they be: necessary, relevant to planning, relevant to the development, enforceable, precise and reasonable in all other respects.
- 27 The Circular also deals with the 'Renewal of permissions before expiry of time limits in para. 52. This states that developers who delay the start of development are likely to want their permission renewed, as the time-limit for implementation approaches. Under part 3 of The Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013 applications for such renewals may be made simply, referring to the existing planning permission, although the Planning Authority have power subsequently to require further information, if needed. As a general rule, such applications should be refused only where:
- a. there has been some material change in planning circumstances since the original permission was granted (e.g. a change in some relevant planning policy for the area, or in relevant road considerations or the issue

by the Government of a new planning policy which is material to the renewal application);

- b. there is likely to be continued failure to begin the development and this will contribute unacceptably to uncertainty about the future pattern of development in the area; or
- c. the application is premature because the permission still has a reasonable time to run.

Circular 3/2013 – Development Management Procedures

- 28 This circular provides advice on dealing with Section 42 applications in ‘Annex I: Applications for Planning Permission under Section 42 of the Act’. This confirms in paragraph 2a) that the effect of granting permission for a section 42 application is such that a new and separate permission will therefore exist for the development proposed with different (or no) conditions attached. To this end, previous planning permission therefore remains unaltered by, and is not varied by, this decision on the section 42 application.
- 29 The circular goes on to state that the duration of the new permission is specified in the Act. Alternatively, authorities may direct that a longer or shorter period applies, and where a new permission is granted, the new duration will be as specified in Section 58 or 59 of the Act. However, it is possible for the Council as Planning Authority to direct that an alternative time period applies which maybe appropriate for larger developments.

DEVELOPMENT PLAN

- 30 The Development Plan for the area comprises the TAYplan Strategic Development Plan 2012-2032 and the Perth and Kinross Local Development Plan 2014.

TAYplan Strategic Development Plan 2012

- 31 The vision set out in the TAYPlan 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 and visit and where businesses choose to invest and create jobs.”

Policy 1- Location Priorities

- 32 Focuses the majority of development in the region’s principal settlements and prioritises land release for all principal settlements using the sequential approach in this Policy; and prioritise within each category, as appropriate, the reuse of previously developed land and buildings.

Policy 2- Shaping Better Quality Places

- 33 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.

Policy 3- Managing TAYplan's Assets

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

Perth and Kinross Local Development Plan 2014

- 35 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.
- 36 Within the LDP the site lies outwith the settlement of Alyth where the following policies are applicable:

Policy PM1A – Placemaking

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

Policy PM1B - Placemaking

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

Policy PM1C – Placemaking

- 39 For larger developments (more than 200 houses or 10 ha) the main aim is to create a sustainable neighbourhood with its own sense of identity. Neighbourhoods should seek to meet the key needs of the residents or businesses within or adjacent to the neighbourhood, i.e. local shopping, recreation, recycling etc. In most cases this will best be achieved by the development of a Masterplan.

Policy PM2 - Design Statements

- 40 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

- 41 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 TA1B - Transport Standards and Accessibility Requirements

- 42 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 RD3: Housing in the Countryside

- 43 The Council will support proposals for the erection, or creation through conversion, of single houses and groups of houses in the countryside which fall into at least one of the following categories: (a) Building Groups (b) Infill sites (c) New houses in the open countryside on defined categories of sites as set out in section 3 of the Supplementary Guidance (d) Renovation or replacement of houses (e) Conversion or replacement of redundant non-domestic buildings (f) Development on rural brownfield land. This policy does not apply in the Green Belt and its application is limited within the Lunan Valley Catchment Area to economic need, conversions or replacement buildings.

Policy RD4: Affordable Housing

- 44 Residential development, including conversions, consisting of 5 or more units should include provision of an affordable housing contribution amounting to an equivalent of 25% of the total number of units proposed. Whenever practical, the affordable housing should be integrated with and indistinguishable from the market housing. If the provision of the affordable housing on-site is not possible the Council will seek off-site provision. Failing that, and in appropriate circumstances, a commuted sum will be required from developers. The details of provision, including tenure, house size and type, will be a matter for agreement between the developer and the Council and based upon local housing need and individual site characteristics.

Policy CF1: Open Space Retention and Provision

- 45 Council will seek the provision of appropriate areas of informal and formal open space that is accessible to all users as an integral part of any new development where existing provision is not adequate. Where it is physically impossible or inappropriate to meet the open space provision onsite, consideration may be given to the provision of a suitable alternative. In areas where there is an adequate quantity of accessible open space in a locality, a financial contribution towards improvement or management of existing open space may be considered an acceptable alternative.

Policy HE1A: Scheduled Monuments

- 46 There is a presumption against development which would have an adverse effect on the integrity of a Scheduled Monument and its setting, unless there are exceptional circumstances.

Policy HE1B: Non-Designated Archaeology

- 47 The Council will seek to protect areas or sites of known archaeological interest and their settings. Where development is proposed in such areas, there will be a strong presumption in favour of preservation in situ. Where, in exceptional circumstances, preservation of the archaeological features is not feasible, the developer, if necessary through appropriate conditions attached to the granting of planning permission, will be required to make provision for the survey, excavation, recording and analysis of threatened features prior to development commencing. If discoveries are made during any development, work should be suspended, the local Planning Authority should be informed immediately and mitigation measures should be agreed.

Policy NE1: Environment and Conservation Policies

- 48 Development which would affect an area designated as being of local nature conservation or geological interest will not normally be permitted, except where the Council as Planning Authority is satisfied that: (a) the objectives of designation and the overall integrity of the designated area would not be compromised; or (b) any locally significant adverse effects on the qualities for which the area has been designated are clearly outweighed by social and economic benefits.

Policy NE3: Biodiversity

- 49 The Council will seek to protect and enhance all wildlife and wildlife habitats, including grasslands, wetlands and peat-lands and habitats that support rare or endangered species. The Council will apply the principles of the Tayside Biodiversity Partnership Planning Manual and will take account of the Tayside Local Biodiversity Action Plan (LBAP) when making decisions about all applications for development. Proposals that have a detrimental impact on the ability to achieve the guidelines and actions identified in these documents will not be supported unless clear evidence can be provided that the ecological impacts can be satisfactorily mitigated.

Policy EP3C - Water, Environment and Drainage

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

Policy EP5: Nuisance from Artificial Light and Light Pollution

- 51 The Council's priority will be to prevent a statutory nuisance from occurring first and foremost. Consent will not be granted for proposals where the lighting would result in obtrusive and/or intrusive effects. Proposed lighting equipment should comply with current standards, including approved design standards. The Council may secure the regulation of lighting installations and their maintenance through the use of conditions attached to the granting of planning permission.

Policy EP8: Noise Pollution

- 52 There will be a presumption against the siting of development proposals which will generate high levels of noise in the locality of existing or proposed noise sensitive land uses and similarly against the locating of noise sensitive uses near to sources of noise generation.

OTHER COUNCIL POLICIES

Developer Contributions and Affordable Housing (April 2016)

- 53 This document sets out the Council's policy in relation to Developer Contributions in relation to Primary Education, A9 Junction Improvement and Transport Infrastructure, as well as Affordable Housing provision.

Housing in the Countryside Guide 2012

- 54 This is the most recent expression of Council policies towards new housing in the open countryside.

SITE HISTORY

- 55 An outline planning consent was granted in 2010 for improvements to the existing golf clubhouse/course, the erection of 9 business units, the erection of a 3* hotel, the erection of a nursing/care home and a residential development including a retirement village when the Full Council approved planning application 09/01345/IPM contrary to the officer recommendation. That application was considered by the Council to be a significant departure to the then Development Plan, but the potential economic benefits which the development would bring to the area were considered to be a significant material consideration which justified a departure from the Development Plan. As the development was at the time considered to be a significant departure from the Development Plan, the application was referred to the Scottish Government who subsequently indicated that they did not wish to 'call-in' the application and that the Council was free to issue an approval decision. A subsequent planning application made under S42 of the Planning Act was approved by the Development Management Committee in September 2013 (13/01114/IPM) and issued without any further referral to the Scottish Government. That planning application amended the time condition on the

previous planning consent to allow the applicant a longer time to submit their application(s) for approval of matters specified. Following on from that approval, an application for the approval of matters specified by condition relating to the erection of 18 dwellinghouses and garages, formation of access and associated works (Phase 1) was refused by the Development Management Committee in 2015, in line with the officer's recommendation. The reason for that refusal was principally because that submission was not accordance with the requirements of conditions imposed on the initial outline planning permission.

EXTERNAL CONSULTATIONS

- 56 None undertaken.

INTERNAL COUNCIL CONSULTATIONS

- 57 **Transport Planning** have commented on the proposal and raised no objection to the proposed variation of the road related condition.

REPRESENTATIONS

- 58 Two letters of representation have been received, objecting to the proposal. The main issues raised within the objections relate road related issues and the lack of landscaping which has occurred since the previous approvals.
- 59 In relation to roads issues, specific details of the junction and access points have yet to be approved and these will be advanced once detailed plans are lodged for the various phases. It will be a requirement of this permission that all matters relating to road matters will be in accordance with Council standards. With regards to general traffic movements within the area, the local road network was previously considered to be acceptable in principle to accommodate the proposed development and this remains the case. It will however be a requirement of this permission that updated Traffic Statements will be required for each phase of the development which takes into account all modes of travel.
- 60 With regards to the lack of landscaping proposals since the previous approvals were granted, under the terms of the previous permissions there was no requirement for the (then) applicant to undertake advance landscaping / planting proposals. However, it will be a requirement of this permission that a detailed landscaping schedule will be required for the 1st development phase as well as strategic, structural landscaping for the wider site as part of the early approvals of the detailed matters.

ADDITIONAL STATEMENTS

61

Environment Statement	Not required
Screening Opinion	Not required
Environmental Impact Assessment	Not required
Appropriate Assessment	Not required
Design Statement / Design and Access Statement	Not required
Report on Impact or Potential Impact	Background information submitted by the applicant.

APPRAISAL

- 62 Section 42 of the Town and Country Planning (Scotland) Act 1997 enables the determination of applications to develop land without compliance with conditions previously attached. The legislation specifies that on such an application the Planning Authority shall consider only the question of the conditions subject to which planning permission should be granted, and if they decide that planning permission should be granted subject to conditions differing from those subject to which the previous permission was granted, or that it should be granted unconditionally, they shall grant planning permission accordingly. If they decide that planning permission should be granted subject to the same conditions as those subject to which the previous permission was granted, they shall refuse the application.
- 63 Taking the above into account, the assessment of this application therefore only relates to the roads related condition stipulated in condition no. 5 of the extant planning permission, and bearing in mind the grant of any permission would result in a new permission, whether or not this is acceptable.
- 64 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 Local Development Plan 2014.
- 65 To this end, the determining issue as to whether or not the time period should be extended is ultimately whether or not the policy framework of the Council has materially changed enough for the Council to consider a different recommendation. For reasons stated below, whilst I consider there to be a material change in Council policy since the determination of both the 2009 and 2013 applications took place, the overall themes, aims and aspirations of Council policy have not altered. To this end, I therefore ultimately recommend that this application is approved, with some variations to the timescales of the submission of the reserved matters and the commencement of development to align these matters to other major developments which have recently been approved by the Council, and to take into account the fact that the original decision to approve this development was by the Council in 2010.

Policy

- 66 The planning application for improvements to the golf club/course, the erection of 9 business units, a hotel, a nursing home and a residential development is considered to be unsustainable in this rural location and (still) contrary to the Development Plan and National Planning Guidance. However, an application for this development was approved by the Council in 2010 on the basis that the perceived economic, employment and tourist related benefits which the proposal would bring to the local area outweighed the conflict with specific land use planning policies.
- 67 In terms of the Development Plan, since the last approval in 2013 the Council has now adopted its LDP 2014. The LDP acknowledges the existence of the extant consent and indicates that the proposal could provide for additional employment and housing opportunities, potentially 50 homes during the life of the Plan. In terms of this particular site and the relevant policies, the content of former Eastern Area Local Plan 1998 (which the application was originally principally assessed against in 2009) and the current adopted LDP are extremely similar with no significant changes. It is also the case that whilst there have been some changes to National Planning Policies and Guidelines since 2013, these changes do not have significant implications in terms of this development.
- 68 Whilst it remains the case that I still have reservations regarding the nature of the proposal, and its sustainability in this location I consider the relatively recent decision by the Council to approve the original development to be a material planning consideration which still carries a degree of weight, particularly bearing in mind any notable changes in Council, and National planning policies during that time.
- 69 This development is intrinsically linked to both the leisure and housing industries, both of which have been significantly affected by the recent (and ongoing) economic downturn and to this end, it is my view that there is a genuine reason why this development has not commenced. The recent closure of the course was due to the financial difficulties associated with the Glenisla GC, and whilst it is welcome that a neighbouring club has leased the golfing assets, there are clearly issues with the viability of the Glenisla brand as it was previously. However, it now appears that progress on the mixed used development of the site is starting to materialise, and during the life of this new permission I do not consider it unreasonable for the Council to expect further progress to be made. If this is not the case, and in the absence of any significant change in Council policy, I would recommend that any further planning applications on this site which seek to extend the life of this permission should be reassessed fully against the relevant Development Plan and National Planning Policies of the time, and that limited 'weighing' should be offered to the existence of former permissions.

Roads Condition

- 70 The proposed rewording of the original roads condition is fairly minor in its nature, but it does propose to link in the acceptability of all road related matters to each development phase of the development which is not unreasonable. It will remain the case that with each application for a new development phase, an updated Transport Statement will be requested from the applicant. To this end, and in terms of the specifics of the rewording of this condition I have no concerns and this view is shared by my colleagues in Transport Planning.

Remaining Conditions

- 71 As indicated previously, the Act stipulates that when considering an application made under section 42 of the Act, the Planning Authority shall consider only the question of the condition(s) subject to which planning permission should be granted. Nevertheless, it is the case that a permission relating to an application made under Section 42 is considered to be a new permission in its own right, and the need to impose other conditions / advisory notice on the decision notice remains. To this end, the other conditions which were attached to the initial consent relating to,

- Ecology / Bio-diversity
- Construction Method Statements
- Transport Statements
- Air quality
- Drainage
- Flooding
- Developer Contributions
- Affordable Housing
- Archaeology

- 72 will remain largely unaltered and shall be reapplied to this permission, the exception being the condition relating to the phasing. This condition (condition 1 of this permission) has been slightly reworded so that it aligns itself with similar conditions which have been imposed on large development sites which may be developed in 'phases' of development. Whilst not a condition as such, the timescales for a) the submission of the required reserved matters and b) the development commencing have also been amended and the revised timescales are indicated in a direction made by the Council.

DEVELOPER CONTRIBUTIONS

Affordable Housing

- 73 A condition requiring compliance with the Council's policies on Affordable Housing will remain.

Transport Infrastructure

- 74 The site lies outwith the catchment area for Transport Contributions, so no contributions in relation to Transport Infrastructure will be required.

Primary Education

- 75 A condition requiring compliance with the Council's policies on Primary Education development contributions will remain.

ECONOMIC IMPACT

- 76 Due to the nature of the proposal, the development if implemented has the potential to offer a significant, positive impact on the local economy (both during the construction phase and once operational) and also on the tourist sector associated with the area.

LEGAL AGREEMENTS

- 77 None required.

DIRECTION BY SCOTTISH MINISTERS

- 78 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

- 79 Whilst I acknowledge that there has been a change in Council policy since the 2009 planning decision was made (and indeed the 2013 one), the content of the current policies are extremely similar to those which were pertinent when the previous applications were determined. Bearing this in mind and the fact that there has been no change in the site's physical characteristics and no significant change in either Local or National Planning Policies since the last approval was made in 2013, I have no objections to the proposed variation in condition 5 of the 2009 permission which now effectively results in a new permission. I do however intend to impose a reduced timescale (via the use of a Direction) for the submission of the detailed matters relating to the 1st phase of development and for the approval of the wider masterplan for the full site which will hopefully stimulate this development.

RECOMMENDATION

A Approve the planning application subject to the following directives and conditions:

Directives

- 1 Perth and Kinross Council, under section 59 of the Town and Country Planning (Scotland) Act 1997 shall substitute subsections (2)(a) and (b) of section 59 of the Act with the following text as it is considered appropriate by the Planning Authority in this instance, due to the scale of the development, the proposal's relationship with the current Development Plan and the fact that the initial planning permission was granted in 2010.
 - (a) An application for the approval of a) a master plan for the entire development site and b) all matters specified in conditions for the development of the first development phase, shall be made before the expiration of 18 months from the date of the grant of planning permission in principle, unless an earlier application for such approval has been refused or an appeal against such refusal has been dismissed, in which case an application for the approval of all such matters specified in conditions must be made within 6 months of the date of such refusal or dismissal. The approved development shall thereafter commence not later than the expiration of 2 years from the date of this grant of planning permission in principle or 1 year from the final approval of matters relating to the first development phase, whichever is later.
 - (b) With the exception of a) a master plan for the entire development site and b) all matters specified in conditions for the first development phase, the remainder of the development that is subject to this planning permission in principle shall lapse unless a further application or applications for approval of the matters specified in all condition(s) attached to this grant of planning permission in principle across the entire site has been approved before whichever is the latest of:
 - (i) the expiration of 7 years from the date of this grant of planning permission in principle;
 - (ii) the expiration of 6 months from the date on which an earlier application for the requisite approval of matters specified in conditions was refused;
 - (iii) the expiration of 6 months from the date on which an appeal against such refusal was dismissed.

Conditions

- 1 That no development shall be undertaken in any phase unless a detailed phasing programme and masterplan outlining the delivery strategy for the proposed land use, open space and roads infrastructure across the entire application site has been submitted to, and approved in writing by the Council as Planning Authority via a formal 'Matters Specified in Conditions' application.

Reason - In order to ensure development is progressively accompanied by appropriate associated infrastructure, and to inform the timescale for submission of further applications for 'Matters Specified in Conditions' specified in the planning authority's direction stated in this notice.

- 2 Notwithstanding the requirements of condition 1, the development of each individual phase shall not commence until the following specified matters have been the subject of a formal planning application for the approval of the Council as Planning Authority: the siting, design and external appearance of the development, the hard and soft landscaping of the site, all means of enclosure, means of access to the site, vehicle parking and turning facilities, levels, drainage and waste management provision

- 3 The residential layout and the position of the nursing home is not approved.

Reason - This is a Planning Permission in Principle under Section 59 of the Town and Country Planning (Scotland) Act 1997 as amended by Section 21 of the Planning etc. (Scotland) Act 2006

- 4 The number of mainstream residential units shall not exceed 216.

Reason - This is a Planning Permission in Principle under Section 59 of the Town and Country Planning (Scotland) Act 1997 as amended by Section 21 of the Planning etc. (Scotland) Act 2006.

- 5 Prior to the commencement of construction within each phase of the development, all matters regarding access, car parking, road layout, design and specification within that phase, including the disposal of surface water, shall be designed in accordance with the standards required by the Council as Roads Authority and to the satisfaction of the Council as Planning Authority. Thereafter, all approved works shall be completed within a timescale agreed with Perth and Kinross Council.

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

- 6 Each application for the approval of matters specified in conditions (relating to the different phases) shall include a transport assessment scoped to include the means of access to the site from the wider public road network to include all modes of transport (walking, cycling, public transport and private car), to the satisfaction of the Council as Planning Authority, unless otherwise agreed in writing by the Council as Planning Authority.

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

- 7 Storm water drainage from all paved surfaces, including the access, shall be disposed of by means of suitable sustainable urban drainage systems to meet the requirements of best management practices, to the satisfaction of the Council as Planning Authority.

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

- 8 No development shall take place within the development site as outlined in red on the approved plan until the developer has secured the implementation of a programme of archaeological works in accordance with a written scheme of investigation which has been submitted by the applicant, agreed by Perth and Kinross Heritage Trust, and approved by the Planning Authority. Thereafter the developer shall ensure that the programme of archaeological works is fully implemented and that all recording and recovery of archaeological resources within the development site is undertaken to the satisfaction of the Planning Authority in agreement with Perth and Kinross Heritage Trust.

Reason - In order to comply with The Scottish Planning Policy.

- 9 No development shall take place until fencing has been erected, in a manner to be agreed with Perth and Kinross Heritage Trust and the Planning Authority, to protect Scheduled Monument 1575. In addition, no works shall take beyond the fencing without the prior agreement of the Council as Planning Authority and Perth and Kinross Heritage Trust.

Reason – In order to comply with The Scottish Planning Policy.

- 10 The setting of Scheduled Monument 1575 shall be protected, to the satisfaction of the Council as Planning Authority, in consultation with Historic Scotland.

Reason - In order to comply with The Scottish Planning Policy.

- 11 Each application for the approval of matters specified in conditions (relating to the different phase) shall include an updated air quality report(s), unless otherwise agreed in writing by the Council as Planning Authority.

Reason - In order to comply with The Scottish Planning Policy.

- 12 A detailed construction method statement must be submitted to the Council prior to works starting and shall include pollution prevention, details of storage and disposal of materials and construction site facilities as well as information on the timing, duration and phasing details of the construction, all to the satisfaction of the Council as Planning Authority.

Reason - In order to safeguard the Special Area of Conservation.

- 13 The development shall be in accordance with the requirements of Perth & Kinross Council's Developer Contributions and Affordable Housing Supplementary Guidance 2016 in line with Policy PM3: Infrastructure Contributions of the Perth & Kinross Local Development Plan 2014 with particular regard to primary education infrastructure, unless otherwise agreed in writing with the Council as Planning Authority.

Reason - To ensure the development is in accordance with the terms of the Perth and Kinross Council Local Development Plan 2014 and to comply with the Council's policy on Developer Contributions and Affordable Housing Supplementary Guidance 2016.

- 14 The development shall be in accordance with the requirements of Perth & Kinross Council's Developer Contributions and Affordable Housing Supplementary Guidance 2016 in line with Policy RD4: Affordable Housing of the Perth & Kinross Local Development Plan 2014, unless otherwise agreed in writing with the Council as Planning Authority.

Reason - To ensure the development is in accordance with the terms of the Perth and Kinross Council Local Development Plan 2014 and to comply with the Council's policy on Developer Contributions and Affordable Housing Supplementary Guidance 2016.

- 15 All submitted details relating to the hotel, nursing home, clubroom extension and business starter units are for indicative purposes only, and are therefore not approved as part of this application.

Reason - This is a Planning Permission in Principle under Section 59 of the Town and Country Planning (Scotland) Act 1997 as amended by Section 21 of the Planning etc. (Scotland) Act 2006.

- 16 Prior to the approval of matters specified in conditions in relation to the first phase of the development, a detailed ecological survey (including flower and fauna) of the whole site shall be carried out and submitted for the approval in writing by the Council as Planning Authority, unless otherwise agreed in writing by the Council as Planning Authority. Thereafter, each application for the approval of matters specified in conditions of subsequent phases of development, must include an updated ecology report, unless otherwise agreed in writing by the Council as Planning Authority.

Reason - In the interest of protecting the environmental quality and to ensure that the local habitat has not altered over time.

B JUSTIFICATION

- 80 The proposal is considered to be contrary to the Development Plan, but there are other material considerations that would justify a departure there from.

C PROCEDURAL NOTES

- 81 None applicable.

D INFORMATIVES

- 1 For the avoidance of doubt, the term 'phase' within any condition or directive shall refer to the phases as have been approved under the terms of Condition 1 of the planning permission in principle hereby approved.

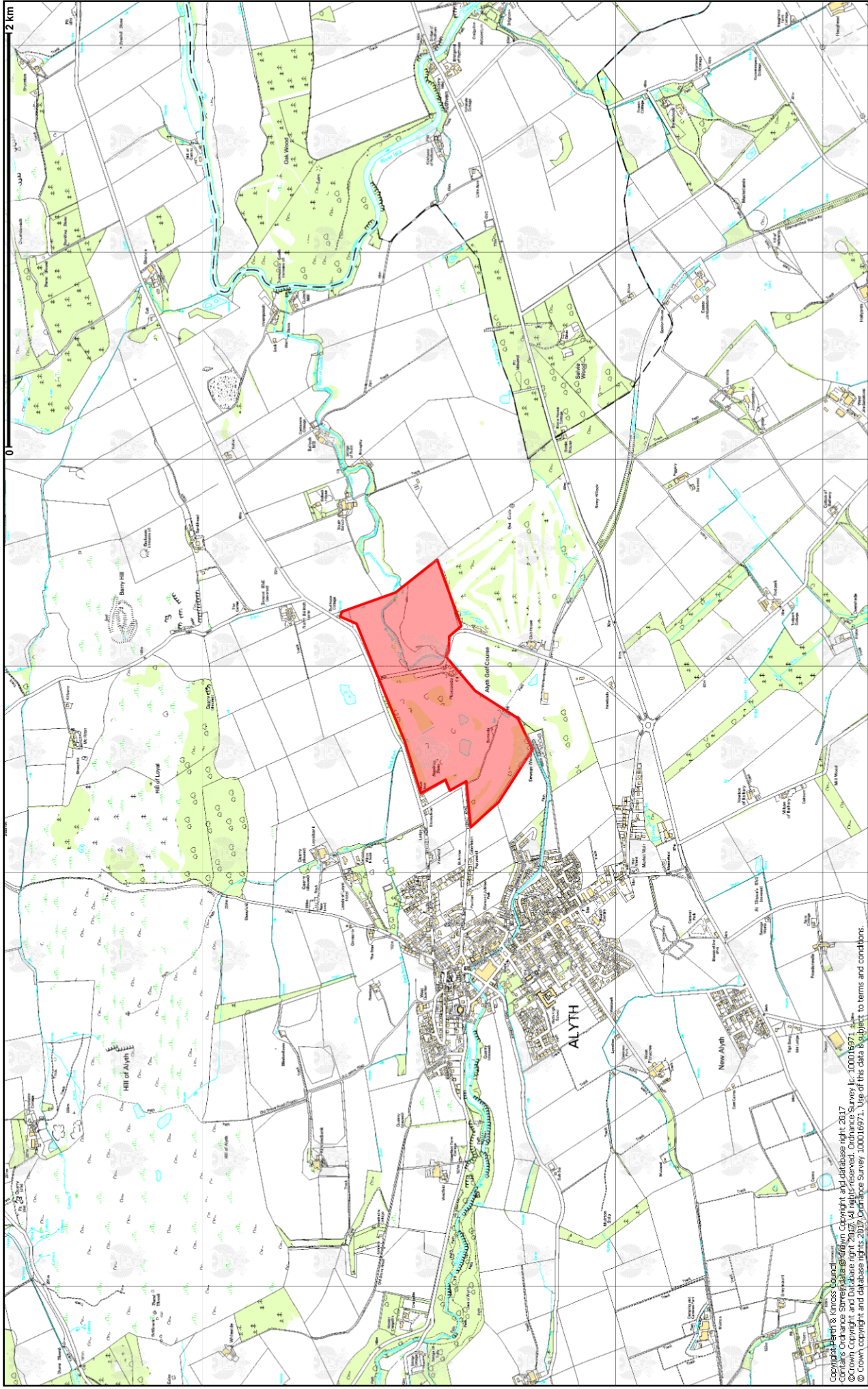
Background Papers: Two letters of representation (including one late representation)
Contact Officer: Andy Baxter – Ext 5339
Date: 27 January 2017

Nick Brian
Interim Head of Planning

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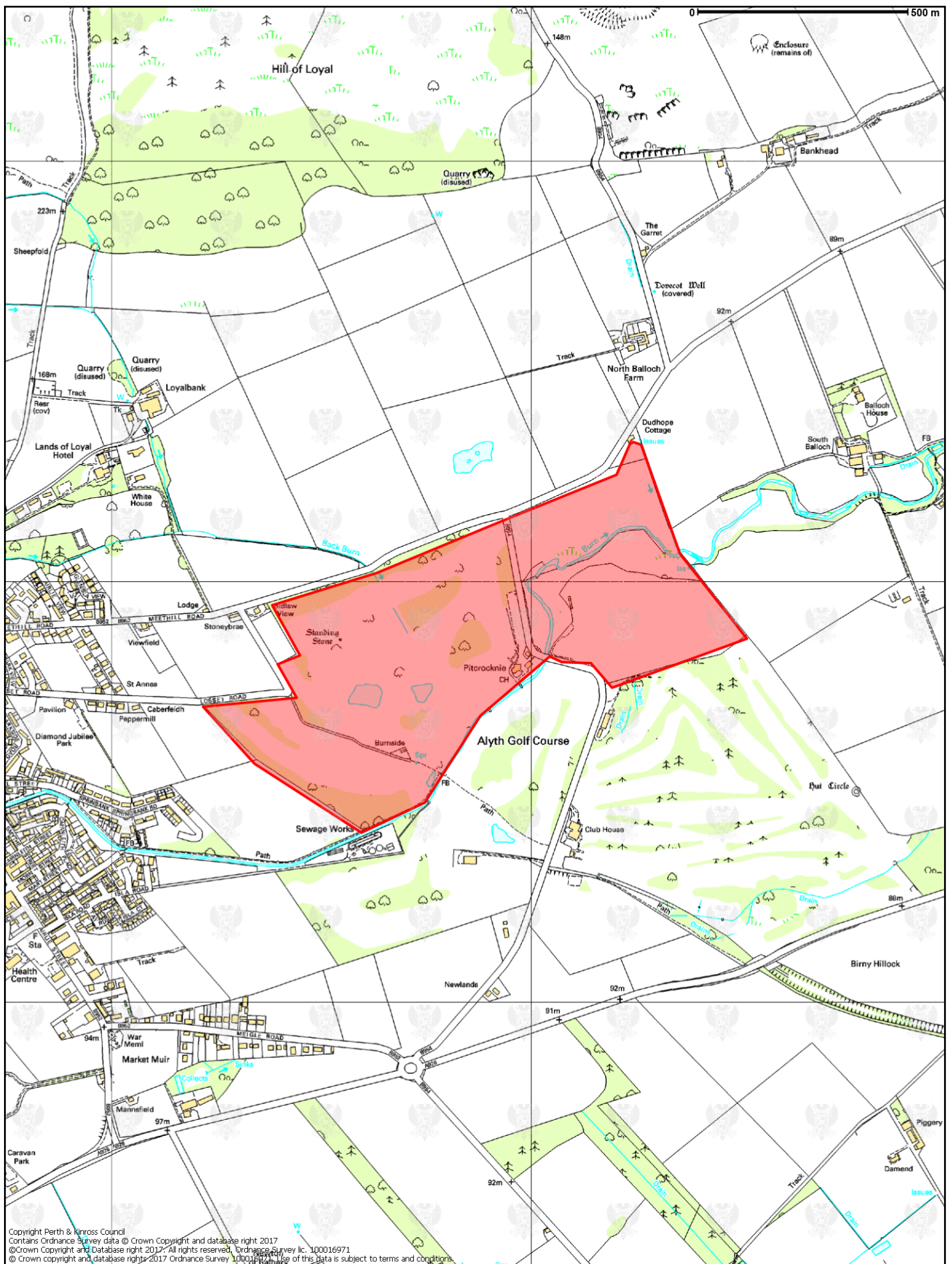
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N
 Scale 1:25000

16/01595/IPM
 Variation of condition 5 (roads and access) of permission 09/01345/IPM (mixed use development including residential, business, nursing home and hotel)





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Scale 1:12000

16/01595/IPM

Variation of condition 5 (roads and access) of permission 09/01345/IPM (mixed use development including residential, business, nursing home and hotel)



Perth and Kinross Council
Development Management Committee – 15 February 2017
Report of Handling by Interim Head of Planning

Deletion of condition 6 (occupation) of permission 08/01561/FLM (Formation of an equestrian centre, utility shed, indoor riding school, stables, 4 chalets/cottages and 7 dwellinghouses with associated car parking) on land 100 metres West of Easter Muirhead Cottage, Blairingone.

Ref. No: 16/01874/FLM
Ward No: N8- Kinross-shire

Summary

This report recommends approval of the application to delete condition 6 of extant planning permission 08/01561/FLM thereby removing the requirement for the two manager's houses to be tied directly to the business. The proposal is not considered to conflict with the provisions of the Local Development Plan to an extent that would warrant refusal of the application and there are material considerations associated with viability, which assist in the justification of the deletion of the two tied managers dwelling condition.

BACKGROUND AND DESCRIPTION

- 1 Formal planning site history for this site dates back to 2008, through the extant planning consent for this operation, granted in 2011. The site is located at Easter Muirhead, approximately 1.5km south of Blairingone. The wider site is approximately 34 hectares, the majority of which remains open agricultural land or paddocks. The site houses the existing equestrian business of the applicant with a stable block, extensive paddocks and a riding school.
- 2 The original detailed planning consent includes the following elements:
 - A new stable block
 - A utility shed
 - An indoor riding school
 - An outdoor riding school
 - 4 chalet/cottage style operations for visitors and business users
 - 7 dwellinghouses, including 4 units as a steading group, a single new farmhouse and 2 separate managers' dwellings, tied to the business proposal.
 - Associated car parking and landscaping.
- 3 The application was subsequently approved by a meeting of this committee, subject to conditional control and the conclusion of a legal agreement in respect of affordable housing contributions and a commensurate contribution levy towards a public path network.

- 4 This application now seeks to delete condition 6 of application 08/01561/FLM controlling the occupation of the two manager's dwellings, which reads:-

Condition 6 – The occupation of the two tied managers houses shall be limited to a person employed or last employed in agricultural/equestrian work at Easter Muirhead or a dependent of such a person residing with him or her (but including a widow or widower of such a person).

- 5 The deletion of this condition has been sought broadly on the principles of a review in the national planning policy position, including the original Chief Planners letter of 4th November 2011 advising against the use of occupancy restrictions where a proposed development can be otherwise justified under development plan policy and more recently Scottish Planning Policy (SPP) 2014 paragraph 81, which states that decision making for development in accessible or pressured rural areas should generally “*set out the circumstances in which new housing outwith settlements may be appropriate, avoiding use of occupancy restrictions.*”
- 6 Underlying the policy position, the applicants reasoned justification for the deletion of the condition is based on the viable delivery of the business model in relation to experiencing a lack of borrowing capacity through the inclusion of the tied occupancy condition. The supporting statement specifically claims that the project implementation has been severely constrained by difficulty in raising mortgage finance for these two properties, in respect of:
- *“The value of the security against which any mortgage could be set is restricted by the terms of Condition 6; and*
 - *The link with the business use raises potential issues associated with VAT that cannot be off-set against the value of the security.”*
- 7 In relation to development as part of the consent completed to date, it is understood that the principal ‘riding school’ building has now been developed and is operational alongside the standalone dwelling referred to as the ‘Farmhouse’, which has been developed and sold independently. The passing places associated with suspensive condition 15 have also been agreed and delivered.

PRE-APPLICATION CONSULTATION

- 8 Due to the overall size of the application site, which is over 2 hectares, this proposal is classed as a Major Application as defined in the Town and Country Planning (Hierarchy of Development) (Scotland) Regulations 2009. The amended Regulations, which came into force on the 30 June 2013, removes the requirement for Pre-application Consultation for Section 42 applications (which relates to a ‘major planning application’) made on, or after the 3 February 2013. Accordingly there is not a requirement to carry out a pre-application public consultation on this major application due to the inclusion of Regulation 49(5) in the above Regulations.

ENVIRONMENTAL IMPACT ASSESSMENT (EIA)

- 9 The proposed development does not directly fall under any of the general classifications of Schedule 2 of the Environmental Impact Assessment (Scotland) Regulations. No formal screening exercise has been undertaken. The site however benefits from an extant consent and includes no obvious site criteria or characteristics to trigger the requirement for an Environmental Impact Assessment to be undertaken on this occasion.

NATIONAL POLICY AND GUIDANCE

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

DEVELOPMENT PLAN

- 11 The Development Plan for the area comprises the TAYplan Strategic Development Plan 2012-2032 and the Perth and Kinross Local Development Plan 2014.

TAYplan Strategic Development Plan 2012 – 2032 - Approved June 2012

- 12 The overall vision of the Tay Plan states *“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 and visit and where businesses choose to invest and create jobs.”*
- 13 There are no specific policies of strategic importance, relevant to this particular proposal contained in the Tayplan.

Perth and Kinross Local Development Plan 2014

- 14 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.
- 15 The site lies within the landward area of the LDP, where the principal relevant policies are, in summary:

Policy PM1A - Placemaking

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

Policy RD3 – Housing in the Countryside

- 17 The development of single houses or groups of houses which fall within the six identified categories will be supported. This policy does not apply in the Green Belt and is limited within the Lunan Valley Catchment Area.

Policy ED3 – Rural Business and Diversification

- 18 Favourable consideration will be given to the expansion of existing businesses and the creation of new businesses within or adjacent to existing settlements in rural areas. Outwith settlements, proposals may be acceptable where they offer opportunities to diversify and existing business or are related to a site specific resource or opportunity.

Policy RD4 - Affordable Housing

- 19 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 CF2 - Public Access

- 20 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 NE3 - Biodiversity

- 21 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

- 22 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

- 23 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.

OTHER POLICIES

Housing in the Countryside Guide 2012

- 24 This policy is the most recent expression of Council policies in relation to Housing in the Countryside.

Developer Contributions and Affordable Housing Supplementary Guidance (Sept 2016)

- 25 This document sets out the Council's policy in relation to Developer Contributions in relation to Primary Education, A9 Junction Improvement and Transport Infrastructure, as well as Affordable Housing provision.

SITE HISTORY

- 26 Site history includes:

08/01561/FLM Formation of an equestrian centre including utility shed, indoor riding school, stables, erection of 4 chalets/cottages and 7 dwellinghouses all with associated car parking. Application approved by Development Management Committee December 2008

Pre-Application Reference **15/00624/PREAPP**

Pre-Application Reference **16/00202/PREAPP**

Pre-Application Reference: **16/00331/PREAPP**

CONSULTATIONS

EXTERNAL

Fossoway Community Council (FCC):

- 27 Objection submitted on the basis of the original application, where the community council set out concerns regarding:
- Suitable upgrades to road networks and on-site parking requires to be incorporated into development as the current road network was unsuitable.
 - Proposed housing should include occupancy restrictions.

FCC clarified that they did not see any justification which deviated from the original concerns expressed in 2008.

INTERNAL

Developer Contributions and Affordable Housing Officer

- 28 In accordance with the extant consent, affordable housing contributions will now require to be secured for the two residential units, which will no longer be tied by condition. This can be secured via upfront payment or deferred via a modification of the extant legal agreement covering planning consent 08/01561/FLM.

Transport Planning

- 29 No objection. The representations comment was considered, however it was not assessed that the deletion of condition 6 would lead to an increase in traffic of the magnitude suggested. Conversely it was not anticipated to have any perceptible increase from the current amount of traffic generated by the dwellings remaining as manager's houses.

REPRESENTATIONS

- 30 Two letters of representation were received during the advertisement period for the application.
- 31 The representations have raised the following issues associated with the deletion of condition 6: -
- Application originally supported with five open market dwellings to fund the business model, despite being contrary to planning guidelines. Support for this application would result in a 40% increase to unconnected dwellings.
 - Significant increase in traffic if the manager's dwellings were no longer tied to the business, having unconnected occupants commuting elsewhere to work and employees commuting to the business.
 - Threat of uncontrolled future expansion.
 - Lack of natural screening.
 - Ongoing development fails to comply with suspensive conditions 4,7,8,9,10,11,12 and 15.
 - Applicability of business plan in today's current financial conditions.
 - How do the planning authority propose to control the abuse of "Building in the Countryside" and all that entails.
- 32 All the relevant planning issues associated with the deletion of condition 6 are covered in the Appraisal section of this report.

ADDITIONAL STATEMENTS

33

Environment Statement	Not required
Screening Opinion	Not required
Environmental Impact Assessment	Not applicable
Appropriate Assessment	Not applicable
Design Statement / Design and Access Statement	Not applicable
Reports on Impact or Potential Impact	Undertaken for previous application

APPRAISAL

Policy Appraisal

- 34 Sections 25 and 37(2) of the Town & Country Planning (Scotland) Act 1997 (as amended) requires the determination of the proposal to be made in accordance with the provisions of the Development Plan, unless material considerations indicate otherwise. The previous decisions on this site including the extant consent were made under the Kinross Area Local Plan 2004. The adopted Development Plan that is currently applicable to this area consists of the TAYplan Strategic Development Plan 2012 – 2032 and Perth and Kinross Local Development Plan 2014.
- 35 Section 42 of the Town and Country Planning (Scotland) Act 1997 enables the determination of applications to develop land without compliance with conditions previously attached. The legislation specifies that on such an application the Planning Authority shall consider only the question of the conditions subject to which planning permission should be granted, and if they decide that planning permission should be granted subject to conditions differing from those subject to which the previous permission was granted, or that it should be granted unconditionally, they shall grant planning permission accordingly. If they decide that planning permission should be granted subject to the same conditions as those subject to which the previous permission was granted, they shall refuse the application.
- 36 The determining issues in this case are whether: - the deletion of condition 6 in contention would be consistent with the relevant provisions of the Development Plans; or if an exception to these provisions is justified by other material considerations
- 37 This application is for the deletion of condition 6 as stated above:-

- 38 A removal of the occupancy condition of both the managers dwelling units (based on operation needs) should be forthcoming if there remains a need for the dwelling's, which has been previously established and supported, and also that the site characteristics would reasonably restrict the occupancy to its original purpose. Bearing this in mind, as set out, the extant consent remains in place in perpetuity, allowing the associated managers houses to be built out at any point. The was originally justified and recommended for approval in accordance with the development plan policy at the time, which is considered to remain a strong material consideration to the assessment of this application.
- 39 In this case, the two plots are situated close to the main hub of the equine business and to this end; the dwellings are unlikely to generate significant mainstream market interest unless the potential occupant was passionate about horses. The applicant has reiterated the commitment of the original business plan and the ongoing requirement for these two units to be occupied as manager's dwellings long term in his supporting statements. Whilst it cannot be taken as a given to assume that by virtue of its location and site characteristics the two dwellings will remain effectively tied to the business, they are however considered to remain restricted, attractive to a more limited market in this particular site context; should the applicant chose to dispose of the plots on the open market.
- 40 Both in the wording of the original report, presented to December 2008 Development Management Committee and the subsequent minute of agreement of the associated S.75 set out clearly that the two managers dwellings were not subject to the affordable housing policy at the time through being tied to the business; but should this position change, the dwellings would be subject to the affordable housing policy applied at that time. Paragraph 54 of the Committee paper states *"if the occupancy conditions are successfully removed at a later date, these houses would be subject to the affordable policy, if applicable"*.

Site Circumstances

- 41 There has been no fundamental change to wider site circumstances since the original 2008 planning approval. I have taken account of the applicable policies of the LDP, which relate to a wide range of issues including residential amenity, access/traffic/transport, waste collection, developer contributions and landscape. I find that these matters have been satisfactorily addressed or covered through earlier applications and conditions, or are otherwise conditioned through the recommendations of this consent.

Landscaping

- 42 Field boundaries in and around the two managers dwellings remains limited to post and wire fencing. It is accepted that this remains an extant consent; however it will be appropriate to review timing in relation to landscaping undertaking, particularly at this exposed corner. Additional conditional control is therefore proposed at this stage in relation to this application to facilitate the associated landscaping to be delivered at an earlier stage and ensure the supplementary planting requirements are also fulfilled.

Response to representations

- 43 Responding to the associated representations received as follows:

- *Application originally supported with five open market dwellings to fund the business model, despite being contrary to planning guidelines. Support for this application would result in a 40% increase to unconnected dwellings.*

There is no net change to dwelling numbers on the ground and the extant consent remains for overall numbers to be developed out. Through the current application, the applicant confirms a commitment to the units being part of the business operation.

- *Significant increase in traffic if the manager's dwellings were no longer tied to the business, having unconnected occupants commuting elsewhere to work and employees commuting to the business.*

No objection. The comments from the representations were fully considered, but it was not assessed that the deletion of this condition would lead to any significant increase in traffic as suggested. Conversely, should the two units be sold on the open market at some point in the future, it was not anticipated to have any perceptible increase from the current amount of motorised vehicular traffic generated by the dwellings remaining as manager's houses.

- *Threat of uncontrolled future expansion.*

The full extents of the development are considered to have been met at this time. Any future expansion would be controlled and assessed through a requirement to obtain planning consent.

- *Lack of natural screening*

There is no disagreement with the observations regarding the lack of natural screening, which is considered and addressed elsewhere within the appraisal and recommended conditions to supplement and reinforce the conditions of the extant consent.

- *Ongoing development fails to comply with suspensive conditions 4,7,8,9,10,11,12 and 15.*

Conditions 4 and 9 have been picked up and reinforced in the recommended conditions of consent through this application.

Condition 7 – this will be picked up separately through the requirement for a CAR licence through SEPA. The requirement for a foul drainage plan was reminded and requested in 2014 in writing via the enforcement monitoring officer. It has been considered appropriate to re-condition this element through any grant of consent.

Condition 8- the Council as Planning Authority wrote out offering a relaxation in relation to this condition in 2014, stating that enforcement of the development phasing will not be pursued through this condition.

Condition 10 and 11 – ongoing as the development is built out and occupied stages.

Condition 12 – ongoing and monitored as part of the wider development.

Condition 15 – the passing places have been agreed and constructed to the standard and specification of the Council as roads authority.

- *Applicability of business plan in today's current financial conditions.*

It is not considered appropriate for the Council as Planning Authority to undertake a full review the overall applicability of the business plan in the wider context of an extant planning consent.

- *How do the planning authority propose to control the abuse of "Building in the Countryside" and all that entails.*

All development proposals continue to be reviewed against the Council's current Housing in the Countryside Policy (RD3) and associated policy of the LDP.

- 44 Overall, I remain satisfied that in granting consent for the removal of a tied occupancy condition to two properties associated with this development will not fundamentally result in any additional impact on existing residential and neighbouring amenity than would be experienced through the extant consent.

Economic Impact

- 45 The removal of the tied occupancy condition to allow for the construction of the two managers dwellings would provide some potential opportunities for local trades and tradesmen to potentially become involved in the construction phase whilst supporting the ongoing viability of this rural business.

Developer Contributions

- 46 As previously set out, the associated legal agreement and original committee report supporting extant planning permission 08/01561/FLM require a review of the position for affordable housing. The requirement for affordable housing, calculated at £3750 per dwelling would continue to apply in this context. There does not appear to be any mitigating circumstances to not apply the relevant policy position in this regard. The applicant and planning agent originally challenged the position regarding this obligation, but have laterally agreed to conclude by means of an upfront payment in advance of planning consent being issued.

LEGAL AGREEMENTS

- 47 In line with the aforementioned, the applicant has not indicated a preference to pursue the contributions to be secured via legal agreement. A modification of the original S.75 agreement may however be required to secure the associated affordable housing contributions if this is not secured as an upfront payment.

DIRECTION BY SCOTTISH MINISTERS

- 48 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

- 49 To conclude, the application must be determined in accordance with the adopted Development Plan unless material considerations indicate otherwise. In this respect, I have taken account of the LDP and material considerations and in this case I am content that the deletion of condition 6 can be supported, provided that the conditional landscaping is planted up at the earliest opportunity and the associated affordable housing contributions are paid or secured. While the Planning Authority preference would be to encourage the two units to have the affordable housing element paid upfront to allow for early issue of the planning decision notice, the applicant has identified a reluctance to do so. In addition, the applicant is also unwilling to enter into a modification of planning obligation or fresh S.75 legal agreement to effectively secure the affordable housing element generated by removal of this condition.

- 50 Accordingly the section 42 application, taking account of the circumstances should be granted as there are material considerations that support the approval of the application.

RECOMMENDATION

A Approve the application

Conditions:

- 1 Prior to the occupation and use of the approved manager's dwellinghouses, the associated approved landscape plan 08/01561/17 shall be implemented.

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

- 2 Consistent with conditions 4 and 9 of planning consent 08/01561/FLM, supplementary landscaping planting proposals around the periphery of the site shall be submitted for further written approval of the Planning Authority within 6 months of this Committee decision. The scheme as agreed shall be implemented during the first available planting season thereafter.

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

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

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

- 4 A detailed foul drainage plan shall be submitted for the approval of the Planning Authority in consultation with SEPA within 3 months of this Committee decision.

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

B JUSTIFICATION

The principle of supporting the removal of condition 6 of planning consent 08/01561/FUL is not considered to conflict with the Development Plan to a level that would warrant refusal of the application and there are associated material considerations, which assist in justifying the removal of this condition.

C PROCEDURAL NOTES

- 1 No consent shall be issued until the payment of a commuted sum towards affordable housing provision of £7500 has been secured through either an upfront payment or a Section 75 Legal Agreement has been agreed between the applicant and the Council.
- 2 Consistent with procedural note 1, the formal planning consent shall not be issued until such time as the required commuted sum for affordable housing has been secured. In the event that the applicant does not a) make the required payment upfront within 14 days of the date of the committee decision or b) complete a legal agreement for its delayed payment within a 4 month period, the application will be refused under delegated powers.

D INFORMATIVES

None.

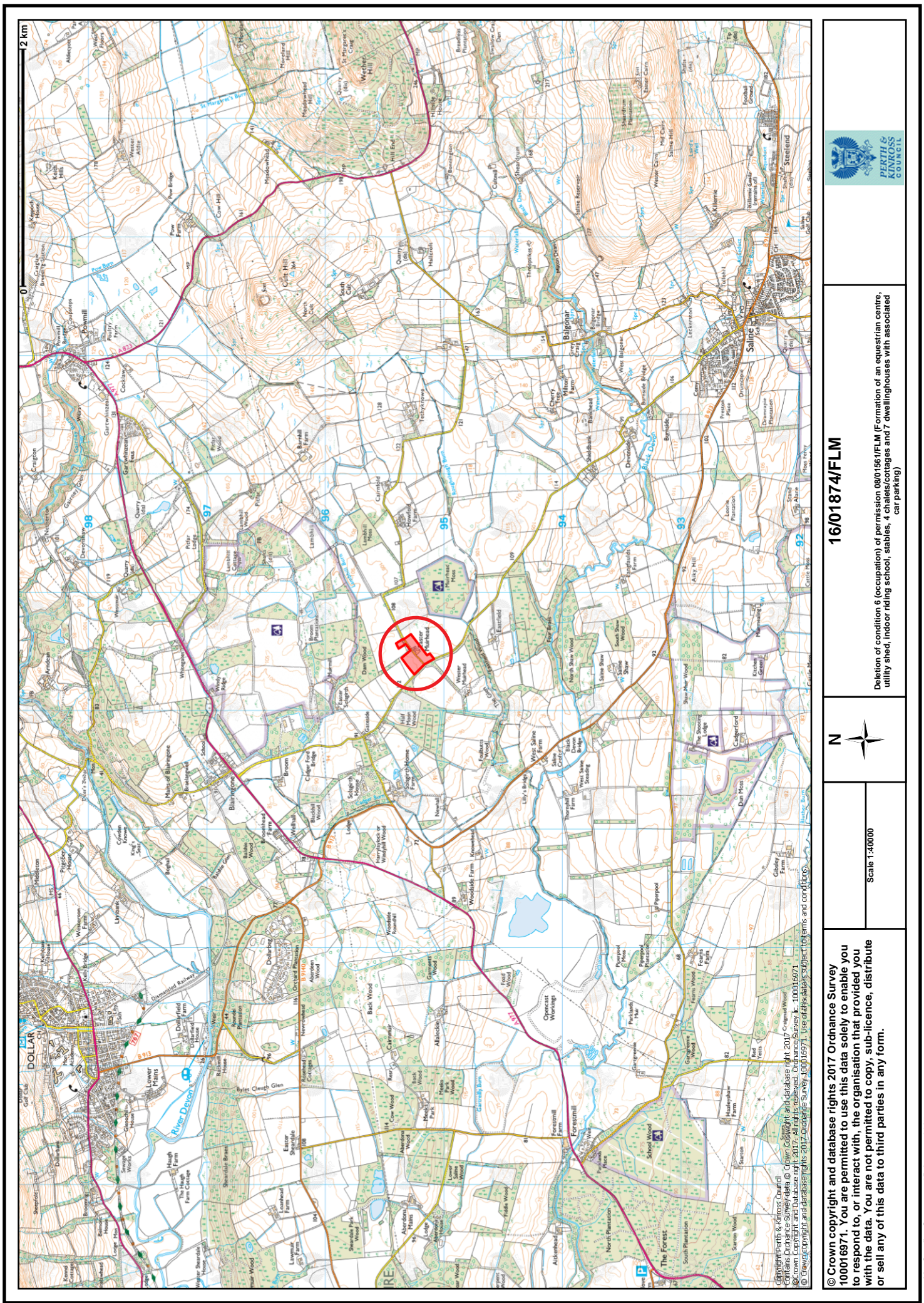
Background Papers: 2 letters of representation
Contact Officer: Callum Petrie – Ext 75353
Date: 27 January 2017

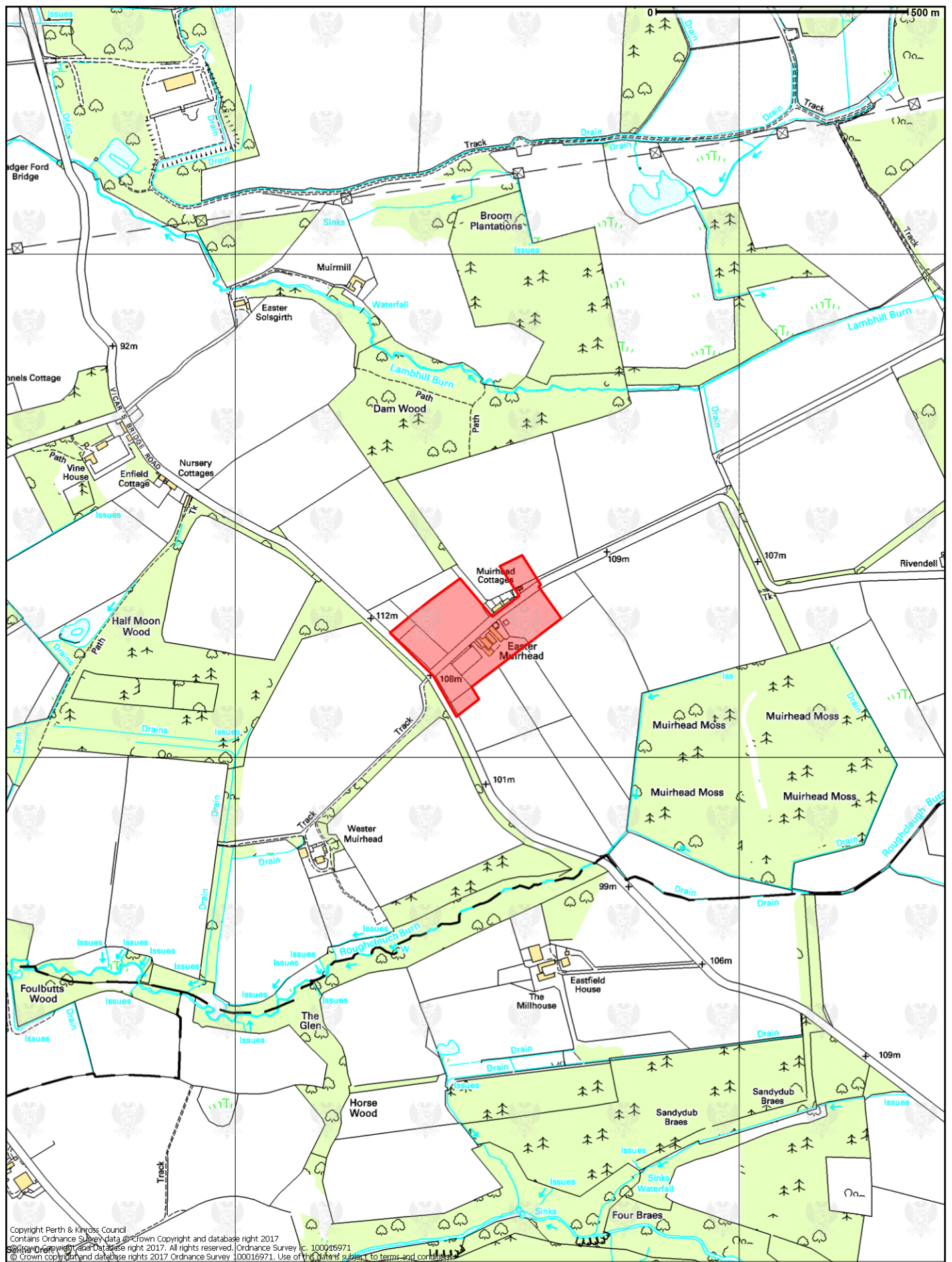
NICK BRIAN INTERIM HEAD OF PLANNING

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16/01874/FLM

Deletion of condition 6 (occupation) of permission 08/01561/FLM (Formation of an equestrian centre, utility shed, indoor riding school, stables, 4 chalets/cottages and 7 dwellinghouses with associated car parking)



Perth and Kinross Council
Development Management Committee – 15 February 2017
Report of Handling by Interim Head of Planning

Erection of 3 agricultural buildings and workshop/office/staff accommodation building and land engineering operations (in part retrospect) at Land 200 Metres South East Of A M Howie Yard, Yetts Road, Dunning

Ref. No: 15/02097/FLL
Ward No: 7 - Strathallan

Summary

This report recommends approval of the application for the erection of 3 agricultural buildings and workshop/office/staff accommodation building and land engineering operations (in part retrospect) as the development is considered to comply with the relevant provisions of the Development Plan.

BACKGROUND AND DESCRIPTION

- 1 The application site is located to the south east of the village of Dunning. The land has been historically in agricultural use, prior to the regrading of the field, for growing grass and cereal crops. The land is categorised as Grade 3 Arable land.
- 2 The site is defined by the Dunning Burn running along the north and east boundary. A residential area of Dunning known as Newton of Pitcairns is located beyond the burn to the north. To the northwest is the Marcassie Burn and beyond is Millhouse Farm with the remainder of the site surrounded by agricultural land.
- 3 The proposal is to erect three agricultural buildings and a workshop/office/staff accommodation building. The agricultural buildings consist of fodder/feed mix/straw stores and a livestock building. There are also associated land engineering works included within the application which have been done prior to the submission.
- 4 The Enforcement Team had investigated the unauthorised works and until the submission of this application, the applicant incorrectly stated that these works were allowed under agricultural permitted development rights. As the land works are now related to this proposal they are no longer permitted development and require planning permission.
- 5 The access road to the site is from the B 934 and has been previously granted planning permission ref 12/02169/FLL and formed prior to this submission as a secondary access to Millhouse Farm.

Environmental Impact Assessment (EIA)

- 6 Directive 2011/92/EU requires the 'competent authority' (and in this case Perth and Kinross Council) when giving a planning consent for particular large scale project to do so in the knowledge of any likely significant effects on the environment. The Directive therefore sets out a procedure that must be followed for certain types of project before 'development consent' can be given.
- 7 This procedure, known as Environmental Impact Assessment (EIA), is a means of drawing together, in a systematic way, an assessment of a project's likely significant environmental effects. This helps to ensure that the importance of the predicted effects, and the scope for reducing any adverse effects, are properly understood by the public and the relevant competent authority before it makes its decision.
- 8 It is the opinion of the planning authority, having taken account of the characteristics of the potential impact of the development, in terms of extent, scale, magnitude, complexity, probability, duration frequency and reversibility that it is not likely to have a significant effect on the environment. A detailed study through an EIA is therefore not required.

NATIONAL POLICY AND GUIDANCE

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

Scottish Planning Policy 2014

- 10 The Scottish Planning Policy (SPP) was published on June 23 2014. It sets out national planning policies which reflect Scottish Ministers' priorities for operation of the planning system and for the development and use of land. The SPP promotes consistency in the application of policy across Scotland whilst allowing sufficient flexibility to reflect local circumstances. It directly relates to:
 - The preparation of development plans
 - The design of development, from initial concept through to delivery
 - The determination of planning applications and appeals.
- 11 Of relevance to this application are:
 - Paragraphs 24 – 35 Sustainability
 - Paragraphs 36 – 57 Placemaking
 - Paragraphs 74 – 91 Promoting Rural Development
 - Paragraphs 92 – 108 Supporting Business and Employment
 - Paragraphs 254 – 268 Managing Flood Risk and Drainage

- 12 The following Scottish Government Planning Advice Notes (PAN) are likely to be of relevance to the proposal,

- PAN 1/2011 Planning and Noise
- PAN 51 Planning, Environmental Protection and Regulation

DEVELOPMENT PLAN

- 13 The Development Plan for the area consists of the Approved TAYplan Strategic Development Plan 2012 and the Adopted Perth and Kinross Local Development Plan 2014.

TAYplan: Strategic Development Plan 2012-2032

- 14 The principal relevant policy is in summary: -

Policy 3 Managing TAYplan Assets

- 15 Safeguards resources and land with potential to support sustainable economic growth.

Perth and Kinross Local Development Plan 2014

- 16 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.

- 17 The principal relevant policies are, in summary:

Policy PM1A - Placemaking

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

Policy PM1B - Placemaking

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

Policy PM2: Design Statements

- 20 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 ED3 – Rural Business and Diversification

- 21 Favourable consideration will be given to the expansion of existing businesses and the creation of new businesses within or adjacent to existing settlements in rural areas. Outwith settlements, proposals may be acceptable where they offer opportunities to diversify and existing business or are related to a site specific resource or opportunity.

Policy TA1A - Transport Standards and Accessibility Requirements

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

Policy TA1B - Transport Standards and Accessibility Requirements

- 23 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 NE3 - Biodiversity

- 24 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

- 25 Requires all new development to contribute to the creation, protection, enhancement and management of green infrastructure.

Policy EP2 - New Development and Flooding

- 26 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 EP3A - Water, Environment and Drainage

- 27 Proposals which do not accord with the Scotland River Basin Management Plan and any relevant associated Area Management Plans will be refused unless they are considered to be of significant specified benefit to society and / or the wider environment.

Policy EP8 - Noise Pollution

- 28 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.

OTHER POLICIES

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

SITE HISTORY

- 30 Planning permission ref 12/02169/FLL for the formation of an access road to serve Millhouse Farm was approved and constructed. This access is to be used to serve this development.
- 31 The site has been subject to pre-application discussions regarding the principle of development which is subject to this planning application.

CONSULTATIONS

EXTERNAL

Scottish Environmental Protection Agency (SEPA)

- 32 SEPA initially objected to the proposal on a lack of information in respect of flood risk. Subsequently SEPA, the applicant, the agent, the Council Flood Officer and the Planning Officer have met on site and further discussions have taken place with the consultant Envirocentre. Following on from this SEPA have withdrawn their objection subject to the inclusion of a condition related to the unauthorised works in the Marcassie Burn.

Dunning Community Council

- 33 Dunning Community Council has raised the following concerns; drainage and runoff to adjacent watercourse, noise/light pollution, increase in traffic, request for landscaping and waste management plan. Also raised is the proximity within 400m of residential properties and the inclusion of residential accommodation.

INTERNAL

Environmental Health

- 34 No objection subject to extensive conditions being adhered to recommended with regard to noise, deliveries and odours etc.

Structures and Flooding

- 35 The site is at risk of partial inundation during the 1 in 200 year (plus climate change) flood event, as indicated by SEPA's medium probability flood risk map. The flood team initially objected to the proposal and have subsequently been in discussions with the agent, their consultant and SEPA. These discussions and submission of additional information have resolved initial concerns and conditions are recommended to overcome any concerns.

Transport Planning

- 36 No objection and no planning conditions required

REPRESENTATIONS

- 37 A total of 158 letters of representation consisting of 77 objections and 79 letters of support were received and raised the following relevant issues: -

Objections

- Visual impact
- Loss of outlook
- Loss of privacy
- Impact on residential amenity due to increased noise and odour due to proximity
- Livestock proximity to residential properties
- Lack of landscape plan
- Scale of development
- Increased Traffic
- Road Safety
- Flooding
- Disposal of waste
- Water pollution to Dunning Burn
- Need for staff accommodation
- Increase in vermin
- Light and noise pollution
- Unauthorised development prior to submission of application
- Lack of other consents for example from SEPA
- Lack of Environmental Impact Assessment
- Contrary to development plan and national planning policy
- Impact on Conservation Area
- Devaluation of property

Support

- Economic benefits
- Expansion of farming activities
- Local employment
- Limited traffic movements
- Low visual impact

- 38 These issues are all addressed in the Appraisal section of this report. With the exception of devaluation of property which is not considered to be a material planning consideration.

ADDITIONAL STATEMENTS

39

Environment Statement	Not required
Screening Opinion	Not required
Environmental Impact Assessment	Not required
Appropriate Assessment	Not required
Design Statement / Design and Access Statement	Submitted
Report on Impact or Potential Impact	Submitted (Odour/Noise/Hydrology)

APPRAISAL

- 40 Sections 25 and 37(2) of the Town and Country Planning (Scotland) Act 1997 as amended by Planning Etc (Scotland) Act 2006 require that planning decisions be made in accordance with the Development Plan unless material considerations indicate otherwise. The determining issues in this case are whether: - the proposal complies with Development Plan policy and if not, are there are any other material considerations which justify a departure from policy. The most relevant policies of the Council's Local Development Plan (LDP) 2014 and TAYplan are outlined in the policy section above.

Principle

- 41 The site is located outwith the settlement boundary of Dunning and the principle of establishing development on the site is considered primarily under Policy ED3 Rural Business and Diversification.
- 42 Policy ED3 states that the Council will give favourable consideration to the expansion of existing businesses and the creation of new ones in rural areas. There is a preference that this will generally be within or adjacent to existing settlements. Sites outwith settlements may be acceptable where they offer opportunities to diversify an existing business. This is provided that they will contribute to the local economy through the provision of in this case permanent employment.

43 Proposals considered under this policy are expected to meet all of the following criteria:

- The proposal's use is compatible with the surrounding land uses and will not detrimentally impact on the amenity of residential properties within or adjacent to the site.
- The proposal can be satisfactorily accommodated within the landscape capacity of any particular location.
- The proposal meets a specific need by virtue of its quality or location in relating to existing businesses or tourist facilities.
- Where any new building or extensions are proposed they should achieve a high quality of design to reflect the rural nature of the site and be in keeping with the scale of the existing buildings.
- The local road network must be able to accommodate the nature and volume of the traffic generated by the proposed development in terms of road capacity, safety and environmental impact.
- Outwith settlement centres retailing will only be acceptable if it can be demonstrated that it is ancillary to the main use of the site and would not be deemed to prejudice the vitality of existing retail centres in adjacent settlements.
- Developments employing more than 25 people in rural locations will be required to implement a staff travel plan or provide on-site staff accommodation.

44 The site is located outwith the settlement boundary and the policy states that this may be acceptable where the site offers opportunities to diversify existing businesses. The supporting documents state that the existing farming facilities at Millhouse are not sufficient to meet the needs of a modern growing agricultural enterprise.

45 The policy also outlines criteria for development firstly that the proposal's use is compatible with the surrounding land uses and will not detrimentally impact on the amenity of residential properties within or adjacent to the site. This is covered in detail in later sections of the report.

Design and Layout

46 The application is for the erection of 4 buildings. Two of the buildings are for fodder/ feed mix/straw stores and are located to the south of the site. The third building is for an agricultural animal livestock building, which will run down the centre and length of the site. The fourth building will contain a workshop, office/ meeting room and staff accommodation areas and is located to the north of the site.

47 The mix of buildings range from the relatively low height cattle rearing shed to a higher eaves height grain store. Modern farm equipment is such that a large door opening of 6 metres along with an apex height of greater than 10 metres is required for entering and tipping within the sheds.

- 48 A palate of different finishes has been submitted with the application detailing various finishes. The materials include cement-fibre roof cladding, plastisol coated trapezoidal sheeting to certain roofs and side cladding, as well as concrete panels, glass and flat panel insulated sheeting. In this location I consider that any of the materials would work and a condition requiring the materials and colour finishes to be confirmed will be added. The ground will be surfaced with a mixture of concrete and asphalt depending on the location and the surface wearing requirements.
- 49 The use of Photo Voltaic (solar) panels on the south and east facing roofs will be incorporated in order to provide onsite renewable energy. This is calculated to provide 150 Kw of power which will help the overall sustainability of the farm.
- 50 The site, through works carried out prior to the submission of the planning application, has been regraded and levelled with a gravelled finish. The access road to the east of the site has been formed recently to provide an additional access to Millhouse Farm and will be utilised to serve this development. A parking area is proposed adjacent to the access road to the northeast of the site.

Use

- 51 The applicant has confirmed that the site will be a centre of excellence in cattle rearing so that cattle can be showcased to customers of the associated food business at Findony located approximately 250m to the west of the application site. The ancillary uses to the cattle building include an office, staff facilities, residential accommodation, workshop and fodder/feed mix/straw stores.
- 52 The workshop will be a general farm workshop doing small repairs and general maintenance of farm equipment.
- 53 The residential accommodation is adjacent to the offices and meeting rooms at the east end of the workshop building. The agent has confirmed that the 4 bedroom apartment will be used for any potential maintenance staff, seasonal workers (covering harvest time etc.) and agricultural working students. It is not intended for long term use but very much on a short term basis and sporadic use.

Landscaping

- 54 No landscaping plan has been submitted and it is considered that the site could benefit from a landscaping proposal to provide a buffer between the settlement of Dunning and the development site. It is considered that in the area to the east of the site would benefit from planting which would break site lines of the development from the north. This will be added as a planning condition.

Visual Impact

- 55 The application site is edge of village and the development comprises of agricultural buildings. It is within an area already characterised by a mix of dwellings, agricultural buildings for example at Millhouse Farm and more industrial scale buildings at Findony.
- 56 It is considered that as the site is set back from the public road with rising land to the south between the site and the road the visual impact would be reduced to an acceptable level.
- 57 The site is well screened from within the Newton of Pitcairns area but on entering this area of Dunning from the southeast there is a clear view of the site. This view however is not experienced over a long section of the road and as the site is at a lower level with rising land behind the visual impact of this open view will be reduced.

Residential Amenity

- 58 The application site is out with the settlement boundary of Dunning located to the southeast, adjacent to the settlement boundary. The closest existing residential properties to the site are Glen Rossie House and Sawmill Cottage at Newton of Pitcairns which are approximately 45 and 47metres, respectively, from the site.
- 59 The proposed agricultural livestock building, will be open to the north elevation with feeding troughs running along this elevation. The livestock building will house between 150 and 180 head of cattle from the months of September until April each year. The cattle will then be finished on grass within an adjacent field during the summer months.
- 60 The feeding of cattle within the agricultural building will take place twice a day at 8am and 4pm, with the use of a tractor and feed mix trailer; this process will take approximately 30 minutes. The cattle feed will be prepared and mixed mechanically within the fodder and feed mix building.
- 61 Other farm traffic movements on the proposed site will be a tele-handler machine used for general farm use around the steading, such as cleaning out the straw from bedding areas. Larger vehicle movements include the delivery of the cattle to the site in September and removal between April and July.
- 62 The application does not include any lighting proposals and as the intention is to provide a calm environment for the cattle lighting would not be necessary 24 hours a day. In winter, however, in line with operating times, lighting would be required. It is considered that lighting in this location could be sufficiently aligned to avoid spill outwith the site. A condition will be added to ensure that details of light spill, brightness of the lighting and the proposed hours of operation are submitted.

- 63 It is considered that the distance from the buildings and the separation of the site by the burn from the settlement boundary would reduce any potential impacts in terms of loss of privacy or loss of outlook. Further consideration should be given however to the impact in relation to odour from the cattle and noise from the operations on site. This will be covered in the next sections of the report.

Potential Impacts

- 64 'The Prevention of Environmental Pollution from Agricultural Activity' Code of Good Practice is to provide practical guidance for farmers and those involved in agricultural activities, including farm advisers, on minimising the risks of environmental pollution from farming operations. Many common agricultural practices pose a potential risk to the environment. This can be increased where poor standards of operation are in place.
- 65 The next three sections tackle the issues related to this proposal; odour, noise and pollution.

Odour

- 66 It is noted in the Code of Good Practice that when designing new buildings, consideration should be given to their siting in relation to residential accommodation, and to avoid sites within 400m of such developments. Where possible, sites downwind of residential areas should be chosen. It should also be ensured that buildings are properly ventilated to control temperature, humidity and the concentration of gases, and to provide a good distribution of clean air under a wide variety of external weather conditions.
- 67 It is worth stating that this distance attenuation has been slightly relaxed in relation to other planning applications in the past. However this has only occurred in relation to much lesser deviations from the advised 400 metres, where much fewer numbers of livestock were proposed and further controls e.g. odour management plans were appropriate to prevent the likelihood of amenity issues arising.
- 68 The applicant has submitted a design statement with the application and this states the application allows for the extension of Millhouse Farm and expansion of the applicants business. Environmental Health Officers visited the site and established that Millhouse Farm has several agricultural buildings that are currently being used for general agricultural storage, but livestock have not been housed at this location for the last eight years. The farm has in the past been the operational site for a haulage company. The provision of livestock housing in the context of this application is therefore a new activity and not a replacement of any previous, similar operation on this site.

- 69 My colleagues in Environmental Health made an initial assessment of the planning application and considered that taking into account all the aforementioned material considerations of the proposal, it was their contention that due to the short distance attenuation of the livestock building to existing residential dwellings there was the potential for residential amenity to be adversely affected from odour. The applicant requested an opportunity to address these concerns by commissioning an Odour Impact Assessment (OIA) and submitting an Odour Management Plan (OMP).
- 70 The council has engaged a specialist consultant – Ricardo Energy & Environment to assess the odour impact of the development on behalf of the council. They also gave advice to the applicants' agent Airshed on the scope of the Odour Impact Assessment (OIA) and the outcome of the OIA including the formation of an Odour Management Plan (OMP).
- 71 Ricardo E & E confirmed that the modelling system, meteorological data, and treatment of terrain used by the applicant's consultant are all appropriate for this study.
- 72 The assessment relies on an odour benchmark at a strength which is considered to represent a moderately significant impact on amenity. This benchmark has been drawn from the Institute of Air Quality Management (IAQM) and SEPA's odour guidance, in which it is specified in relation to odours from intensive agriculture. It may be over-demanding in relation to the assessment of odours from the proposed facility which is relatively small scale, located in an agricultural area, and is not a prescribed intensive agricultural activity. This benchmark would apply at residential properties but not at locations where short term exposure may occur (e.g. foot paths, roadways).
- 73 The assessment evaluates a series of uncertainties associated with carrying out odour assessment: The key uncertainties are (i) significant variation in emissions data from different reference sources; and (ii) difficulties in estimating emissions which are fleeting in nature. The consultant considers that the finding based on such data should be treated with caution and regarded as indicative. It was agreed that there are variations in emission data and therefore would urge that for the protection of amenity a precautionary view should be adopted. The precautionary view would also take into account any uncertainty associated with dispersion modelling, terrain or surface roughness.
- 74 The report summarises the results in the form of a sensitivity analysis. The applicant's odour report concludes that there would be a minor adverse impact at four properties, and an insignificant impact elsewhere.

- 75 Environmental Health were involved in further discussions Ricardo E & E about the odour contours predicted around the proposed development. The most significant contour showed an odour level which would be recognised as the benchmark whereby exposure to this level (or below) could be considered such that there would be 'no reasonable grounds for complaint' (equivalent of Airshed's minor adverse impact). This contour does not run through any dwellings but runs through the garden at one property. This indicates that there may be identifiable odour, but due to the surrounding agricultural environment exposure at such levels should not be deemed significant, i.e. unreasonable. That does not, however, mean that any sensitive resident would not complain, but if Airshed's contours are correct a nuisance would not be identified.
- 76 To ensure the potential for odour is minimised an Odour Management Plan (OMP) has been submitted in support of this application, which Ricardo E & E have reviewed. The OMP is required to include measures which deliver control on odours such that an acceptable odour level can be achieved at all sensitive properties.
- 77 Environmental Health requested amendments to the OMP all of which have been included. The final plan demonstrates a comprehensive document that formalises and sets controls and management measures to minimise odour emissions to existing residential receptors.
- 78 A condition will be added to ensure that the OMP is complied with and a second odour condition added to address any possible issues once the facility is in operation. The OMP due to the importance of the document is included as an appendix to the paper.

Noise

- 79 Planning Advice Note (PAN) 1/2011: Planning and Noise provides advice on the role of the planning system in helping to prevent and limit the adverse effects of noise. The PAN promotes the principles of good acoustic design and a sensitive approach to the location of new development. It promotes the appropriate location of new potentially noisy development, and a pragmatic approach to the location of new development within the vicinity of existing noise generating uses, to ensure that quality of life is not unreasonably affected and that new development continues to support sustainable economic growth.
- 80 The potential noise from this development could arise from a number of sources; the daily operations, the cattle, operation of vehicles and machinery. A Noise Impact Assessment (NIA) was requested to address these concerns. The purpose of a NIA is to demonstrate whether any significant adverse noise impacts are likely to occur and if so, identify what effective measures could reduce, control and mitigate the noise impact.

- 81 An initial NIA was submitted and subsequently revised after discussions with Environmental Health. Officers from Environmental Health have also visited the application site and a noise measurement survey was carried out while a telehandler was in operation as this will be representative of the machine to be used on the site.
- 82 Environmental Health would typically allow +5dB above the LA90 background as acceptable in a BS4142 assessment and given the worst affected property, Glenrossie, the difference is 0dB with no correction in the revised assessment, this would be acceptable. Even with a +2 and +3 dB correction being applied for tonality and intermittency respectively in the future, the level would also be acceptable at Glenrossie.
- 83 Therefore due to the results of the updated assessment and the recent measurements taken EH can now support this application with the inclusion of conditions in relation to noise. The noise condition will be related to the operating time of the site and limited to a noise rating level from neighbouring residential properties.

Pollution

- 84 Agricultural pollution is the contamination of the soil, air and water environments resulting from farming activities. In this case the run-off from farm roads and yards, farm buildings and roofs after rainfall are all potential sources of pollution. Measures to reduce the risk of pollution at the farm steading (for example, improved collection and storage of silage effluent, fuel oil and pesticides) have successfully reduced the risk of direct discharges to rivers.
- 85 The Scottish Government in the 'The Prevention of Environmental Pollution from Agricultural Activity' Code of Good Practice gives detailed advice on minimising pollution in relation to farming activities.
- 86 The whole site will be surfaced with asphalt or concrete so sweeping and dust control will be easily managed. Solid waste from the site such as plastic and cardboard will be stored and uplifted. Liquid waste will be treated via an onsite process. There will be no slurry as deep bedded straw cattle courts are proposed with dung removed from the building.
- 87 The development would therefore not be expected, if managed correctly, to pollute nearby watercourses if good practice advice is followed.

Conservation Area

- 88 The site is located over 300m from Dunning Conservation Area. It is considered that the intervening distance incorporating the landscape features and existing built development would reduce any impact from the development on the setting or character of the Conservation Area.

Roads and Access

- 89 The site is served by an existing access road (which was approved ref 12/02169/FLL) from the B934 to Millhouse farm. This access road has been constructed up to a standard which could serve the proposed development. A parking area is proposed to the northeast of the site.
- 90 The large vehicle movements to and from the site will occur when the weaned calves come onto site in September delivered in lot sizes of 40-50 involving approximately eight to ten vehicle movements. Then when the cattle are ready to leave between April and July they will leave in lot sizes of 20 - 25, resulting in fourteen to sixteen vehicle movements.
- 91 There will be daily vehicle movements around the site. Two people will be working on site with management and visitors estimated at 3-4 movements a day. An adequate parking area has been provided. Deliveries of feed will be monthly.
- 92 Concerns have been raised regarding the existing road network and HGV traffic. Most movements will be confined to the immediate area and daily movements will not involve HGVs. Transport Planning have no objection to the proposal and consider that the scale of the development and vehicle movements are not significant. They also note that movements along the public road cannot be controlled and given that there are no restrictions in place on the public road which serves the site, it is acceptable for large vehicles to use the route.

Flooding and Drainage

- 93 The site lies partially within the 0.5% annual probability (or 1 in 200-year) flood extent and as such may be at medium to high risk of flooding from the Dunning Burn (which runs to the north). It should be noted that the Marcassie Burn (to the west) has not been included within the model for the SEPA Flood Map as its catchment is less than 3km² and as such flood risk from this source is unknown.
- 94 SEPA have been in discussion with the Council Flood Team and the applicant's agent Envirocentre regarding unauthorised works within the site and in particular the Marcassie Burn. The activities which have taken place at the site and in the adjacent Marcassie Burn comprise land-raising and in-channel engineering. The SEPA objection was on grounds of lack of information regarding flood risk. This objection was two-fold – had the landraising compromised the natural flood plain of the Marcassie Burn; and secondly, had the in-channel works resulted in increased flood risk by narrowing the channel.
- 95 The unauthorised in-channel engineering works are also subject to SEPA enforcement under Controlled Activities Regulation (CAR) due to a morphological impact on the Marcassie Burn. SEPA issued a Final Warning Letter to the applicant and has had discussion with Envirocentre (the applicant's consultant) regarding the scope of works required at the site.

- 96 A number of meetings have been held and SEPA have received a submission from Envirocentre dated 16 November 2016. SEPA have now reviewed this submission and have withdrawn their objection subject to the imposition of a planning condition attached to any consent the Council is minded to grant.
- 97 The required condition is to ensure the appropriate removal of the rock armouring and erosion protection works in-channel of the Marcassie Burn, then the matters of flood risk and unauthorised engineering activities subject to the Final Warning Letter (FWL) from SEPA will be dealt with.
- 98 One other concern was with regards to the residential aspect and if any additional access/egress from the site is available if the main access is overtopped/flooded from the Marcassie Burn (as suggested in SEPA's report). A plan was provided showing an alternative route to higher ground, and it was to be confirmed that this allowed access/egress to the road further up. In any case it is likely that the main access would remain passable to vehicles in the event of overtopping given the slope of the land which would limit the depth of flood water (flow velocities may restrict pedestrian access hence the need for the alternative route, which was provided).
- 99 Surface water will be handled through an onsite SUDS attenuation system full details of which will be required by condition.

Economic Development

- 100 The applicant has outlined that the development is to be a centre of excellence in cattle rearing so cattle can be showcased to customers of the family's associated food business.
- 101 This development will create employment opportunities and there will be a significant number of downstream economic opportunities associated in terms of the construction period. The impact of the proposal on the rural economy at this location is considered to be significantly positive.

LEGAL AGREEMENTS

- 102 None required.

DIRECTION BY SCOTTISH MINISTERS

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

CONCLUSION AND REASONS FOR RECOMMENDATION

- 104 In conclusion, the application must be determined in accordance with the adopted Development Plan unless material considerations indicate otherwise. In this respect, the proposal is considered to comply with the approved TAYplan 2012 and the adopted Local Development Plan 2014. I have taken account of material considerations and find none that would justify overriding the adopted Development Plan. On that basis the application is recommended for approval subject to conditions.

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 permission.

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

- 2 The approved Odour Management Plan dated 7 October 2016 as agreed shall be fully implemented and maintained as part of the planning permission.

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

- 3 Should any aspect of the development result in verified odour complaint determined by the Council as Planning Authority in consultation with Environmental Health, within 14 days of written request by the Council as Planning Authority, the applicant shall arrange for an Odour Impact Assessment (OIA) to be carried out by a qualified consultant. The OIA findings shall be submitted for the written approval of the Council as Planning Authority, in consultation with Environmental Health and must draw conclusions and make recommendations as necessary. Thereafter any necessary measures to ameliorate the odour nuisance should be put in place, and a new or revised Odour Management Plan must be submitted to the council within a specified agreed timescale.

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

- 4 Noise levels arising from the development shall not exceed a Rating Level of LAeq time rating 52 dB, when measured over any given 1 hour period, at the façade of any residential property. All measurements shall be determined using the guidance of BS4142:2014 *RATING FOR INDUSTRIAL NOISE AFFECTING MIXED RESIDENTIAL & INDUSTRIAL AREAS*, and measurements should be corrected appropriately for acoustic features as described by this standard.

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

- 5 Should any aspect of the operation of this facility lead to a breach of the condition 4 within 14 days of written request by the Council as Planning Authority the applicant shall arrange for an investigation by a suitably qualified noise consultant with the scope and timescale submitted to and agreed in writing with the Council as Planning Authority in consultation with Environmental Health. Thereafter the agreed measures shall be implemented to ameliorate the nuisance.

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

- 6 Prior to commencement of any further development approved under this permission, the applicant shall submit a scheme which shall be agreed in writing with the Council as Planning Authority, in consultation with SEPA, for the remediation of the unauthorised river engineering works on the Marcassie Burn. The scheme as approved shall thereafter be implemented prior to bringing into use of the development hereby approved.

Reason – To secure the remediation of the unauthorised river engineering works on the Marcassie Burn.

- 7 No changes to the external elevations of the buildings as approved is permitted.

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

- 8 Prior to the commencement of any further development approved under this permission, details of the specification and colour of the proposed external finishing materials to be used shall be submitted to and agreed in writing by the Council as Planning Authority. The scheme as agreed shall be implemented prior to the completion or bringing into use of the development, whichever is the earlier.

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

- 9 The operations within the workshop shall be restricted to small repairs and general maintenance of farm equipment associated with the development as approved.

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

- 10 The hours of operations shall be restricted to 0700 hours to 1900 hours daily.

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

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

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

- 12 Audible vehicle reversing alarms shall be operated on the method that they only emit the warning if necessary, e.g. on an infrared signal which detects persons to the rear of the vehicle.

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

- 13 Prior to the installation of any external lighting and internal lighting for the cattle shed, the details shall be submitted for the further written agreement of the Council as Planning Authority. The scheme shall include details of light spill, brightness of the lighting and the proposed hours of operation. The agreed lighting scheme shall be implemented and maintained in full accordance with the agreed scheme.

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

- 14 Prior to the commencement of any further development approved under this permission, a detailed landscaping and planting scheme for the site shall be submitted for the further written agreement of the Council as Planning Authority. The scheme shall include an area of planting to the northeast to provide a buffer between the site and the residential properties to the north. 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.

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

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

Reason - To ensure the appropriate management of construction surface water run-off to minimise flooding and avoid discharge of sediment/pollution to the local water environment or neighbouring property, in the interests of residential and environmental amenity.

- 16 Development shall not commence on site until a detailed sustainable urban drainage system (SUDS) has been submitted for the further 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.

B JUSTIFICATION

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

C PROCEDURAL NOTES

None.

D INFORMATIVES

- 1 As soon as practicable after the development is complete, the person who completes the development is obliged by section 27B of the Town and Country Planning (Scotland) Act 1997 (as amended) to give the planning authority written notice of that position.
- 2 No work shall be commenced until an application for building warrant has been submitted and approved.

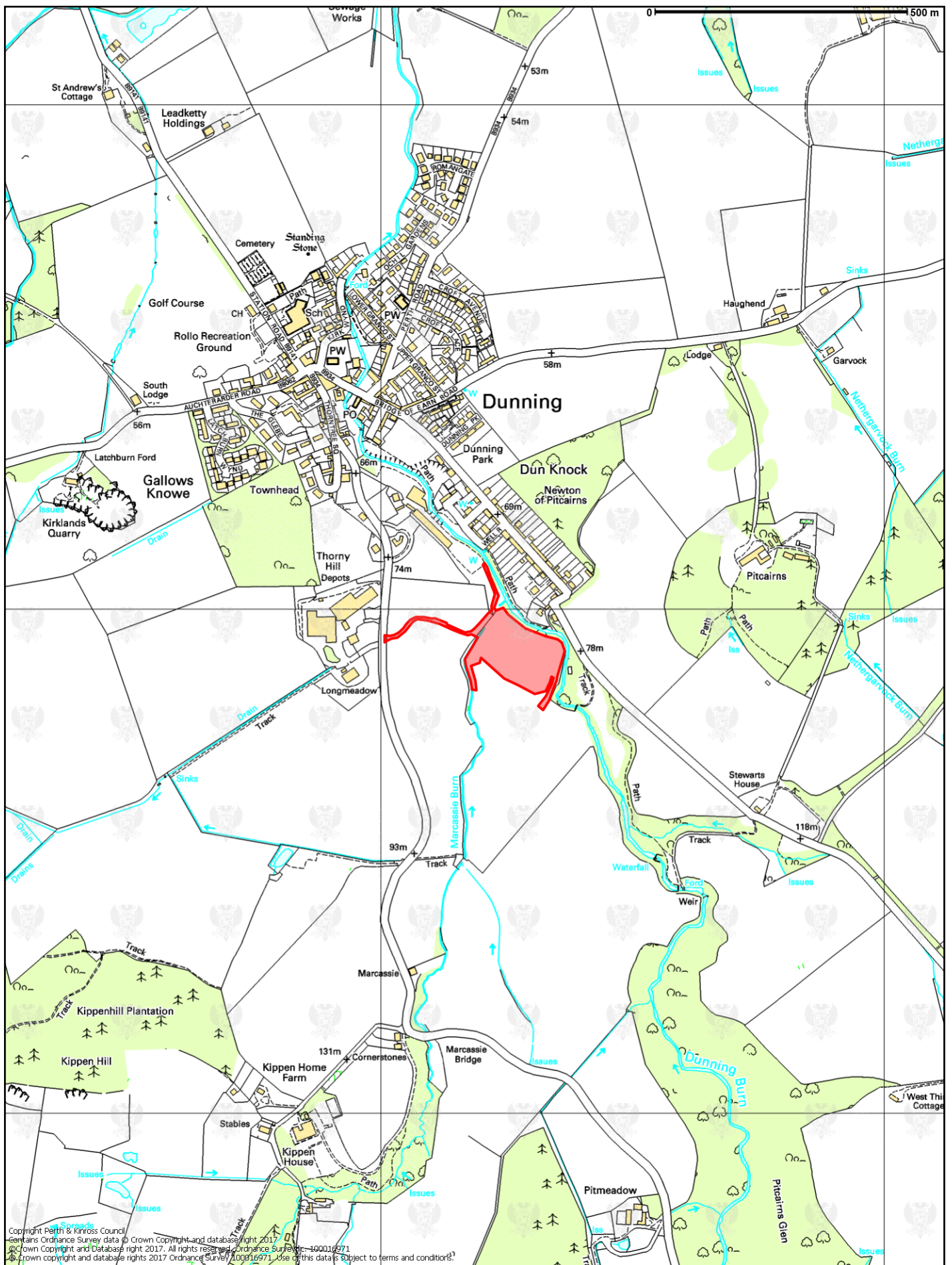
Background Papers: 158 letters of representation
Contact Officer: Joanne Ferguson
Date: 26 January 2017

Nick Brian
Interim Head of Planning

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Scale 1:10000

15/02097/FLL

Erection of 3 agricultural buildings and
 workshop/office/staff accommodation building and
 land engineering operations (in part retrospect)



Odour Management Plan for Millhouse Farm

Farm Name: Millhouse Farm

Operator: Mr Ross Howie

Application Reference: 15/02097/FLL

Date: 07.10.16

Introduction

This bespoke Odour Management Plan (OMP) has been prepared to support the planning application & overall Environmental Management System planned for Millhouse Farm. The objective of this OMP is to ensure that the day-to-day activities are carried out in accordance with government guidelines and best practice to minimise the overall environmental impact. There are in excess of 15 sensitive receptors within 100m of the planned site.

Setting

The planned site (consisting of two units for cattle housing along with a feed store and office/workshop building) approximately 1.80 hectares in size, is located at 714218 northing and 302030 easting; it is approximately 500m southwest of the village of Dunning with the nearest sensitive receptor* located approximately 43m north of the site (73m from the nearest unit). Figure 1 shows the location of the farm with a 450m radius. The figure shows the location of the receptors which have been considered in this OMP; these locations have been summarised in Table 1 (below).

Table 1

Receptor	Distance from North Unit (m)	Direction from South Unit (m)	Type of Receptor
Findony	260	313	Workplace/Residential
Longmeadow Cottage	269	314	Residential
The Manse	103	110	Residential
Glenrossie	76	75	Residential
Sawmill Cottage	84	73	Residential

**Sensitive receptors, for the purposes of odour regulation, are typically defined as residential locations as it here that impact limits (based on a percentile of hourly averages over a year) should be applied. This will typically include the gardens of these residences. Other locations where there is potential to cause a loss of amenity may include workplaces (offices in particular), hospitals, recreational areas etc. It is important to recognise that the same quantitative annual exposure criteria should not be applied at these locations as for residential receptors due to the lower frequency of exposure.*

Document Title: **Odour Management Plan – Millhouse**

Authorised By: *Cat MacGregor*

Document No: **MH 001**

Issue 3

Page **1** of **8**

Date: 07.10.16

Reason for Review: *Amended as requested by PKC including reference to location of storage of fallen stock; procedures for deep litter waste*

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Odour Management Plan for Millhouse Farm

Figure 1.



The purpose of this odour Management Plan is to:

- Establish the likely source of odours arising from the farm
- Set out procedures at the farm in order to mitigate or minimise the risk of odour
- Formalise an effective method of dealing with any odour complaints quickly and efficiently

As recommended by the Environment Agency H4 Odour Management the following areas have been fully considered, with control measures devised which will prioritise odours at their earliest stages of development.

- Managing Inventory
e.g. feedstock & storage of feed
- Controlling Evaporation
- Containment & Abatement
- Dispersions
- Reducing Impacts

Odour Management Plan for Millhouse Farm

Potential Odour Sources

In accordance with section 3 of the H4 Odour Management guidance, a risk assessment of odour pollution was performed (H1 risk assessment dated 20th April 2016, submitted in support of planning application 15/02097/FLL).

As a result, the following sources have been identified as contributing to a potential medium risk odour source:

- Odour emissions from feed selection (maximum of 40 tonnes of feed stored on site at any one time)
- Odour emissions from yard areas
- Odour emissions from housing
- Odour emissions from ventilation
- Odour emissions from feed delivery, mixing & storage
- Odour emissions from out loading (bedding / manure).

Pathways & Receptors

The pathway for all of the above is via the atmosphere. With the most sensitive receptors being inhabitants of nearby residential dwellings the wind direction will significantly influence how receptors are affected. The prevailing wind direction is south-westerly and therefore odour emission would be predominantly blown away from nearby neighbours. Wind direction & speed is known at all times as there is a wind sock located approximately 380m from the planned site.

Odour Impact Assessment (Prepared by The Airshed Ltd, v3, as amended, 20.04.16)

The conclusion of the Assessment is that the predicted worst case odour at the nearest sensitive receptor will be 3.0 OU_E/m³ 1 hour 98%ile (with a surface roughness of 0.5m) i.e. of minor adverse significance.

Complaints Procedure

There is a procedure in place to ensure that all required information is documented to allow for an investigation to be carried out along with corrective/preventative action, to reduce the likelihood of a repetition. Clear & transparent communication will be undertaken with the complainant to ensure they are kept abreast of all developments and are aware that prompt action is being taken to address their issues. All complaints will be recorded, numbered for easy referencing and trended, as a minimum annually, to allow issues to be clearly identified. In the event of a complaint the following information will be acquired: time & date of complaint; name & contact details of complainant; date, time & location of odour issue; weather conditions including temperature; wind strength & direction; description & duration of odour; any other relevant information e.g. if there have been other similar complaints. For full details please refer to MH 002 Odour Complaint Report Form.

Odour Management Plan for Millhouse Farm



Index of Control Measures Found in Table 2

Section of Table 2	Potential Issue
A	Animal Housing & Management
B	Cleaning Out
C	Animal Carcasses
D	Feed Delivery
E	Odour Complaints
F	Dust (especially as an odour vector)
G	Manure Storage
H	Effects of Diet on Odour and Ammonia Emissions (feed selection)
I	Fugitive Emissions / Abnormal Operations
J	Feed Storage
K	Ventilation
L	Cleanliness of Yard Areas
M	Litter Quality
N	Pest Control
O	General Comments

Odour Management Plan for Millhouse Farm

Table 2

Proposed Control Measures for Minimising Odour Emissions

Section	Potential Issue	Control Measures
A	Animal housing & management	<ul style="list-style-type: none"> The design, including planned layout, of the housing has been done with BAT both for animal welfare and to limit the likelihood of fugitive emissions including the lack of side walls in the cattle housing unit, orientation of unit to prevailing wind, pitch of the roof (+ 35°) with an open roof apex detail.
		<ul style="list-style-type: none"> Pens and stock will be checked daily for cleanliness and the welfare of the animals & will be recorded on MH 007.
		<ul style="list-style-type: none"> All pens, housing and buildings will be cleaned out according to the cleaning schedule MH 005.
		<ul style="list-style-type: none"> Any odorous spillages will be cleaned promptly (within 12 hours) e.g. feed/ingredients & recorded on MH 007.
		<ul style="list-style-type: none"> Stocking density will be maintained at, or below, levels defined by Defra taking into account livestock units per hectare along with breed; as such there will be 120 head of cattle being raised at any one time.
		<ul style="list-style-type: none"> Ventilation will correspond to the animals' requirements. The buildings have been designed to allow constant natural ventilation. Roof pitch, open sides and large ridge vents ensure that there is no risk of stagnant air being trapped.
		<ul style="list-style-type: none"> Build-up of waste feed is prevented by removing it daily from eating areas; this will be disposed of in the midden along with waste manure. Should spoilage & therefore odours develop then the affected quantities will be placed into lidded waste receptacles.
		<ul style="list-style-type: none"> Drinking systems have been designed to prevent wastage & leaks by placing the drinking bowls throughout the cattle lay-down areas and close to the feed barriers. They are designed so that they store only enough water for a single visit from each animal; whilst it is drinking the water gets replenished due to the pressure from the nose of the animal. The water pipes which feed the bowl will be encased behind concrete walls and they will be 'heat-taped' for frost protection to avoid bursts or freezing issues during the winter. All systems are monitored via the <div style="text-align: right;">  </div>
		<p>maintenance schedule MH 004 & ongoing daily visual checks by farm staff.</p> <ul style="list-style-type: none"> Feeding systems are clean slabs of concrete which lie outside the feed barrier – this allows the feeding waggon to automatically drop the allocated ration onto the slab in order that the cattle can eat comfortably; the cattle will eat all that is provided to them before any new feed is laid out. The area is protected from the elements by a canopy to avoid spoilage. The slabs will be cambered inwards to ensure any moisture that is there runs back towards the cattle where it will either be absorbed by the feed or brushed clean at the end of the day. Should there be any waste this will be disposed of in the midden along with waste manure. Should spoilage & therefore odours develop, then the affected quantities will be placed into lidded waste <div style="text-align: center;">  </div> <p>receptacles.</p>
		<ul style="list-style-type: none"> Housing surfaces have been designed, where appropriate, to be made of non-porous, smooth surfaces to allow for satisfactory cleaning.

Odour Management Plan for Millhouse Farm

Section	Potential Issue	Control Measures
A (cont'd)	Animal Housing & Management (cont'd)	<ul style="list-style-type: none"> Temperature & humidity for animal housing along with feed & straw storage will be monitored & controlled daily by means of onsite equipment located throughout the cattle housing areas. Monitoring will be carried out using Testo 184 H1 data loggers which record for up to 500 days though these will be downloaded to the office computer as a minimum monthly. A visual alarm will be activated on the data logger if pre-set parameters are breached (i.e. if humidity levels goes above 70% or temperature is outwith the expected averages for the region -2 to +15 °C however given there are no side walls to the animal housing unit and the cattle will only be housed in it during the winter months neither humidity nor extremes of temperature are perceived to be an issue). The Testo data loggers will be monitored daily by farm staff.
		<ul style="list-style-type: none"> Bedding material will be stored in the Straw Shed which has been designed to keep bedding clean & dry therefore reducing the likelihood of it spoiling/deteriorating. The straw will be under cover (enclosed on 3 sides in a portal framed shed); contact with rain, should this happen (e.g. at the one open side of the shed), will be minimal due to the open side facing away from the prevailing winds; this will also allow the straw to dry out again once the rain has abated. Temperature & humidity will be monitored & controlled daily by means of onsite equipment located throughout the area. Monitoring will be carried out using Testo 184 H1 data loggers which record for up to 500 days though these will be downloaded to the office computer as a minimum monthly. A visual alarm will be activated on the data logger if pre-set parameters are breached (i.e. if humidity levels fall below 70% or temperature is outwith the expected averages for the region -2 to +15 °C). These will be visually checked daily by farm staff.
B	Cleaning Out	<ul style="list-style-type: none"> Cattle are re-bedded with fresh straw twice per week; cleaning out of animal housing will be performed as required in affected areas e.g. at drinking areas, where there is an increased risk of wet litter & therefore potentially odour, this will be done fortnightly; otherwise, if the litter remains in an acceptable condition it will be changed twice a year as a minimum and deep cleaned annually when the cattle are returned outside after the winter. Yard brushing and good housekeeping will be a major factor in the business for all other areas. Please refer to example MH 005 documents (once the farm is completed our chemical supplier will come on site, carry out a full risk assessment & write up site specific cleaning procedures).
C	Animal Carcasses	<ul style="list-style-type: none"> Fallen stock will be stored appropriately, i.e. where they cannot be accessed by other animals or birds & in an area/suitable container which can be cleaned & disinfected, whilst awaiting uplift by an approved transporter for disposal e.g. by incineration. This will be within a maximum of 24 hours (carcase collection is a 363 day a year service). The enclosed container will be kept in the shed at the south end of the site, which is farthest away from all domestic receptors.
D	Feed Delivery	<ul style="list-style-type: none"> All feed will be stored in covered, protected areas to prevent it from spoiling/deteriorating (see Feed Storage for further details).
		<ul style="list-style-type: none"> No liquid feeds will be used. Fresh water is the only liquid stored on site.
		<ul style="list-style-type: none"> All feed will be distributed via proprietary mixing wagon, after being mixed in a closed building then transported for automatic lay down at the feed area.
		<ul style="list-style-type: none"> Feed storage & distribution equipment will be included in the Maintenance Schedule & therefore monitored frequently & fixed promptly; any spillages will be cleared up promptly (within 12 hours).
E	Odour Complaints	<ul style="list-style-type: none"> Any odour complaints will be dealt with efficiently and promptly by the Owner or Farm Manager who will log the complaint and carry out a full investigation; once the source of the odour issue has been identified, it will be monitored at the site boundary closest to the complainant as part of the investigation. All details of the complaint will be recorded on the Complaints Log in the Farm Office and kept for a minimum of 2 years (copy of Complaints Record attached).
F	Dust (especially as an odour vector)	<ul style="list-style-type: none"> In the cattle housing shed dust build-up will be removed when the facility is cleaned down and the litter replaced; in other locations, such as vehicle access areas & general surrounds to the buildings (which will be concrete) these will be washed down as required to prevent either dust or mud build-up and run off will be run through an interceptor, not the mains drainage system.

Document Title: **Odour Management Plan – Millhouse**

Authorised By: *Cat MacGregor*

Document No: **MH 001**

Issue 3

Page 6 of 8

Date: 07.10.16

Reason for Review: *Amended as requested by PKC including reference to location of storage of fallen stock; procedures for deep litter waste*

\\SHSRV\Company\Technical\My Documents\Quality Manual\Cat\Simon\Millhouse\MH 001 Odour Management Plan for Millhouse Steading V6.docx

Odour Management Plan for Millhouse Farm

Section	Potential Issue	Control Measures
G	Manure Storage	<ul style="list-style-type: none"> Cattle are re-bedded with fresh straw twice per week; no manure storage is required as deep litter straw bedded courts will be used. Once the deep litter beds have reached their capacity, the buildings will be mechanically emptied. This will be carried out on days with wind speeds no greater than 10 Knots (mph) & a wind direction of the North or North east, which will ensure that the nearest receptors have no risk of detection – knowledge of wind direction is ensured due to the presence of a wind sock; the deep litter will be removed & loaded straight onto trailers then taken the same day out to the farm fields for storage and further decomposition. Spreading of this litter will take place once or twice a season and will be carried out greater than 400m from the nearest sensitive receptor. The litter will be loaded onto large 15 tonne trailers which have open tops and high sides; they hold approximately 30 m³ of litter and will be taken from the steading to the farm fields generally on frosty cold days to try and avoid damage to the soil. The trailer will drop the litter in remote locations where a ‘midden’ can be formed – this will be in excess of 400m from the nearest sensitive receptor and subject to wind conditions as outlined above.
H	Effects of Diet on Odour and Ammonia Emissions (<i>feed selection</i>)	<ul style="list-style-type: none"> Feed composition will be closely matched to the requirements of the cattle, especially protein
		<ul style="list-style-type: none"> Cattle will be fed a mixed ration of hay, straw, bruised barley along with concentrated proteins & sugars in a supplied pre-mix. These feeds will be provided through separate feed bins and wet/dry feeding systems; this will take place at 8am & 4pm.
		<ul style="list-style-type: none"> Diets will be continually reviewed with a professional nutritionist to ensure good performance of live-weight gains whilst considering possible effects on associated odours
		<ul style="list-style-type: none"> Records of crude protein levels and diet formulation will be kept in the farm office
I	Fugitive Emissions / Abnormal Operations	<ul style="list-style-type: none"> The aim is to limit the likelihood of these happening due to the control & maintenance schedules put in place to minimise leaks & or spillages etc as is the case at Findony, which benefits from a very high standard of maintenance and levels of hygiene. Leaks will be addressed via the Maintenance Report Record MH 008; spillages will be cleared up promptly (within 12 hours). For details of example cleaning procedures & the maintenance schedule then please refer to MH 005 and MH 004.
		<ul style="list-style-type: none"> In the case where, even with all the controls in place, there are unacceptable odour emissions then the activity causing these emissions will be stopped. In order to alleviate an immediate odour emergency then consideration would be given to retrieving the perfume spray dozer, owned by the Operator & which is routinely stored at Calport Ltd, Perth and transporting it to the farm & using it to mask the smell until such times as the objectionable odour had disappeared. A full investigation with corrective & preventative action measures implemented as required would be carried out as soon as reasonably practicable. Results of the investigation, including relevant contact with neighbours affected by the issue, would be fully documented and a proposed action plan generated where necessary. Other corrective action which may be taken would be to remove the item(s) causing the odour to the other side of the farm, arrange for immediate uplift by licenced contractor, place it into lidded receptacles.
J	Feed Storage	<ul style="list-style-type: none"> The feed storage shed will be completely wind and watertight with insulated doors and cladding on all sides. The walls & floors are designed to be constructed with impervious concrete which will be coated to avoid ingress of organics and moisture. The feed materials will be stored in ‘bays’ to facilitate good stock rotation. Each bay will be emptied completely (this is forecast as likely to be monthly) before being cleaned and sanitised then replenished with new feed. Feed will be checked for temperature using a temperature probe to ensure that no ‘heating’ is taking place – this will be done twice daily if there is reason to believe that the moisture content of the hay or straw was greater than 20% when baled. If the temperature is greater than 150 °F then it will be disassembled to allow for greater air circulation & at this time a decision will be taken on whether the feed needs to be replaced altogether as, along with being a fire risk, it may not be acceptable for animal consumption.

Document Title: **Odour Management Plan – Millhouse**

Authorised By: *Cat MacGregor*

Document No: **MH 001**

Issue 3

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Date: 07.10.16

Reason for Review: *Amended as requested by PKC including reference to location of storage of fallen stock; procedures for deep litter waste*

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Odour Management Plan for Millhouse Farm

Section	Potential Issue	Control Measures
K	Ventilation	<ul style="list-style-type: none"> Ventilation is natural & is best for the breed of cattle i.e. Highland &/or Luining; it will be provided via open side walls of the housing shed. Natural ventilation is the least troublesome, most efficient and least expensive system for providing an optimum ventilated environment – the aim being to provide a continuous stream of fresh air to every housed animal at all times of the day or night. In the UK, wind speed is above 1m/sec for more than 95% of the time which means that there will be sufficient generating force to provide the necessary air changes within the building, all by natural ventilation. For the remaining time, fresh air will automatically replace foul because there are no walls to contain the heat and therefore cause condensation/evaporation issues. Roof pitch, open sides and large ridge vents ensure that there is no risk of stagnant air being trapped. This constant replacement of animal/housing air with clean, fresh air will prevent both build-up of stale odour and microbe issues caused by dampness with bedding/litter.
L	Cleanliness of Yard Areas	<ul style="list-style-type: none"> Yard surfaces will be properly maintained (see MH 004) Yard surfaces will be cleaned weekly (daily if required); pooling will be prevented through routine maintenance e.g. holes will be filled, uneven surfaces levelled as required. There will be documented cleaning procedures & schedules along with records of completed tasks with sign offs; procedures will be amended as required on an ongoing basis to ensure they are sufficiently robust. For further details please refer to MH 005.
M	Litter Quality	<ul style="list-style-type: none"> Odour from the litter will be minimised by: adequate ventilation & limiting condensation (see 'Ventilation' and 'Animal Housing & Management'); maintaining litter depth at greater than 50cm to absorb moisture loading; correct feeder & drink type & management; limiting stocking density & having healthy livestock.
N	Pest Control	<ul style="list-style-type: none"> A pest control company, Graham's Environmental Services, will be contracted to ensure there are no issues with vermin or other pests. This contract will involve several visits throughout the year (risk assessment dependant) and full records will be maintained of both visits and baits etc used on site.
O	General Comments	<ul style="list-style-type: none"> Neighbours* will be informed (where necessary) prior to any activities which may be considered to be an odour nuisance e.g. when planned activities such as deep litter removal or the deep cleaning of the cattle housing shed. Where possible e.g. in instances of planned farm activities which may cause an increase in odour, neighbours will be alerted in a timely manner (2 - 7 days) by letter - given our inclement weather on occasion activities may have to be revised in order to avoid forecast rain/wind, so whilst we would endeavour to provide as much notice as we can this may not always be possible. In the event that posting letters is not an option e.g. in the event of an unplanned activity such as carcase storage then the neighbours will be alerted either by a phone call or in the case where addresses are known, by email; email or telephone notification is likely to be between 2 & 24 hours' notice. *as detailed in Table 1 on page 1 plus Castlehill Cottage. Effectiveness of all controls will be reviewed as a minimum annually (review will be triggered sooner in the event of complaints of odours or any major process changes which may have a possible odorous impact) Additional support & supplementary testing, as required, will be provided either by the qualified and trained staff of the Technical Department which operate out of Findony (one of the receptors) or by The Airshed Ltd, East Lothian. Supplementary testing will be on an ad hoc, as required basis, should a situation develop that requires testing for example after a justifiable odour complaint or at the reasonable request of the planning authority: testing will be continued until we are able to demonstrate that the issue has been satisfactorily resolved. Testing will be performed by Express Microbiology with whom we have an existing business relationship. The Technical Manager at Findony will provide support in the form of document control, annual reviews (further info & contact details can be found on MH 003 Organisation Chart & Responsibilities).

Document Title: **Odour Management Plan – Millhouse**

Authorised By: *Cat MacGregor*

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Issue 3

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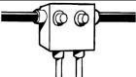




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Example Cleaning Schedule & Procedure for Millhouse Farm

Area	Frequency to be Deep Cleaned	Responsible for Cleaning	Recorded On:
Animal Housing Units	Annually	Farm Manager / Charge Hands / Farm Hands	MH 007

USE PRODUCT COLOUR MINIMUM NAME CODE CONTACT USE RATE TIME					CLEANING TOOLS REQUIRED			
Detergent	Farmdet		20 mins	1% - 1.3%	Tele-handler			
Disinfectant	Turbokill		Air dry	1.6% - 1.8%				
Disinfectant	Perbac Farm		Air dry	0.7% - 1%				

- Remove all drinker & feeder equipment and place in a suitable location
- Lift drinker and feeder lines.
- Remove all litter using Telehandler to trailer located outside the animal housing shed.
- Sweep floor area to remove remaining debris.
- Rinse roofing vents with fresh clean water.
- Drinker and feeder lines should be lowered.
- Apply **Farmdet** detergent foam solution to all surfaces ensuring an even coverage, including the ceiling, walls, drinkers, feeders and floor. The removed hopper bins should be returned to the house and foamed with **Farmdet** detergent solution also.
- Allow a minimum of 20 minutes contact time.
- Pressure rinse all surfaces thoroughly using fresh clean water.
- Visually inspect to ensure all surfaces are clean and free from debris.
- Re-clean if necessary.
- Spray disinfect all surfaces using either **Turbokill** or **Perbac Farm** solution.
- Allow to air dry.

Odour Complaint Report Form for Millhouse Farm, Dunning PH2 0RA

Time & Date of Complaint:	Name, Address & Telephone No. of Complainant:
---------------------------	---

Date of odour:		Time of odour:	
Location of odour (if not at address detailed above) <i>Please also show on diagram on page 2:</i>			
Weather conditions (i.e. dry, rain, fog, snow):			
Temperature (° C):			
Wind strength* (none, light, steady, strong, gusty) <i>*refer to Beaufort scale on page 2:</i>			
Wind direction (e.g. from north east):			
Complainant's description of odour :			
<ul style="list-style-type: none"> What does it smell like? 			
<ul style="list-style-type: none"> Intensity** (<i>see page 2</i>) 			
<ul style="list-style-type: none"> Duration (how long you could smell it for) 			
<ul style="list-style-type: none"> Constant or intermittent in this period 			
<ul style="list-style-type: none"> Any other comments relevant to the odour complaint 			
Are there any other complaints relating to the farm or the location? (either previously or relating to the same exposure):			
Any other relevant information including cloud cover & extent*** (<i>see page 2</i>):			
Is the odour likely to have been as a result of farm activities?:			
What was happening on the farm at the time the odour occurred?:			
Actions taken as a result of the odour issue (if any):			
Is there a requirement to amend the Odour Management Plan?		Yes / No. Name of person informed:	
Form completed by:		Date:	Signed:

Document Title: **Complaint Report Form – Millhouse**Authorised By: *Cat MacGregor*Document No: **MH 002**

Issue 3

Page 1 of 3

Date: 07.10.16

Reason for Review: *Section detailing response to complainant including date & contact format added.*

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*Beaufort Scale

Force	Description	Observation	Km / Hr
0	Calm	Smoke rises vertically	0
1	Light air	Direction of wind shown by smoke drift but not wind vane	1-5
2	Light breeze	Wind felt on face; leaves rustle, ordinary vane moves	6-11
3	Gentle breeze	Leaves & small twigs in constant motion	12-19
4	Moderate breeze	Raises dust & loose paper; small branches are moved	20-29
5	Fresh breeze	Small trees in leaf begin to sway; small branches are moved	30-39
6	Strong breeze	Large branches in motion; umbrellas used with difficulty	40-50
7	Near gale	Whole trees in motion; pressure felt when walking against wind	51-61

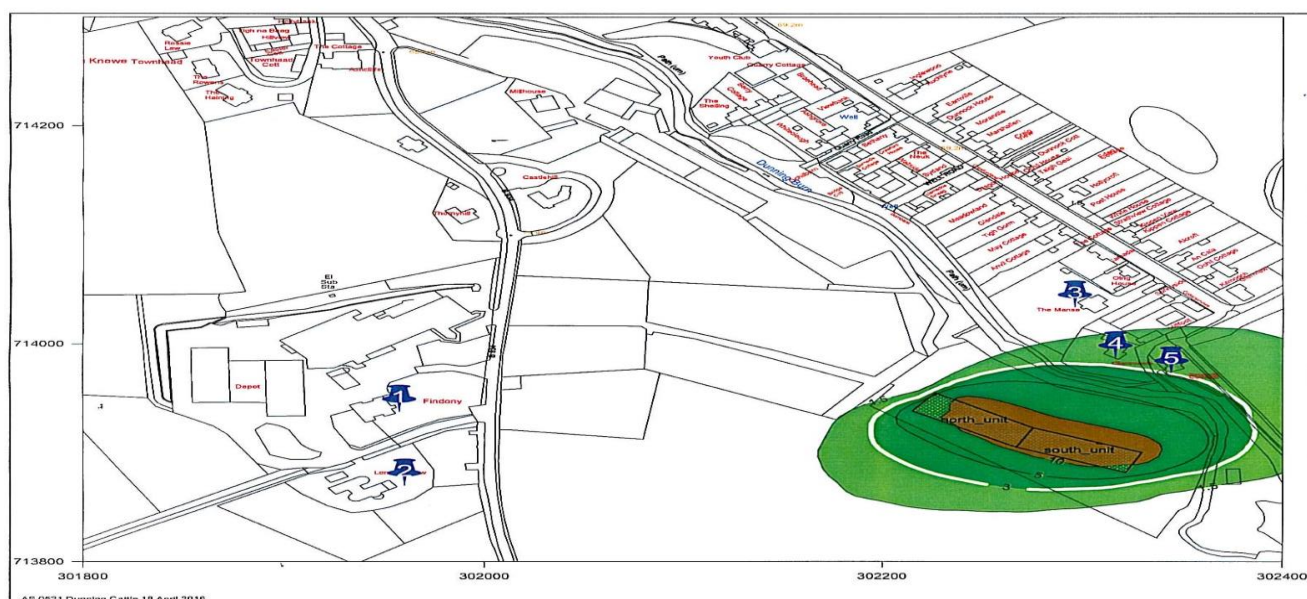
** Intensity Scale

Intensity	Description
1	No detectable odour
2	Faint odour (barely detectable, need to stand still and inhale facing into the wind)
3	Moderate odour (odour easily detected while walking & breathing normally)
4	Strong odour (strong but bearable)
5	Very strong odour (very offensive, possibly causing nausea, particularly if not accustomed to this odour).

***Extent Scale

Extent	Description
1	Local & transient (only detected on the installation or within the installation boundary during brief periods when wind drops or blows)
2	Transient as above but detected outwith the boundary
3	Persistent but fairly localised
4	Persistent & pervasive up to 50m outside the installation boundary
5	Persistent & widespread (odour detected >50m from the boundary).

Please mark below location & extent of odour:



Document Title: **Complaint Report Form – Millhouse**

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Date: 07.10.16

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Closing Out Details.

Date Complainant Contacted to Advise of the Outcome of Their Complaint:	
Action Still to be Taken (if any):	
Staff Member Who Contacted Complainant to Update Them:	
Format this Update Took e.g. Phone-Call, Email, Personal Visit:	
Please Record here Result of Contact & Investigation – was the Complainant <i>(circle as appropriate)</i> :	<p>Satisfied</p> <p>Neither satisfied nor dissatisfied</p> <p>Dissatisfied</p>

Perth and Kinross Council
Development Management Committee – 15 February 2017
Report of Handling by Interim Head of Planning

Erection of a dwellinghouse at Land 40 Metres West of Devonlade, Main Street,
Crook of Devon

Ref. No: 16/01313/FLL
Ward No: N8 – Kinross-shire

Summary

This report recommends approval of the application for the erection of a dwellinghouse as the development is considered to comply with the relevant provisions of the Development Plan and therefore there are no material considerations apparent which would outweigh the Development Plan in this instance.

BACKGROUND AND DESCRIPTION

- 1 This application relates to an area of sloping ground to the west of a property known as Devon-Lade House, within the village settlement of Crook of Devon. At present the site is an open area of extended garden ground that serves Devon-Lade House. To the north of the site lies the lade that runs into the River Devon and to the south lies a number of residential properties which front on the A977 public road. At present the site is accessed through the grounds of Devon-Lade House.
- 2 This site has a long history with four previous failed attempts to deliver planning permission for residential development in 1994, 2011 and in 2012. The applications in 1994 were refused largely in relation to the proposed means of access, both from the public road and within the site itself. In 2011 the applicant again submitted an application in principle for the erection of a dwellinghouse within the site with access taken through the garden ground to the south of Devon-Lade (Ref: 11/01281/IPL). However this application was withdrawn following a request by the planning officer for more detailed information to demonstrate how the applicant would propose to access the site and develop the plot. A further application was then submitted in 2012, (12/01198/IPL) which was refused on grounds of an inadequate access and the impact this access would have on residential amenity. Planning permission in principle was then granted in August 2013 (13/00658/IPL) subject to conditions relating to finished floor levels and land raising (relating to flood mitigation) and also a condition to restrict the size of the house to single storey. That consent has now expired and the applicant has submitted this detailed application for a detached dwelling house.

- 3 This new application includes a new Flood Risk Assessment (FRA) and has been submitted in full to include full design details of the proposed development. The proposal seeks to provide access down the existing track to the south east and then to the north of the existing Devon-Lade. Part of the detached double garage, serving the existing house, is to be demolished and the access effectively wraps around the north of Devon-Lade and into the application site from the east.
- 4 The house is proposed to be located towards the eastern side of the application site to avoid the mature trees at the western end. The house is proposed to have a rectangular footprint and is positioned to the south of the lade and River Devon outwith the identified flood risk area. The house follows the building line created by the Devon-lade, Devon View and Ladeside which are located to the east of the site. Some small scale land raising is proposed on the access track with associated compensatory flood storage on the main part of the application site. The assessment of flood risk will be fully addressed within the appraisal below.
- 5 The house is proposed to have two levels of accommodation with the upper floor served by rooflights and dormer windows, together with a projecting two storey element on the north elevation facing the lade. The house is proposed to have a total of five bedrooms. The house is proposed to be 7.5m in height with finishing materials including harling and what appears to be a grey finished roof. An integral garage is also proposed.
- 6 The house is proposed to be erected on a newly formed level platform of land on an existing sloping part of the site and is proposed to have a finished floor level of 145.9m AOD. A series of small scale ornamental trees are proposed to be removed to accommodate the new house.
- 7 Members should be aware that this application has been submitted as a new full application which requires to be assessed on its own merits against current planning policy at both local and national level. Whilst there was a previous planning permission in principle granted on this site, it was granted under an older Development Plan, but has now expired.

NATIONAL POLICY AND GUIDANCE

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

DEVELOPMENT PLAN

- 9 The Development Plan for the area comprises the TAYplan Strategic Development Plan 2012-2032 and the Perth and Kinross Local Development Plan 2014.

TAYplan Strategic Development Plan 2012 – 2032 - Approved June 2012

- 10 The overall vision of the Tay Plan states *“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 and visit and where businesses choose to invest and create jobs.”*

- 11 The principal policies are, in summary:

Policy 3: Managing Tayplan’s Assets

- 12 Understanding and respecting the regional distinctiveness and scenic value of the TAYplan area through:
- ensuring development likely to have a significant effect on a designated or proposed Natura 2000 sites (either alone or in combination with other sites or projects), will be subject to an appropriate assessment. Appropriate mitigation requires to be identified where necessary to ensure there will be no adverse effect on the integrity of Natura 2000 sites in accordance with Scottish Planning Policy;
 - and safeguarding habitats, sensitive green spaces, forestry, wetlands, floodplains (in-line with the water framework directive), carbon sinks, species and wildlife corridors, geodiversity, landscapes, parks, townscapes, archaeology, historic buildings and monuments and allow development where it does not adversely impact upon or preferably enhances these assets;

Perth and Kinross Local Development Plan 2014

- 13 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.
- 14 The principal relevant policies are, in summary:

Policy PM1A - Placemaking

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

Policy PM1B - Placemaking

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

Policy PM3 - Infrastructure Contributions

- 17 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

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

Policy TA1B - Transport Standards and Accessibility Requirements

- 19 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 NE2B - Forestry, Woodland and Trees

- 20 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

- 21 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 HE2 – Listed Buildings

- 22 Development should not adversely effect the special interest or setting of a listed building.

Policy EP2 - New Development and Flooding

- 23 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

- 24 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

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

OTHER POLICIES

- 26 **Developer Contributions and Affordable Housing Supplementary Guidance April 2016**
- 27 **Flood Risk and Flood Risk Assessment Guidance October 2014**

SITE HISTORY

- 28 PK94/0753: Erection of two houses (in outline) – Refused Delegated Powers
- 29 PK94/1597: Erection of a house (in outline) – Application Withdrawn
- 30 11/01281/IPL: Erection of a dwellinghouse (in principle) – Application Withdrawn
- 31 12/01198/IPL Erection of a dwellinghouse (in principle) – Refused – Delegated Powers
- 32 13/00658/IPL Erection of a dwellinghouse (in principle) – Approved (expired) – Development Management Committee 21 August 2013

CONSULTATIONS

EXTERNAL

- 33 SEPA – initial objection on flood risk grounds but following receipt of new FRA objection withdrawn subject to condition

INTERNAL

- 34 Flood Prevention Officer – no objection – details contained within appraisal
- 35 Transport Planning – no objection subject to conditions relating to parking and turning
- 36 Contributions Officer – no contribution required
- 37 Waste Services – no objection and information provided regarding type of collection
- 38 Environmental Health – no objection relating to contaminated land – Informative recommended.

REPRESENTATIONS

- 39 A total of nine letters of representation were received during the first advertisement period for the application.

The representations have raised the following relevant issues: -

- Design and Scale
- Flood Risk
- Residential amenity
- Access and traffic safety at junction
- Surface water drainage
- History of refusal on site
- Failure to comply with condition of in principle consent regard single storey development and flood risk
- Contrary to local, regional and national policy
- Lack of landscaping
- Waste collection
- Bio Diversity
- Lack of safe and dry access for persons with protected characteristics contrary to Equalities Act
- Scottish Public Services Ombudsman complaint

- 40 Following receipt of an new FRA a second period of advertisement was undertaken where four further letters of representation were received including two from households who had objected previously. These objections include a letter from the Fossoway and District Community Council. As such a total of 11 letters of representation have been received. The same issues as raised above were received during the second advertisement period.
- 41 All the relevant planning issues which have been raised are covered in the Appraisal section of this report. The SPSO complaint related to the assessment of flood risk under the previous application. Given the receipt of an updated FRA the matter of flood risk which is referred to in the complaint has been fully re-assessed by statutory consultees under current policies.

ADDITIONAL STATEMENTS

42

Environment Statement	Not required
Screening Opinion	Not required
Environmental Impact Assessment	Not required
Appropriate Assessment	Not required
Design Statement / Design and Access Statement	Not required
Reports on Impact or Potential Impact	Flood Risk Assessment submitted

APPRAISAL

Policy Appraisal

- 43 Sections 25 and 37(2) of the Town & Country Planning (Scotland) Act 1997 (as amended) requires the determination of the proposal to be made in accordance with the provisions of the Development Plan, unless material considerations indicate otherwise. The determining issues here are whether the proposals comply with Development Plan policy or if there are other material considerations, which justify a departure from policy. The most relevant policy to be considered are outlined in the policy section above. The other relevant policy considerations are outlined in the policy section above and will be considered in more detail below.
- 44 The site is located within the Blairgowrie settlement boundary where Policy RD1 of the LDP applies. Proposals will be encouraged where they satisfy the criteria set out in the policy in particular criteria a) Infill residential development at a density which represents the most efficient use of the site while respecting its environs and c) proposals which will improve the character and environment of the area. In addition the policy seeks to retain areas of private and public open space where they are of recreational or amenity value.

- 45 Policies PM1A and PM1B are also of relevance. These policies require proposals to contribute positively to the surrounding built and natural environment and to respect the character and amenity of the place.
- 46 Policy EP2 refers to flood risk and also relevant given the proximity of the site to a 1 in 200 year flood risk area.
- 47 For reasons set out elsewhere in this report I consider that this proposal to be in accordance with the above policies.

Principle

- 48 Policy RD1 of the Local Development Plan (LDP) relates to development within residential areas. It states that infill residential development will be encouraged provided the development is compatible with the character and amenity of the area and makes appropriate use of the site whilst respecting its environs. Having visited that site I consider that the site itself to be of a sufficient size to accommodate a dwellinghouse of the size proposed whilst also providing more than adequate garden ground. This is similar to the conclusion reached on the previous application. It is also noted that whilst a number of objections have been made regarding development pattern within the village, there are a number of similar examples of backland development in the immediate vicinity of this site. I therefore do not accept the argument that the proposed plot would be inconsistent with the prevailing building pattern within the village. Furthermore, I am satisfied that the position and scale of the dwelling will ensure that there is no adverse impact on the amenity of the neighbouring plots to the south of the site. I also consider the scale and design of the dwelling to be appropriate and in accordance with Policy PM1A and B. A detailed assessment of the impact which the proposal has on residential amenity, together with an assessment of the design and scale of the dwelling will be given below. The proposal is therefore considered to be generally acceptable in terms of Policy RD1 of the LDP.

Design and Layout

- 49 Policy PM1A and B together with policy RD1 require new development to respect the character and visual amenity of the area. It is noted that concerns are expressed in letters of representation regarding the scale and height of the proposed house and that Development Management Committee applied a condition to the previous in principle application restricting the size of the house to single storey. In this instance there is a mix of development types in the immediate vicinity. There are a mixture of full two storey, single storey and 1 ½ storey dwellings along Main Street. Whilst the buildings to the immediate south of the site are generally single storey, given the change in levels between the application site and properties to the south, a building of the size proposed (7.5m from ground to ridge) would not dominate the visual amenity or alter the character of the area significantly and is considered acceptable. The ground level at the boundary of the application site to the south is 149.00m. The

proposed house is to sit at a FFL of 145.09m, almost 4m lower than the ground level at the boundary. This is considered acceptable. The difference in levels is also considered sufficient to ensure the proposed dwelling does not impact on the setting of the adjacent category B listed Crook of Devon Inn and the Conservation Planner considers this to be acceptable. A condition is recommended to ensure details of all finishing materials are submitted for approval. The site benefits from existing landscaping which define the site well. Whilst the previous approval requested a detailed landscaping scheme, the retention indicated on the plan is considered sufficient in relation to the visual amenity of the site.

- 50 In terms of layout the house is positioned towards the eastern side of the plot, allowing the land to the west and north to be utilised as private garden ground and avoiding the need for any significant under building due to the sloping area to the south of the site. Furthermore the layout allows for an appropriate area of parking and turning of vehicles adjacent to the eastern boundary. Furthermore the existing landscaping and trees on site are indicated to be retained. These contribute to the character and visual amenity of the site and this is welcomed. A condition is recommended to ensure this. As such the layout of the site is considered to be acceptable and accordance with the relevant policies of the LDP.

Residential Amenity

- 51 Policy RD1 and PM1A and B both refer to the requirement for new development to respect the amenity of neighbouring properties. In this instance the site is surrounded by existing residential development and there garden ground on the south, east and west sides. The existing dwellings to the west will be screened from the site by the existing mature trees in the western corner of the site. To the east is the applicant's, property. The eastern gable of the proposed dwellinghouse is positioned 7.8m from the eastern site boundary. The closest part of the east elevation is the integral garage and no windows are proposed here and there is an existing mature hedge on this boundary which is to be retained. There are therefore not considered to be any issues relating to overlooking from this elevation.
- 52 To the south are a number of existing dwellings which front onto the public road. Concerns have been expressed by these neighbours regarding the impact which the dwelling would have on their residential amenity. The ground level at the boundary of the application site to the south is 149.00m. The proposed house is to sit at a FFL of 145.09m, almost 4m lower than the ground level at the boundary. As such the scale of the dwelling when viewed from the south will be considerably reduced given the drop in ground levels which would be evident. Furthermore the house is proposed to be located 9.5m from the south boundary which meets the Council's guidelines in terms of window to boundary distances. Therefore given the distance to the boundary, the presence of the existing boundary treatment (which takes the form of a mature hedge) and the drop in levels apparent the proposed house will not have a significant impact on the amenity of neighbouring dwellings in terms of

overlooking and outlook. A condition is recommended to ensure that the existing boundary hedge along the south boundary is retained.

- 53 I am also satisfied that given the position of the house it will not result in any significant over shadowing to neighbouring properties or their garden and that any overshadowing which does occur will be on land within the applicant's control. Whilst it is noted that the previous, now expired decision, contained a condition, recommended by Committee, to limit the house to single storey, I am satisfied given the above assessment that a dwelling of the scale indicated is acceptable.
- 54 As such I am also satisfied that the application complies with the relevant criteria contained within policies RD1 and PM1A and B referring to residential amenity.

Flood Risk

- 55 Policy EP2 of the LDP relates to flood risk and states that there is a general presumption against built development or land raising in areas where there is a significant probability of flooding from any source or where the proposal would increase flood risk elsewhere. Following submission of the application, and to ensure compliance with the most up to date planning policies at both local, regional and national level, the applicant was asked to submit an updated FRA. Following consultation with both SEPA and the Council's Flood Risk Officer the level of information presented in the FRA is considered to sufficient to allow them to make a detailed assessment of flood risk on the site against both national guidance and policy and the LDP. It is noted that a number of the letters of representation refer to the condition on the previous permission which does not allow land raising on the site. Whilst that is correct that condition is no longer relevant given the submission of a fresh application and an updated FRA and the issue of flood risk is being re-considered here.
- 56 The FRA indicates that the 200 year flood level is 143.46mAOD and this is confirmed as the functional flood plain at the site as defined under Scottish Planning Policy (SPP). An assessment of climate change by increasing the peak flow by 20% predicts a flood level of 143.79mAOD. Therefore, with the addition of 600mm freeboard the minimum finished floor level (FFL) of any development is 144.39mAOD. Drawing 16/01313/9 states the FFL for the dwellinghouse is set as 145.90mAOD and the garage at 145.3mAOD. These levels are above the minimum FFL of 144.39mAOD. This is considered to be acceptable by both SEPA and the Council's Flood Officer and in accordance with policy.

- 57 PKC flooding guidance states (under 6.2.3) that garden ground level should be 300mm above the 200year flood level including climate change. This level is 144.09mAOD including 300mm freeboard. However, this is pertinent to sites with flat topography. In circumstances where the site has varying topography, such as on a sloping site and/or adjacent to a watercourse, a relaxation of this requirement is applicable. Therefore, the garden levels indicated on Drawing 16/01313/9 are acceptable and this is confirmed by the Council's Flood Officer.
- 58 PKC flooding guidance states (under 6.2.6) that access/egress must be above the 200year including climate change flood level. This level is 143.79mAOD. Drawing 16/01313/9 states the proposed access/egress road is to be set at 144.09mAOD (after land raising). This level is above the minimum level and is acceptable. SEPA also indicate that SPP states that new development should be located away from the functional flood plain. The new access road and dwelling lie outwith the functional flood plain (as defined in SPP) as such there is safe and dry access for all people including those with protected characteristics.
- 59 SEPA recommend that an allowance for climate change is made and the consultants have assessed this and a small part of the access road falls within 1:200 year probability (when including climate change). As outlined within SEPA's "*Technical Flood Risk Guidance for Stakeholders*", they recommend an allowance for climate change; and consider that an additional allowance for climate change is for local authorities to determine. They acknowledge that the some landraising is proposed to enable safe access and egress during the 1:200 year event with an allowance for climate change. To offset the lost storage, compensatory storage will be provided as outline above.
- 60 SPP (para 265) states that "*Land raising should only be considered in exceptional circumstances, where it is shown to have a neutral or better impact on flood risk outside the raised area. Compensatory storage may be required*". This statement refers to land raising within the functional flood plain. The FRA and drawings 16/01313/9 and 16/01313/8 indicate that land raising of the access road and part of the platform for the terrace/dwellinghouse will be required as part of the development but this land raising is outwith the SPP defined functional flood plan.
- 61 Therefore, compensatory storage of 19 cubic metres is proposed. The Flood Officer notes that the functional floodplain as defined under SPP is ground at or below the 200year flood level not including climate change and this is an important issue in the determination of this application. The 200year flood level is 143.46mAOD. As such the land raising is occurring outwith the functional flood plan as it is clearly defined in SPP. Therefore, compensatory storage is not strictly required for any land raising of ground above this level. However, the compensatory storage outlined on 16/01313/9 and 16/01313/8 indicated as part of the development is welcomed. A condition requiring full details of the

Compensatory Storage is required. The proposal is therefore considered to be in accordance with SPP.

- 62 The Flood Officer has also requested that a condition is attached to state that there shall be no land raising on land below 143.46mAOD and it should be maintained in perpetuity. A topographical survey of the final ground levels on completion of the development will be required.
- 63 The FRA recommends that an Emergency Flood Action Plan is produced. However, as the development infrastructure is outwith the functional flood plain the Flood Officer does not require this to be added as a condition of the planning application.
- 64 Based on the conclusions of both SEPA and the PKC Flood Officer the proposal is considered to comply with Policy EP2 and the relevant national policy and guidance in relation to flood risk.

Ground Contamination

- 65 Environmental Health have indicated that an inspection of the proposed development site did not raise any real concerns, although there was formerly a paper mill just to the west of the site. There is the potential for ground to become contaminated from this type of use and it is possible if this were present that it could migrate onto the proposed development site. A watching brief during redevelopment is therefore required which can be covered by an informative.

Economic Impact

- 66 The economic impact of the development is likely to be limited to the construction phase of the development.

Access/Traffic/Transport

- 67 The Council's Transport Planner has advised that he is aware of the earlier refusal of consent to an application affecting the same access location in 1994. However the A977 Main street, Crook of Devon now forms part of the local road network since it was de-trunked in 1996 and as such is no longer subject to the requirements of the Design Manual for Roads and Bridgeworks (DMRB). With regard to traffic volume, this route currently operates well within its capacity and as such he can find no cause to restrict such minor development within Crook of Devon.
- 68 In regards to sight lines, the guidance regards assessment of sight lines in urban zones have been revised by the Transport Research laboratory and now forms part of "Designing Streets" the Scottish Government Policy guide which was introduced in April 2010. Consequently the sight lines at this location are considered to be adequate.

- 69 It should be noted that this access is proposed to serve one additional house and is therefore not considered to have any significant detriment in regard to road safety.
- 70 Adequate parking and turning facilities are clearly indicated on the submitted drawings.
- 71 As such, on the basis of the above, the Council's Transport Planner has expressed no objection to the proposed development. Again this view is similar to that expressed in the Report of Handling for the previous application and there is no reason to depart from this previously established view. The proposal is therefore considered to accord with Policy TA1B of the LDP.

Bio Diversity/Trees

- 72 The Council's Bio Diversity Officer was consulted on the potential impact which development of this site would have on natural heritage during assessment of the previous application. Discussions have also taken place with the officer regarding this application and he shares the same view as indicated on the previous application. It is noted that letters of representation raise concerns regarding the impact on otter, dipper, kingfisher, red squirrel and water vole. The wooded nature of river banks at this location will provide cover for both the dipper and Kingfisher, and therefore the Bio Diversity Officer has recommended a condition be included to protect these trees to the north of the site with appropriate fencing in accordance with BS 5837 2012 Trees in Relation to Design Demolition and Construction. Otters will be present in the river, but due to the managed nature of the site are unlikely to have a resting area along this stretch of the river, and as no work is planned that will affect the river, or lade then there is not considered to be an impact on otters.
- 73 The trees on site are not favoured by red squirrel and if there are red squirrels in the area it is probably due to them taking advantage of feeders in gardens, and a new house may well be viewed as a positive development for red squirrels in this location.
- 74 Finally, the river itself is not suitable habitat for water voles as it is fast flowing. The slow water in the lade is more suitable for water voles, but there were no signs of feeding or latrines that are typical indications of water vole presence.
- 75 The plans indicate that only small scale ornamental trees are proposed for felling to accommodate the dwelling with all mature trees on site to be retained.
- 76 Given the view of the Council's Bio Diversity Officer the proposed development will have no detrimental impact on protected species, subject to conditions, and the proposal therefore complies with policy NE3 of the LDP which relates to bio diversity.

Waste Collection

- 77 Waste collection will be undertaken at kerb side on the public road with a three domestic bin system being utilised. Waste Services have been consulted on the application and offered no objection. It is not considered unreasonable for wheelie bins to be wheeled to the public road for collection from the application site as they are designed for that purpose. There is adequate storage available on the proposed hard standing areas within the site for the storage of waste bins. As such the waste collection arrangements for the site are considered acceptable.

Drainage

- 78 The plans indicate that the site will be connected to the public drainage system which is considered to be in accordance with Policy EP3B of the LDP. Surface water will be drained utilising a Sustainable Urban Drainage System (SUDS) which complies with policy EP3C of the LDP. The exact design details of the system are secured through the building warrant process.

Developer Contributions

Education

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

Transportation

- 81 The site is located outwith the area where a contribution towards transportation infrastructure is required.

LEGAL AGREEMENTS

- 82 None required.

DIRECTION BY SCOTTISH MINISTERS

- 83 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

- 84 In conclusion, the application must be determined in accordance with the adopted Development Plan unless material considerations indicate otherwise. In this respect, the proposal is considered to comply with the approved TAYplan 2012 and the adopted Local Development Plan 2014. I have taken account of material considerations and find none that would justify overriding the adopted Development Plan. On that basis the application is recommended for approval subject to conditions.

RECOMMENDATION

A Approve, subject to the following conditions:

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

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

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

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

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

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

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

Reason - In the interests of road safety; to ensure the provision of adequate off-street car parking facilities.

- 5 Prior to the commencement of any construction works associated with the dwellinghouse hereby approved the full details of the compensatory flooding storage to make up for the land raising approved (16/01313/8) shall be submitted to and approved in writing by the Planning Authority. It shall subsequently be undertaken in full to the satisfaction of the Council as Planning Authority in consultation with the Structures and Flooding Team. Upon completion of the compensatory storage the Planning Authority shall be informed and an inspection undertaken by the Structures and Flooding Team. No construction works associated with the dwellinghouse hereby approved shall occur on site until the Planning Authority has confirmed in writing that the compensatory storage is acceptable and in accordance with the required details. The compensatory storage areas shall thereafter be maintained in perpetuity.

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

- 6 All land at or below 143.46mAOD (regarded as the functional Flood plain) shall be maintained at existing ground levels on completion of the development in perpetuity. A topographical survey of final ground levels shall be submitted to the Council as Planning Authority within 14 days of the completion or bringing into use of the dwellinghouse hereby approved, whichever is the earlier.

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

- 7 The existing trees and hedging on the boundaries, other than those marked for removal on the approved plans shall be retained in perpetuity to the satisfaction of the Council as Planning Authority.

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

B JUSTIFICATION

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

C PROCEDURAL NOTES

None.

D INFORMATIVES

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

(See section 58(1) of the Town and Country Planning (Scotland) Act 1997 (as amended)).

- 2 Under section 27A of the Town and Country Planning (Scotland) Act 1997 (as amended) the person undertaking the development is required to give the planning authority prior written notification of the date on which it is intended to commence the development. A failure to comply with this statutory requirement would constitute a breach of planning control under section 123(1) of that Act, which may result in enforcement action being taken.
- 3 As soon as practicable after the development is complete, the person who completes the development is obliged by section 27B of the Town and Country Planning (Scotland) Act 1997 (as amended) to give the planning authority written notice of that position.
- 4 No work shall be commenced until an application for building warrant has been submitted and approved.
- 5 The 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: 11 letters of representation

Contact Officer: John Williamson – Ext 75360

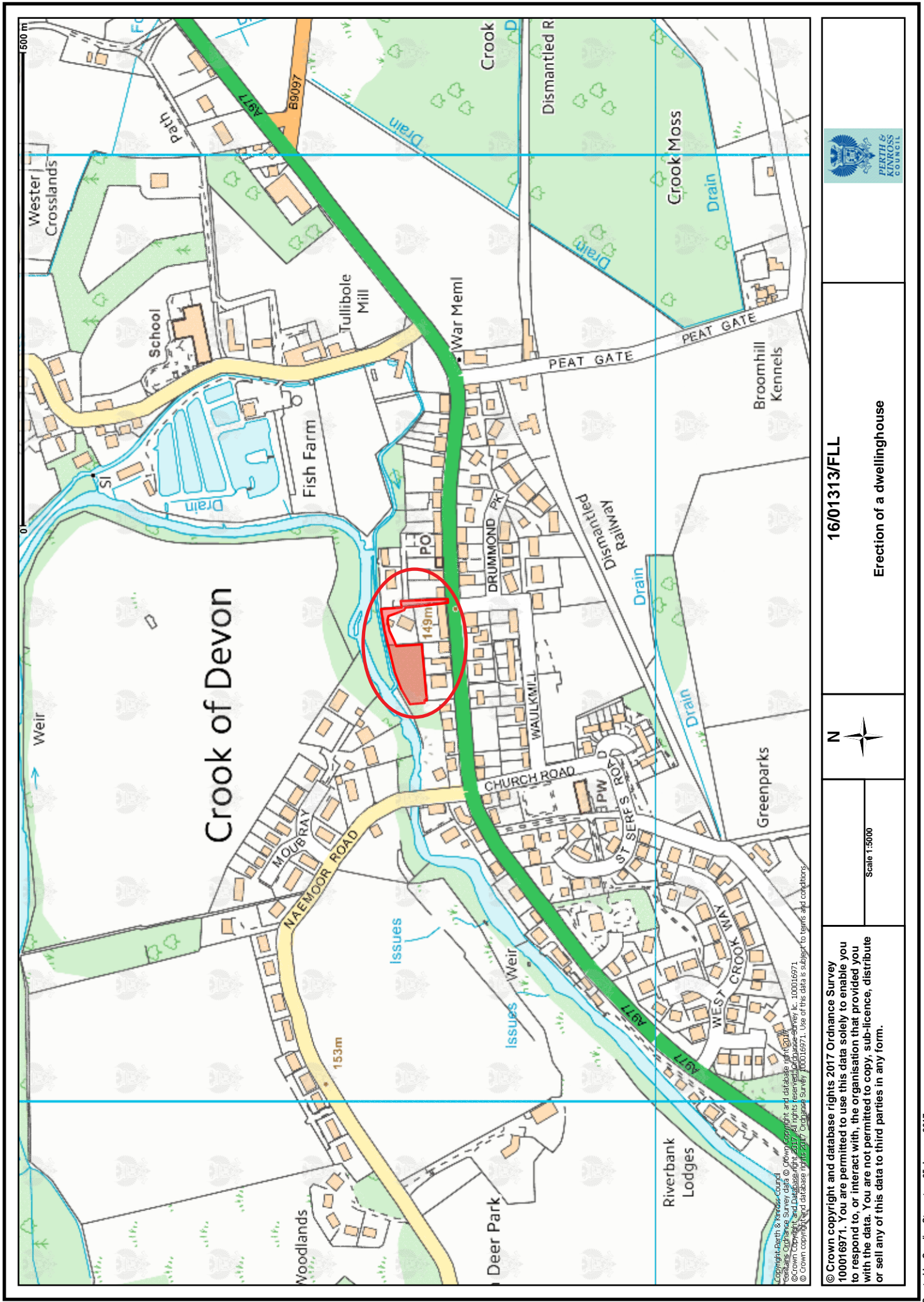
Date: 27 January 2017

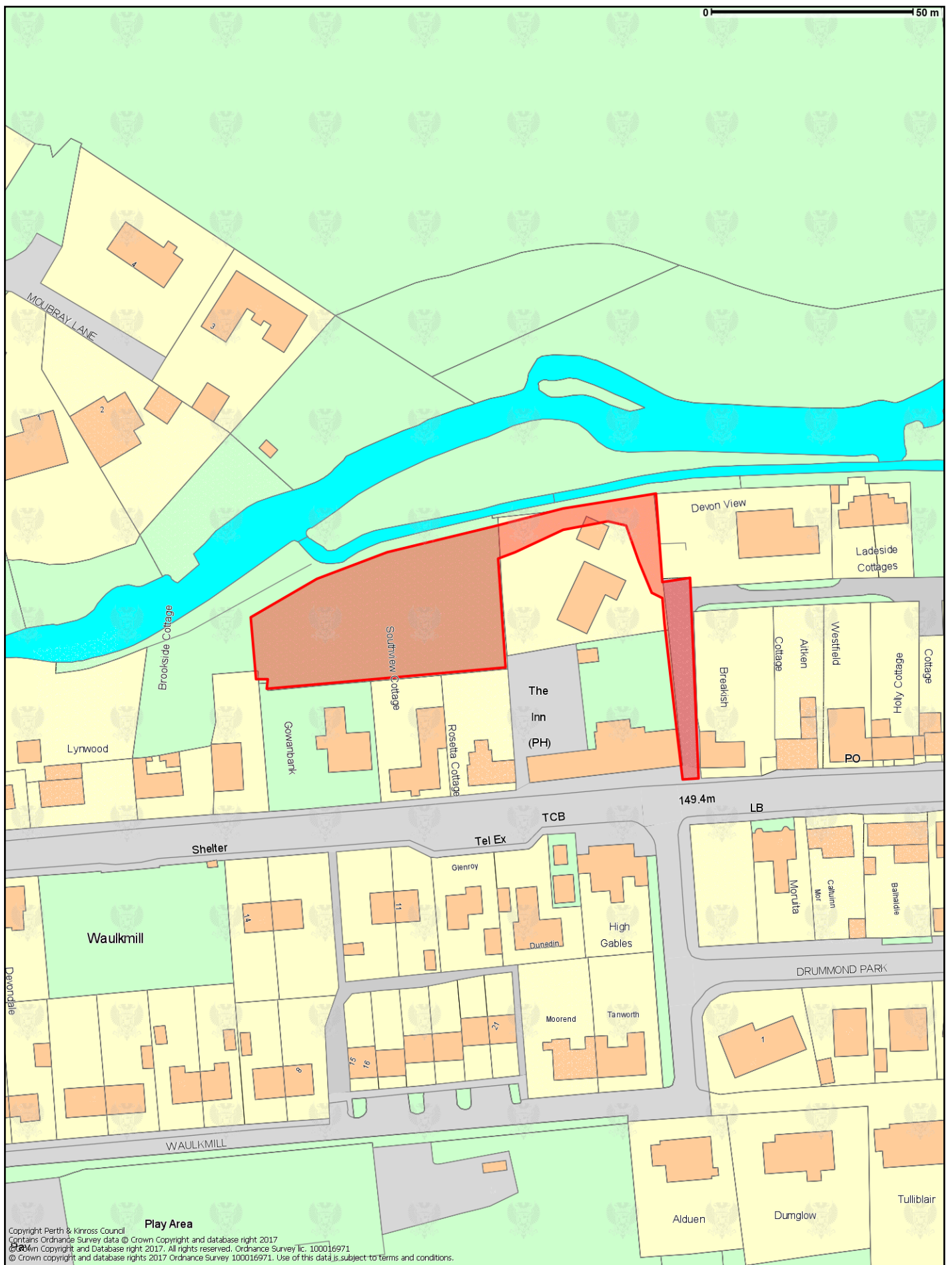
NICK BRIAN
INTERIM HEAD OF PLANNING

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Scale 1:1250

16/01313/FLL

Erection of a dwellinghouse



Perth and Kinross Council
Development Management Committee – 15 February 2017
Report of Handling by the Interim Head of Planning

Variation of condition 1 permission 13/00615/IPL (Residential development (in principle) to extend the time period for the commencement of development at Land 60 Metres East Of 9 Loyal Road, Alyth

Ref. No: 16/01418/FLL
Ward No: N2 - Strathmore

Summary

This report recommends approval of an application made under section 42 of the Planning Act to vary a standard time limit condition which was imposed on a planning in principle consent for a residential development in Alyth, as the development is considered to comply with the Development Plan and there are no material reasons which justify refusing the application.

BACKGROUND AND DESCRIPTION

- 1 The application site relates to an area of ground, roughly triangular in shape which is located at the northern end of Alyth, with the 'tip' of the triangle facing south. The majority of the site is currently used as a grassed paddock, with a small wedge of land to the east of the site covered in mature trees. Mature trees also align the sites northern boundary. The 0.8 ha site is relatively flat on its western section, with the eastern section gently sloping down toward a small burn which runs along the site's northern boundary. The burn is flanked by mature trees on both sides. Along the other boundaries are the rear gardens of existing residential properties.
- 2 The site is accessed by a narrow existing field access from Loyal Road to the west, whilst a second vehicular access is achievable via the end of an existing road known as Airlie View, which abuts a section of the southern boundary of the site. A planning in principle consent for a residential development was approved in 2013 (13/00615/IPL), which suggested an indicative number of 20 units and which proposed the principal vehicular access into the site via Airlie View.
- 3 This planning application seeks to vary condition 1 of that permission which was attached to the original planning consent through a planning application made under Section 42 of the Planning Act. The original condition which was imposed on the extant planning consent read as:-

Application for the approval required by a condition imposed on this Planning Permission in Principle shall conform with the requirements of Regulation 12 of the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2008 and of Section 59 (2) and (3) of the Town and Country Planning (Scotland) Act 1997 as amended by Section 21 of the Planning etc. (Scotland) Act 2006 and, in particular, must be made before whichever is the latest of the following:

- (i) *the expiration of 3 years from the date of the grant of the planning permission in principle,*
- (ii) *the expiration of 6 months from the date on which an earlier application for the requisite approval was refused, or*
- (iii) *the expiration of 6 months from the date on which an appeal against such refusal was dismissed.*

- 4 The applicant has indicated that they wish the above condition to be amended to allow for a further 3 years for the submission of the required matters specified.
- 5 Section 42 of the Town and Country Planning (Scotland) Act 1997 is a mechanism which allows for the submission of a planning application for the development of land without complying with conditions subject to which a previous planning permission was granted. Section 42 of the Act stipulates that in this type of application “the Planning Authority shall consider only the question of the conditions subject to which planning permission should be granted”. Nevertheless, it is the case that a permission relating to an application made under Section 42 is considered to be a new permission in its own right, and the need to impose other conditions / advisory notice on the decision notice remains.

NATIONAL POLICY AND GUIDANCE

- 6 The Scottish Government expresses its planning policies through the National Planning Frameworks, the Scottish Planning Policy (SPP), National Roads Development Guide, and Planning Advice Notes (PAN).
- 7 Of specific relevance to this planning application are,

Scottish Planning Policy 2014

- 8 The Scottish Planning Policy (SPP) was published in June 2014 and sets out national planning policies which reflect Scottish Ministers’ priorities for operation of the planning system and for the development and use of land. The SPP promotes consistency in the application of policy across Scotland whilst allowing sufficient flexibility to reflect local circumstances. It directly relates to:
 - The preparation of development plans;
 - The design of development, from initial concept through to delivery; and
 - The determination of planning applications and appeals.
- 9 Of relevance to this application are,
 - Paragraphs 109 - 134, Enabling Delivery of New Homes

Planning Advice Note 67 (Housing Quality)

- 10 Designing Places, published November 2001, sets out the Scottish Government's aspirations for design and the role of the planning system in delivering them. This Planning Advice Note explains how Designing Places should be applied to new housing.

Circular 4/1998 - The use of conditions in planning permissions

- 11 This circular states that conditions can enable many development proposals to proceed where it would otherwise have been necessary to refuse planning permission. The guidance establishes that conditions should meet the following six tests, requiring that they be: necessary, relevant to planning, relevant to the development, enforceable, precise and reasonable in all other respects.
- 12 The Circular also deals with the 'Renewal of permissions before expiry of time limits in para. 52. This states that developers who delay the start of development are likely to want their permission renewed, as the time-limit for implementation approaches. Under part 3 of The Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013 applications for such renewals may be made simply, referring to the existing planning permission, although the Planning Authority have power subsequently to require further information, if needed. As a general rule, such applications should be refused only where:
 - a. there has been some material change in planning circumstances since the original permission was granted (e.g. a change in some relevant planning policy for the area, or in relevant road considerations or the issue by the Government of a new planning policy which is material to the renewal application);
 - b. there is likely to be continued failure to begin the development and this will contribute unacceptably to uncertainty about the future pattern of development in the area; or
 - c. the application is premature because the permission still has a reasonable time to run.

Circular 3/2013 – Development Management Procedures

- 13 This circular provides advice on dealing with Section 42 applications in 'Annex I: Applications for Planning Permission under Section 42 of the Act'. This confirms in paragraph 2a) that the effect of granting permission for a section 42 application is such that a new and separate permission will therefore exist for the development proposed with different (or no) conditions attached. To this end, previous planning permission therefore remains unaltered by, and is not varied by, this decision on the section 42 application.

DEVELOPMENT PLAN

- 14 The Development Plan for the area comprises the TAYplan Strategic Development Plan 2012-2032 and the Perth and Kinross Local Development Plan 2014.

TAYplan Strategic Development Plan 2012

- 15 The vision set out in the TAYPlan 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 and visit and where businesses choose to invest and create jobs.”

Policy 1- Location Priorities

- 16 Focuses the majority of development in the region’s principal settlements and prioritises land release for all principal settlements using the sequential approach in this Policy; and prioritise within each category, as appropriate, the reuse of previously developed land and buildings.

Policy 2- Shaping Better Quality Places

- 17 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

Perth and Kinross Local Development Plan 2014

- 18 The Local Development Plan 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.
- 19 Within the LDP the site lies within the settlement of Alyth where the following policies are applicable,

Policy PM1A – Placemaking

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

Policy PM1B - Placemaking

- 21 All proposals should meet all eight of the placemaking criteria which are:
- (a) Create a sense of identity by developing a coherent structure of streets, spaces, and buildings, safely accessible from its surroundings.
 - (b) Consider and respect site topography and any surrounding important landmarks, views or skylines, as well as the wider landscape character of the area.
 - (c) The design and density should complement its surroundings in terms of appearance, height, scale, massing, materials, finishes and colours.
 - (d) Respect an existing building line where appropriate, or establish one where none exists. Access, uses, and orientation of principal elevations should reinforce the street or open space.
 - (e) All buildings, streets, and spaces (including green spaces) should create safe, accessible, inclusive places for people, which are easily navigable, particularly on foot, bicycle and public transport.
 - (f) Buildings and spaces should be designed with future adaptability in mind wherever possible.
 - (g) Existing buildings, structures and natural features that contribute to the local townscape should be retained and sensitively integrated into proposals.
 - (h) Incorporate green infrastructure into new developments and make connections where possible to green networks.

Policy PM1C – Placemaking

- 22 For larger developments (more than 200 houses or 10 ha) the main aim is to create a sustainable neighbourhood with its own sense of identity. Neighbourhoods should seek to meet the key needs of the residents or businesses within or adjacent to the neighbourhood, i.e. local shopping, recreation, recycling etc. In most cases this will best be achieved by the development of a Masterplan.

Policy PM2 - Design Statements

- 23 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

- 24 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 TA1B - Transport Standards and Accessibility Requirements

- 25 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 RD1 – Residential Areas

- 26 The Plan identifies areas of residential and compatible uses where existing residential amenity will be protected and, where possible, improved. Infill residential development at a density which represents the most efficient use of the site while respecting its environs will generally be supported.

Policy RD4: Affordable Housing

- 27 Residential development, including conversions, consisting of 5 or more units should include provision of an affordable housing contribution amounting to an equivalent of 25% of the total number of units proposed. Whenever practical, the affordable housing should be integrated with and indistinguishable from the market housing. If the provision of the affordable housing on-site is not possible the Council will seek off-site provision. Failing that, and in appropriate circumstances, a commuted sum will be required from developers. The details of provision, including tenure, house size and type, will be a matter for agreement between the developer and the Council and based upon local housing need and individual site characteristics.

Policy CF1A: Open Space Retention and Provision (Existing Areas)

- 28 The Plan identifies Sports Pitches, Parks and Open Space. These are areas of land which have value to the community for either recreational or amenity purposes.

Policy NE1: Environment and Conservation Policies

- 29 Development which would affect an area designated as being of local nature conservation or geological interest will not normally be permitted, except where the Council as Planning Authority is satisfied that: (a) the objectives of designation and the overall integrity of the designated area would not be compromised; or (b) any locally significant adverse effects on the qualities for which the area has been designated are clearly outweighed by social and economic benefits.

Policy NE3: Biodiversity

- 30 The Council will seek to protect and enhance all wildlife and wildlife habitats, including grasslands, wetlands and peat-lands and habitats that support rare or endangered species. The Council will apply the principles of the Tayside Biodiversity Partnership Planning Manual and will take account of the Tayside Local Biodiversity Action Plan (LBAP) when making decisions about all applications for development. Proposals that have a detrimental impact on the ability to achieve the guidelines and actions identified in these documents will not be supported unless clear evidence can be provided that the ecological impacts can be satisfactorily mitigated.

Policy EP3C - Water, Environment and Drainage

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

OTHER COUNCIL POLICIES

Developer Contributions and Affordable Housing (April 2016)

- 32 This document sets out the Council's policy in relation to Developer Contributions in relation to Primary Education, A9 Junction Improvement and Transport Infrastructure, as well as Affordable Housing provision.

SITE HISTORY

- 33 A planning in principle application for a residential development on the site was approved by the Development Management Committee in 2013. This planning application essentially seeks the continuation of that permission to allow for extra time for the detailed, specified matters to be progressed.

EXTERNAL CONSULTATIONS

- 34 None undertaken.

INTERNAL COUNCIL CONSULTATIONS

- 35 **Transport Planning** have commented on the proposal and raised no objection in terms of access arrangements or traffic movements.
- 36 **Flooding and Structures** have commented on the proposal and raised no objection in terms of flooding matters.

REPRESENTATIONS

- 37 Eight letters of representations have been received, all of which are objecting to the proposal. The main issues raised within the representations are,

- Contrary to the Development Plan
- Contrary to the LDP 2014
- Adverse impact on existing visual amenity
- Adverse impact on existing residential amenity
- Drainage Implications
- Flooding issues
- Traffic / Access Issues
- Adverse impact on existing wildlife
- Tree loss
- Loss of an existing historic bridge
- No requirement for more housing in the local area

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

ADDITIONAL STATEMENTS

38

Environment Statement	Not required
Screening Opinion	Undertaken. The proposal is <u>not</u> considered to be an EIA development.
Environmental Impact Assessment	Not required
Appropriate Assessment	Not required
Design Statement / Design and Access Statement	Not submitted.
Report on Impact or Potential Impact	Background information submitted by the applicant.

APPRAISAL

- 39 Section 42 of the Town and Country Planning (Scotland) Act 1997 enables the determination of applications to develop land without compliance with conditions previously attached. The legislation specifies that on such an application the Planning Authority shall consider only the question of the conditions subject to which planning permission should be granted, and if they decide that planning permission should be granted subject to conditions differing from those subject to which the previous permission was granted, or that it should be granted unconditionally, they shall grant planning permission accordingly. If they decide that planning permission should be granted subject to the same conditions as those subject to which the previous permission was granted, they shall refuse the application.

- 40 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 Local Development Plan 2014.
- 41 To this end, the determining issue as to whether or not the time period should be extended is ultimately a question of whether or not the policy framework of the Council has materially changed enough for the Council to consider a different recommendation. For reasons stated below, whilst the Council has now adopted its new Local Development Plan, I nevertheless do not consider there to be a material change in Council policy since the determination of the 2013 application took place and the overall themes, aims and aspirations of Council policy have not altered. To this end, I therefore ultimately recommend that this application is approved.

Policy

- 42 The key land use policies are contained within the Local Development Plan 2014 (LDP). Within the LDP, the site lies wholly within the settlement boundary of Alyth where *Policy RD1* is directly applicable to new infill opportunities. This policy seeks to ensure that all new developments within existing settlements are compatible with existing land uses and that the character and amenity (visual and residential) of the area concerned is not adversely affected by the development proposed.
- 43 *Policy PM1A* is also applicable and this policy seeks to ensure that the quality of the surrounding built and natural environment is maintained and that all new development respects the existing character and amenity of the existing areas, whilst *Policy CF1A* looks to protect areas which have been identified within the LDP Sports Pitches, Parks and Open Space, and recognised the value that these areas of land which have to the community for either recreational or amenity purposes.
- 44 For reasons stated below, I consider the proposal to be consistent with the aforementioned policies.

Land Use

- 45 In terms of land use issues, the site has been identified within the LDP settlement boundary of Alyth. Within settlement boundaries, infill residential developments are generally encouraged by the LDP providing that the density proposed represents the most efficient use of the site and that the development respects the surrounding environs. To this end, I consider the key test of the acceptability (or otherwise) of this proposal in land use terms to be whether or not a residential development on this site would have an adverse impact on the character, density or amenity of the area.

- 46 In terms of the impact on the character of the area, as was the case in 2013, as the site is surrounded by existing housing on two of its three sides is clear that the general character of the surrounding area is a residential one. A suitably designed residential development on this site, reflecting the surrounding house types, layout and densities, would in my view, be perfectly in keeping with the existing, surrounding character of the area and would not in my opinion have an adverse impact on the general character of the surrounding area.
- 47 However, I note that within the representations concerns have been raised regarding impact that the proposal will have on the visual amenity value associated with the openness of the site, which is considered by some objectors to be a key characteristic of the local area, and that its removal would be to the detriment to the general amenity of the area. Although I appreciate the concerns of the local residents, the site is within private ownership and is not operating as a functional area of open space for community use, or even one which is available for unrestricted public use.
- 48 Whilst the historic openness and 'green' appearance of the site undoubtedly has a degree of visual amenity value for the neighbouring residents who overlook it, the lack of functional recreational purposes makes it extremely difficult to make a valid argument for its retention as a private area of open space, particularly as the land in question has not been identified within the Local Development Plan (or its predecessor) as an area of open space which should be retained and / or protected. The current Local Development Plan does explicitly identify areas of both private and public open space within settlements which have a high amenity value and that should be protected, however this site is not one of them.
- 49 In terms of the impact on the density and residential amenity, as this is a planning in principle application no numbers or layout are to be approved as part of this development. Nevertheless, I remain satisfied that a suitably designed development can be achieved which would be in keeping with the existing surrounding building pattern and density, whilst not adversely affecting the residential amenity presently enjoyed by neighbouring residents

Loss of Agricultural Land

- 50 The site is currently used for rough grazing and has previously been occupied by horses. The land in question is not prime agricultural land and to this end, and bearing in mind its physical size, its potential permanent loss does not comprise the functionality of agricultural operations in the local area.

Trees

- 51 Although the majority of the site is grassed, there are a number of trees which align the burn to the north which are within the site's boundaries, as well as a small section of trees on the area to the east of Airlie View. It is expected that the applicant will seek to remove some of the mature trees in both these sections; however I see no reason why the majority of the trees cannot be retained. Whilst I acknowledge that the trees are not prime examples of specimen trees, collectively, they nevertheless have a visual amenity value which should be retained and incorporated into a detailed scheme. It would be expected that a tree survey would accompany any detailed planning application.

Impact on Residential Amenity

- 52 In terms of the potential direct impact on existing residential amenity i.e. overlooking or loss of privacy, I am satisfied that an appropriately designed development can be accommodated on this site which will not compromise existing residential amenity and which would be in line with the Councils standards in terms of separation distances, depth of rear gardens etc.

Impact on Visual Amenity

- 53 As stated previously, the development will have an impact on the visual amenity of the area as it will result in the removal of an existing area of open space. However, subject to a suitability designed detailed submission (which includes the retention of the majority of the existing trees), I am confident that the development can be visually compatible with the existing surrounding area.

Drainage

- 54 Within the representations concerns have been raised regarding the proposed drainage of the site, and the implications that the development will have on existing private drainage systems which are located within the site. The site lies within a publicly sewered area and to this end foul drainage will be connected to the public system. The disposal of surface water arising from the development will be a suitable sustainable urban drainage system (SUDS), which will be assessed in detail with any detailed planning application. With regard to the existing private drainage and water infrastructure which may be located on the site, a standard condition which aims to safeguard and provide the continued operation (or replacement) of existing septic tanks/soakaways and water supplies will be attached to this permission.

Impact on Existing Bridge

- 55 Within the representations concerns regarding the potential removal of an old WW2 bridge have been raised. A small bridge is located within the site at the eastern end of the site, and although it may have some local relevance is not specifically protected in any way. As this structure has the potential to influence the sites potential to flood, its retention (or otherwise) will be fully considered as part of a detailed submission.

Flooding

- 56 The site is adjacent to a small watercourse, which is locally known as the 'Back Burn'. Whilst this watercourse is not identified by SEPA on their flood risk maps, it is the view of the Council that this watercourse does have the potential to affect the northern part of the site with flood waters. However, as the implications of any potential flooding is only likely to affect only a small section of the site (if any), my colleagues in Flooding and Structures are content that this matter can be addressed further at the detailed planning application stage, and I agree with this approach. In terms of surface water run-off, although it is unlikely that the development of the site will affect neighbouring properties due to the natural topography of the site, ensuring that any surface water is satisfactory dealt will be fully considered as part of any detailed submission.

Housing Need

- 57 Within the representations, comments have been made in respect of the number of houses being proposed within the Alyth area, through the various consented developments or proposed sites and / or allocations in the current Local Development Plan. Although this site has not been allocated specifically for housing in either the adopted Local Plan or the proposed Local Development Plan, settlement boundaries are typically drawn in such a way as to allow for additional development opportunities to come forward if they are appropriate, and this position is explicitly stated in the text of the adopted Local Development Plan. The question of whether or not there is a particular market need for new housing in an area is ultimately a question for the developer involved to consider fully prior to starting a detailed building programme. However, I do not consider the perceived slow movement on some other housing sites (which has been suggested in the representations) to be a valid reason for rejecting this proposal.

Roads Issues

- 58 I note that within the representations, considerable concerns have been raised regarding the potential increase in traffic movements on the local roads that this development may generate and the suitability of the means of accessing the site via Airlie View. Whilst the development will inevitably increase the amount of vehicles on the local roads, the local road network is capable of accommodating any increases arising from a circa 20 home development without jeopardising road or pedestrian safety. With regards to the means of access to the site, the applicant has indicated that it is still their intention to have the vehicular access into the site via Arlie View, which is an existing adopted public road with associated footpath, and that this is likely to be the only vehicular access point. My colleagues in Transport Planning consider Airlie View as being suitable for accessing the site, and I have no reason to offer a different view on this matter. In terms of potential connectivity to the existing road/path network, the applicant would have the option of retaining an existing field access onto Loyal Royal to allow movement from the development site by either by foot or cycle, and to provide connectivity to the adjacent core paths and right of ways which run past the site to the west. In any event, the specific details of the means of access (vehicular and otherwise) will be fully considered at a detailed stage, however at this stage I'm confident that a development can be brought forward which will accord with the Council's own Road Standards, those of the National Roads Development Guide and the principles of Designing Streets, and which will not compromise road and pedestrian safety.
- 59 Within the letters of representations reference has been made to other sites which were put forward through the Local Development Plan process, and particularly the Main Issues Report associated with the current adopted Local Plan and which were considered to be unacceptable for various reasons, including (in part) due to the potential additional traffic movements they would generate through the centre of Alyth. The assessment of the suitability of these other sites was undertaken on the assumption that land already within the settlement boundary (such as the site subject of this planning application site) would result in developable windfall sites which would generate some localised, additional traffic movements. The specific allocation of further housing sites would add to those movements, which potentially would be to the detriment of road and pedestrian safety.

Lack of Design Statement

- 60 It is noted that a design statement has not been submitted in relation to this planning application. Whilst *Policy PM2* of the LDP encourages design statement to be submitted for residential sites over 5 dwellings or 0.5 ha, as this is a s42 planning application to amend a time limit condition (effectively seeking a renewal) on an extant planning in principle consent, I do not necessary consider this omission to cause any particular issue.

Impact on Wildlife

- 62 Within the representations some concerns have been raised regarding the potential impact that this proposal will have on the local wildlife. Although there are no known protected species within the site, or within the immediate area, as part of any detailed submission a detailed wildlife habitat survey of the site (including the surrounding trees) will be requested to ensure that no local wildlife is adversely affected by the proposal and mitigation measures (if required) are brought forward.

Impact on Core Paths/Right of Way

- 63 To the west of the site there are a number of core paths and also a right of way, which links to the Cateran Trail. A concern has previously been raised that an increase in traffic along Loyal Road would impact on these routes, however the development of this site will not physically impact on these routes and additional usage of the route generated by this development will most likely be non-vehicular as the main vehicular access is envisaged to be via Airlie Street.

DEVELOPER CONTRIBUTIONS

Affordable Housing

- 64 As the site clearly has the potential to be developed for more than 5 dwellings, a standard condition requiring compliance with the Council's policies on Affordable Housing will be attached to the permission.

Transport Infrastructure

- 65 The site lies outwith the catchment area for Transport Contributions, so no contributions in relation to Transport Infrastructure will be required.

Primary Education

- 66 As this is a planning in principle application, a condition requiring compliance with the Council's policies on Primary Education development contributions will be attached to the permission.

ECONOMIC IMPACT

- 67 The proposal will have little direct impact on the local economy, but it would have the potential to have an indirect, positive impact if the occupiers of the new homes choose to use existing facilities / shops in Alyth.

LEGAL AGREEMENTS

- 68 None required.

DIRECTION BY SCOTTISH MINISTERS

- 69 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

- 70 The principle of a residential development on this site aligns itself positively with the current Local Development Plan, and I consider there to be no reason why a detailed proposal cannot be advanced which takes into account the issues raised within the letters of representation relating to visual impact, residential amenity, access, ecology, drainage and flooding. Ultimately, at this stage in the process there are no material reasons which would justify refusing this planning application and therefore the planning application is recommended for approval.

RECOMMENDATION

A Approve the planning application subject to the following conditions,

- 1 The development shall not commence until the following specified matters have been the subject of a formal planning application for the approval of the Council as Planning Authority: the siting, design and external appearance of the development, the hard and soft landscaping of the site, all means of enclosure, means of access to the site, vehicle parking and turning facilities, levels, drainage and waste management provision.

Reason - This is a Planning Permission in Principle under Section 59 of the Town and Country Planning (Scotland) Act 1997 as amended by Section 21 of the Planning etc. (Scotland) Act 2006)

- 2 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. Additional access points to the site should be explored to ensure that the layout accords with the Scottish Governments Designing Streets policy.

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

- 3 Unless otherwise agreed in writing, all trees shall be retained to the satisfaction of the Council as Planning Authority

Reason - In order to protect existing visual amenity.

- 4 The development shall be in accordance with the requirements of Perth & Kinross Council's Developer Contributions and Affordable Housing Supplementary Guidance 2016 in line with Policy PM3: Infrastructure Contributions of the Perth & Kinross Local Development Plan 2014 with particular regard to primary education infrastructure, unless otherwise agreed in writing with the Council as Planning Authority.

Reason – To ensure the development is in accordance with the terms of the Perth and Kinross Council Local Development Plan 2014 and to comply with the Council's policy on Developer Contributions and Affordable Housing Supplementary Guidance 2016)

- 5 The development shall be in accordance with the requirements of Perth & Kinross Council's Developer Contributions and Affordable Housing Supplementary Guidance 2016 in line with Policy RD4: Affordable Housing of the Perth & Kinross Local Development Plan 2014, unless otherwise agreed in writing with the Council as Planning Authority.

Reason – To ensure the development is in accordance with the terms of the Perth and Kinross Council Local Development Plan 2014 and to comply with the Council's policy on Developer Contributions and Affordable Housing Supplementary Guidance 2016)

- 6 The numbers of dwellings and layout shown are not approved as part of this consent.

Reason - This is a Planning Permission in Principle under Section 59 of the Town and Country Planning (Scotland) Act 1997 as amended by Section 21 of the Planning etc. (Scotland) Act 2006)

- 7 No trees on the site shall be felled without the prior written agreement of the Council as Planning Authority. Any detailed application shall be accompanied by a detailed tree survey carried out by a qualified and independent arborist indicating the type, age, condition, location and accurate canopy spread of all the trees on and affected by the site and including a tree management report with details of the tree protection measures to be employed during construction in accordance with BS 5837 2012: Trees in Relation to Design, Demolition and Construction.

Reason – In order to protect existing trees from unnecessary removals.

- 8 Prior to the commencement of the development hereby approved, details of the location and measures proposed for the safeguarding and continued operation, or replacement, of any septic tanks and soakaways, private water sources, private water supply storage facilities and/or private water supply pipes serving properties in the vicinity, sited within and running through the application site, shall be submitted to and approved in writing by the Council as Planning Authority. The subsequently agreed protective or replacement measures shall be put in place prior to the commencement of the development being brought into use and shall thereafter be so maintained insofar as it relates to the development hereby approved.

Reason – In order to safeguard existing drainage / water infrastructure and supplies.

- 9 Further to Condition 1 above, a Flood Risk Assessment (FRA) shall be submitted as part of the specified matters requiring to be the subject of a further formal planning application for the approval of the Council as Planning Authority. The FRA shall consider flood risk from all sources and shall be developed in accordance with the relevant technical guidance published by the Scottish Environment Protection Agency (eg Technical Flood Risk Guidance for Stakeholders) and the Council's Flood Risk and Flood Risk Assessment Developer Guidance.

Reason – In order to ensure that the potential for flood risk is fully considered.

- 10 Further to Condition 1 above, a detailed protected species survey covering the site shall be submitted as part of the specified matters requiring to be the subject of a further formal planning application for the approval of the Council as Planning Authority. The report shall include appropriate mitigations to protect any identified species.

Reason – In order to ensure that protected species are adequately protected.

- 11 The asserted right of way/core paths to the west of the site must not be obstructed during building works or on completion of the development. Any damage done to the route and/or the associated signage during building works must be made good before the development is completed or brought into use, whichever is the earlier.

Reason – In order to ensure that the adjacent core paths/right of way are protected during construction and on completion of the development.

B JUSTIFICATION

The proposal is considered to be in accordance with the Development Plan, but there are other material considerations that would justify a departure there from.

C PROCEDURAL NOTES

None applicable.

D INFORMATIVES

- 1 Application for the approval of matters specified in conditions shall be made before the expiration of 3 years from the date of the grant of planning permission in principle, unless an earlier application for such approval has been refused or an appeal against such refusal has been dismissed, in which case application for the approval of all outstanding matters specified in conditions must be made within 6 months of the date of such refusal or dismissal.

The approved development shall be commenced not later than the expiration of 3 years from the date of grant of planning permission in principle or 2 years from the final approval of matters specified in conditions, whichever is later.

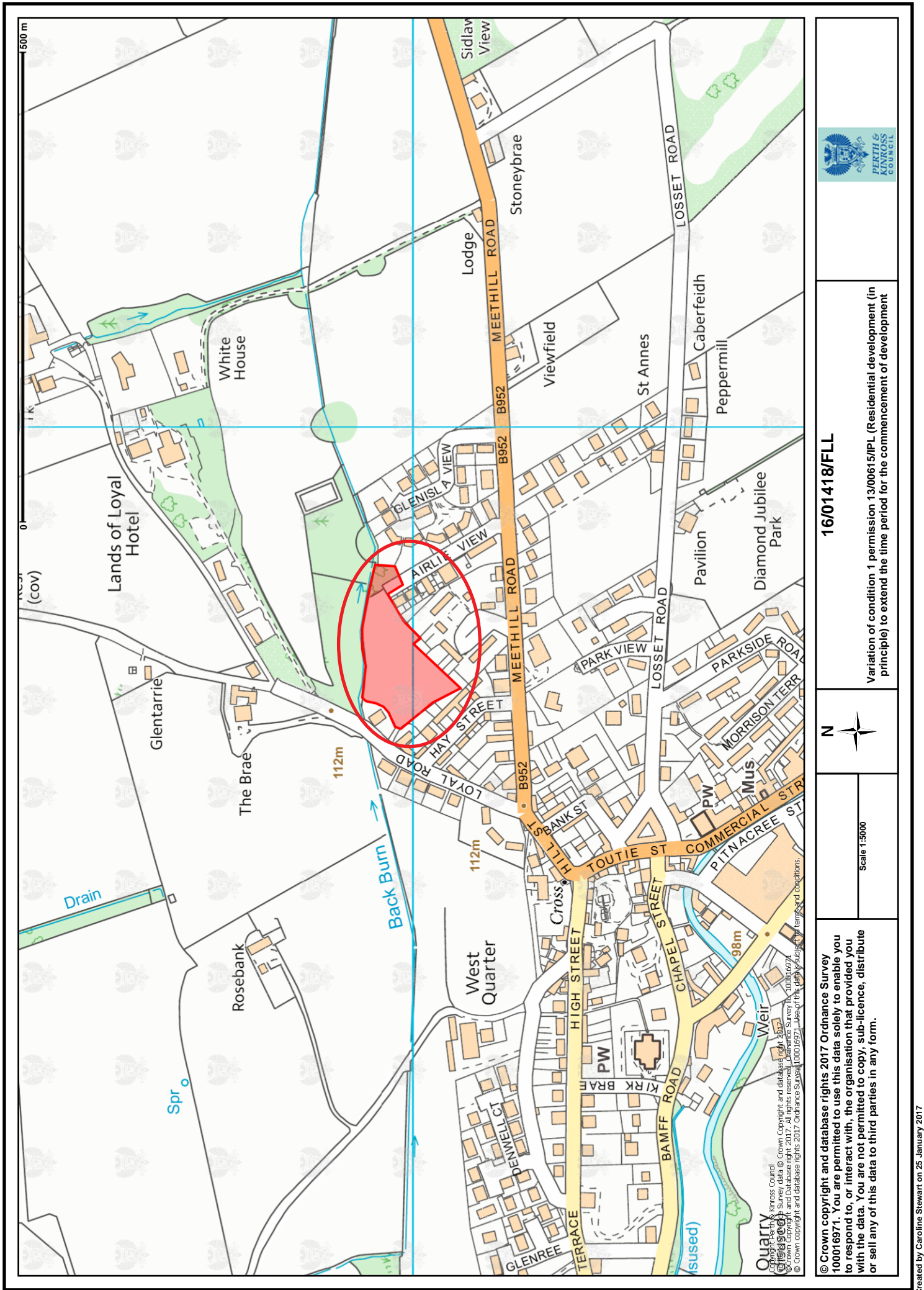
Background Papers: 8 letters of representation
Contact Officer: Andy Baxter – Ext 5339
Date: 27 December 2016

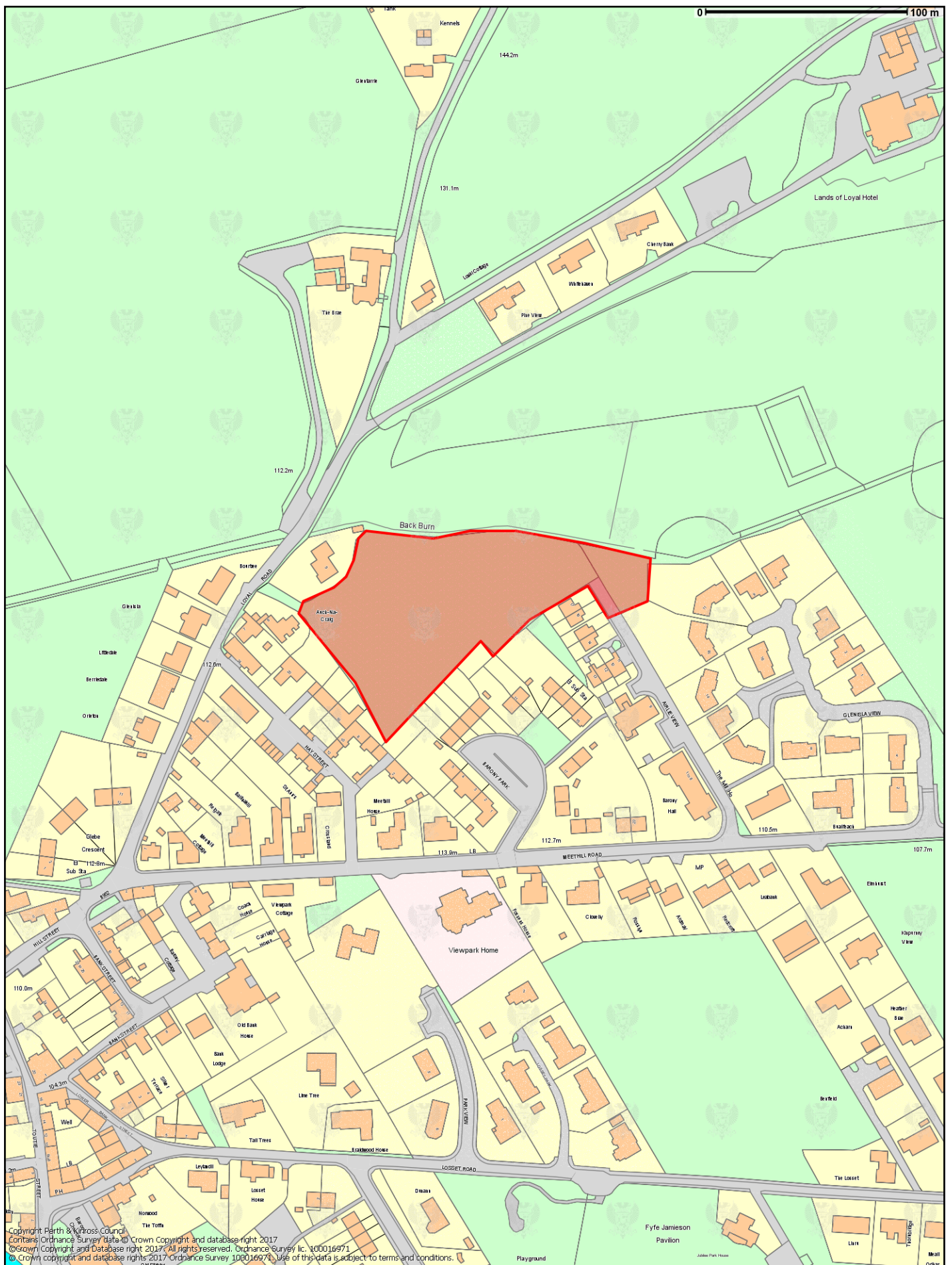
Nick Brian
Interim Head of Planning

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Scale 1:2500

16/01418/FLL

Variation of condition 1 permission 13/00615/IPL
 (Residential development (in principle) to extend the
 time period for the commencement of development



Perth and Kinross Council
Development Management Committee – 15 February 2017
Pre-Application Report by Interim Head of Planning

Proposed residential and employment (classes 4,5,6) development and associated works with possible primary school, district heating system and park and ride at land 250 Metres South East Of Auteven West Huntingtower, Perth

Ref. No: 16/00013/PAN
Ward No: N9 Almond and Earn

Summary

This report is to inform the Committee of a forthcoming planning application in respect of a major development for a proposed residential and employment (classes 4,5,6) development and associated works with possible primary school, district heating system and park and ride at land 250 Metres South East Of Auteven West Huntingtower, Perth (known as Perth West). The report also aims to highlight the key planning policies, the likely stakeholders who would be involved in the decision making process and to offer a brief overview of the key planning issues which are likely to be relevant to the proposal.

BACKGROUND AND DESCRIPTION

- 1 In accordance with the provisions of the Town & Country Planning (Scotland) Act 1997 as amended, the applicants submitted a Proposal of Application Notice on 26 January 2016. The purpose of this report is to inform the Development Management Committee of a forthcoming planning application in respect of a major development for a proposed residential and employment (classes 4,5,6) development and associated works with possible primary school, district heating system and park and ride at land 250 Metres South East Of Auteven West Huntingtower, Perth. Pre-application reports give the Committee an opportunity to raise issues which it would like to see addressed in the planning application.
- 2 The site extends to some 60 hectares and is located at the western edge of Perth City. It is bounded by the former Perth Auction Mart site to the east and the A85 trunk road to the north. The land is predominately agricultural land used for grazing and there is a former quarry (infilled) located centrally. There are a few areas of trees around the former quarry and there is a significant area of woodland planting in the south east corner of the site.
- 3 The site falls within the existing settlement boundary on the Perth Proposals Map of the LDP. The site has been allocated in LDP as Proposal H70 for mixed use development – residential (550 dwellings), employment and a primary school.
- 4 The final scale, mix and final numbers relating to the above proposals will be arrived at through the production and submission of a masterplan with associated background supporting information.

ENVIRONMENTAL IMPACT ASSESSMENT

- 5 Due to the scale of the proposal it will require to be screened as to whether the proposal is an Environmental Impact Assessment (EIA) development under the EIA 2011 regulations. An EIA is required for the proposal and a scoping request (15/00953/SCOP) has been submitted and the content of the EIA has been agreed in July 2015.

PRE-APPLICATION PROCESS

- 6 The Proposal of Application Notice (reference 16/00013/PAN) outlined a public exhibition was held locally on 26 January 2017. The ward Councillors (Henry Anderson, Kathleen Baird, Alan Livingstone) and Methven and District Community Council have been notified as well as both Tulloch and Letham Residents Associations. The results of the community consultation will be submitted with the renewal application as part of the required Pre-Application Consultation (PAC) Report.

NATIONAL POLICY AND GUIDANCE

- 7 The Scottish Government expresses its planning policies through the National Planning Framework (NPF) 3, the National Roads Development Guide 2014, Scottish Planning Policy (SPP) 2014 and Planning Advice Notes (PAN).

National Planning Framework

- 8 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

- 9 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 : paragraphs 269 – 291
 - Annex B – Parking Policies and Standards

- 10 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
- PAN 77 Designing Safer Places
- Designing Places (2001)
- Designing Streets (2010)
- Creating Places (2013)
- National Roads Development Guide (2014)

LOCAL POLICY AND GUIDANCE

TAYPlan Strategic Development Plan 2012-2032

- 11 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”

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

- Policy 1 – Location Priorities
- Policy 2 – Shaping better quality places
- Policy 3 – Managing TAYPlans Assets
- Policy 4 – Strategic Development Areas
- Policy 5 – Housing
- Policy 6 – Energy and Waste
- Policy 8 – Delivering the Strategic Development Plan

Perth and Kinross Local Development Plan 2014 – Adopted February 2014

- 13 The Local Development Plan 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.
- 14 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.”

15 Under the LDP, the following policies are of particular importance in the assessment of this application.

- PM1 – Placemaking
- PM2 – Design Statements
- PM3 – Infrastructure Contributions
- PM4 – Settlement Boundaries
- ED1 – Employment and Mixed Use Areas
- RD1 – Residential Areas
- RD4 – Affordable Housing
- TA1 – Transport Standards and Accessibility Requirements
- CF1 – Open Space Retention and Provision
- CF2 – Public Access
- CF3 – Social and Community Facilities
- HE1 - Scheduled Monuments and Non Designated Archaeology
- HE2 – Listed Buildings
- NE2 – Forestry, Woodland and Trees
- NE3 – Biodiversity
- NE4 – Green Infrastructure
- ER5 – Prime Agricultural Land
- ER6 – Managing Future Landscape Change to Conserve and Enhance the Diversity and Quality of the Area's Landscape
- EP1 – Climate Change, Carbon Reduction and Sustainable Construction
- EP2 – New Development and Flooding
- EP3 – Water Environment and Drainage
- EP5 – Nuisance from Artificial light and Light Pollution
- EP8 – Noise Pollution
- EP9 – Waste Management Infrastructure
- EP11 – Air Quality Management Areas
- EP12 – Contaminated Land

OTHER POLICIES

16 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
- Green Infrastructure Supplementary Guidance November 2014
- Perth and Kinross Council Corporate Plan 2013-2018
- Perth and Kinross Community Plan 2013/2023

PLANNING SITE HISTORY

17 The following history is relevant for the proposed site.

- 13/00012/PAN – Proposal of Application Notice for erection of 3,000 dwellings, 25ha commercial land and primary school. Content of PAN approved October 2013
- 14/00011/PAN Proposal of Application Notice for mixed use development (residential, primary school, community facilities). Content of PAN approved October 2014
- 15/00953/SCOP – EIA Scoping Opinion for mixed use development (Residential, Employment and Education). Scoping Opinion provided July 2015.

CONSULTATIONS

18 As part of the planning application process the following would be consulted;

External

- Scottish Environmental Protection Agency (SEPA)
- Scottish Natural Heritage (SNH)
- Scottish Water
- Transport Scotland
- Historic Environment Scotland (HES)
- Royal Society for Protection of Birds (RSPB)
- Forestry Commission Scotland
- Sportscotland
- Health and Safety Executive (HSE)
- Perth and Kinross Heritage Trust
- Methven and District Community Council

Internal

- Environmental Health
- Biodiversity Officer
- Strategic Planning and Policy
- Developer Negotiations Officer
- Community Greenspace including Access
- Transport Planning
- Structures and Flooding
- Community Waste Advisor
- Economic Development

KEY ISSUES AGAINST WHICH A FUTURE APPLICATION WILL BE ASSESSED

- 19 The key considerations against which the eventual application will be assessed includes:
- a. Landscape and Visual Impact
 - b. Scale, Design and Layout
 - c. Relationship to nearby land uses
 - d. Historic Environment and Cultural Heritage
 - e. Natural Heritage and Ecology
 - f. Water Resources and Soils
 - g. Noise
 - h. Air Quality
 - i. Dust
 - j. Human Health
 - k. Waste
 - l. Minerals
 - m. Transport Implications
 - n. Economy

ADDITIONAL STATEMENTS WHICH WILL BE REQUIRED

- 20 In order to support the planning application an environmental statement and supporting documents will need to be submitted.

Expected Contents of Environmental Statement

- Planning Policy Framework
 - Ecology and Biodiversity Assessment
 - Landscape and Visual Impact Assessment
 - Cultural Heritage and Archaeology Assessment
 - Hydrology, Flood Risk, Drainage and Pollution Control Assessment
 - Hydrogeology and Ground Conditions Assessment
 - Traffic and Transport Assessment
 - Residential Amenity – Air, Noise, Waste Minimisation
 - Socio-Economic Impact
 - Sustainability
 - Residual and Cumulative Impact
- 21 The following studies will also be submitted as part of the planning application:
- Planning Statement
 - Design and Access Statement
 - Pre-Application Consultation Report

CONCLUSION AND RECOMMENDATION

- 22 This report summarises the key issues which should be considered as part of the appraisal of any subsequent planning application which may be lodged in respect of this development and members are recommended to note these key issues and advise officers of any other issues which they consider should be included as part of the application and assessment.

Nick Brian
Interim Head of Planning

Background Papers: None

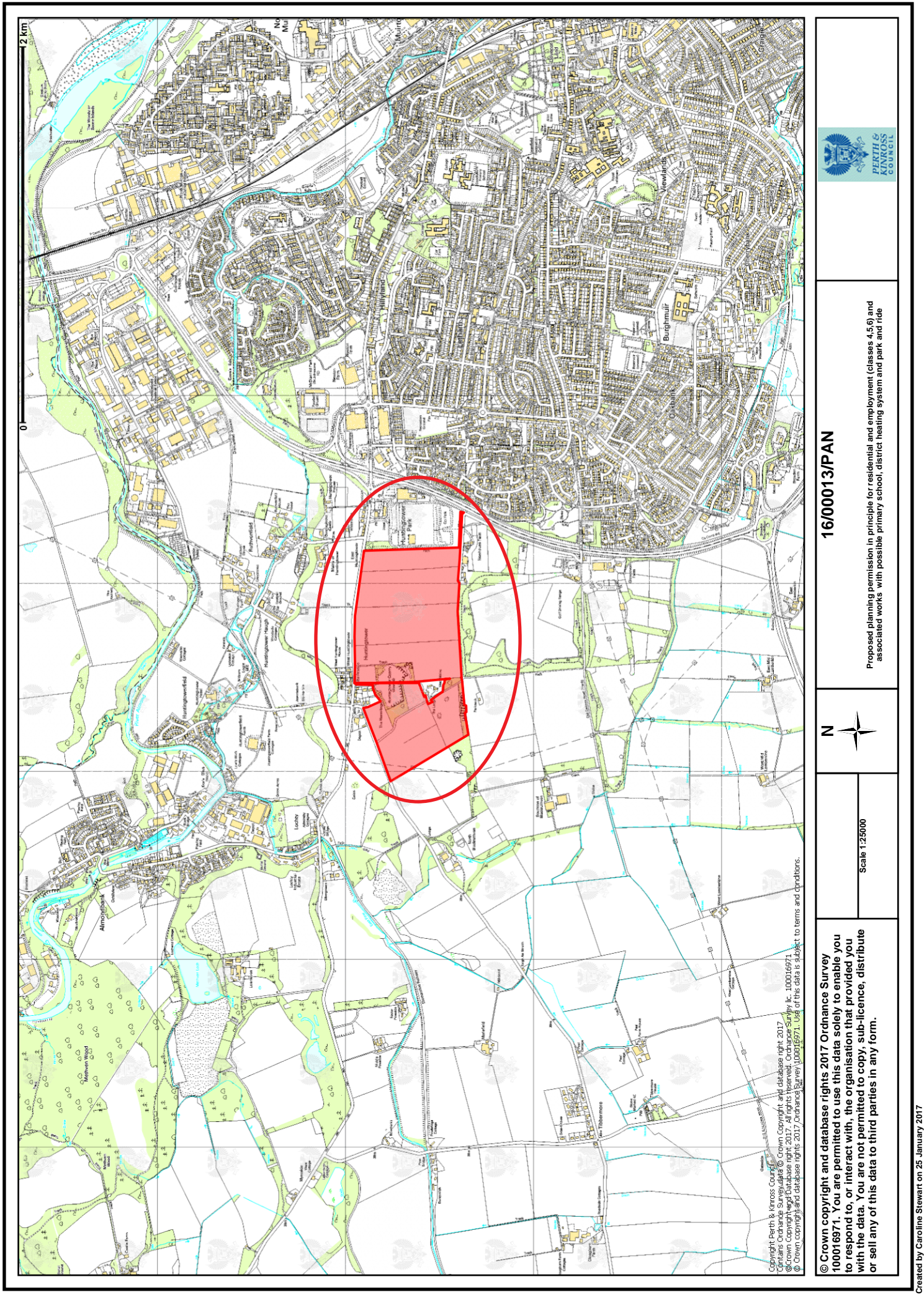
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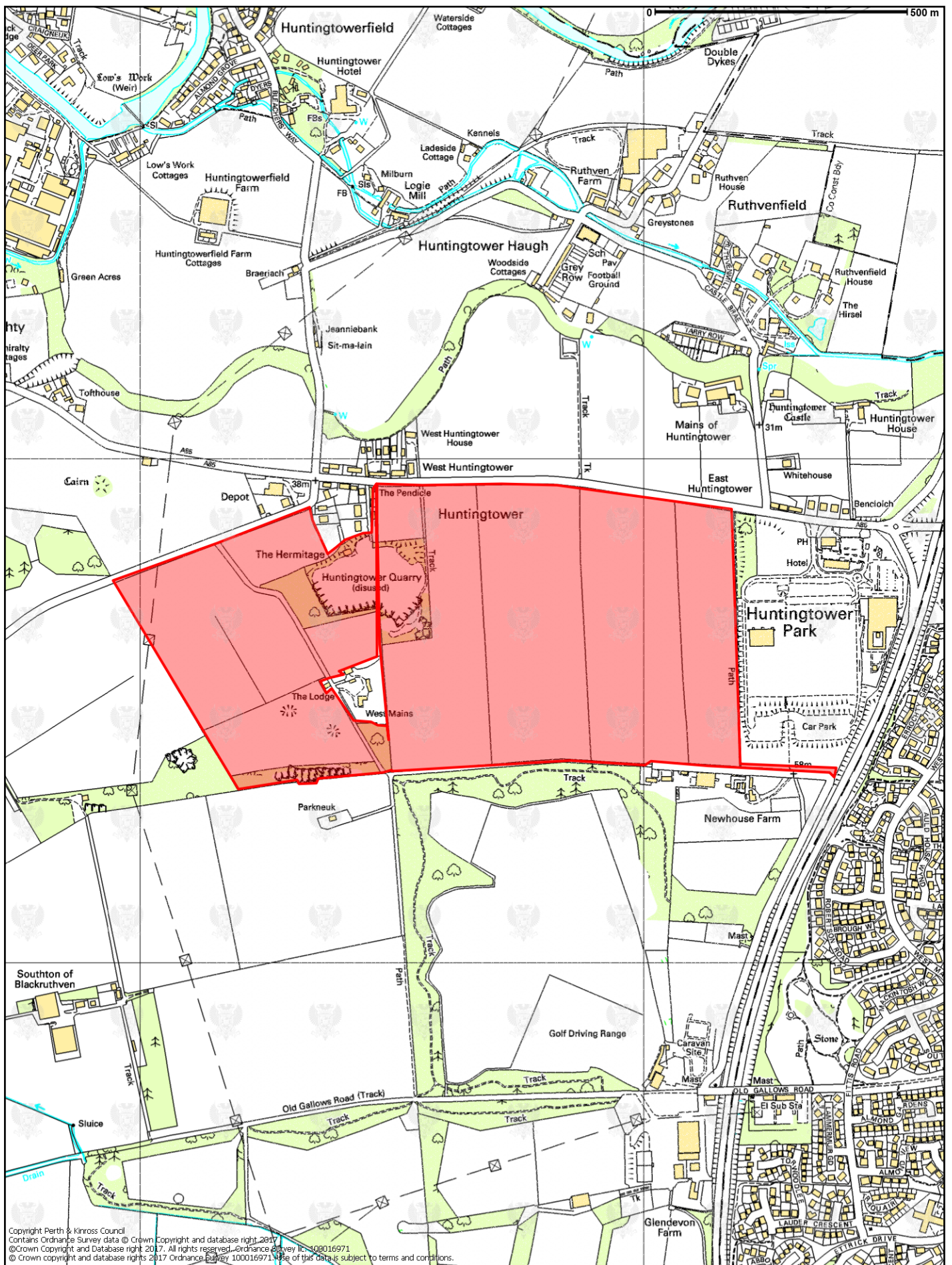
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Scale 1:10000

16/00013/PAN

Proposed planning permission in principle for residential and employment (classes 4,5,6) and associated works with possible primary school, district heating system and park and ride



Perth and Kinross Council
Development Management Committee – 15 February 2017
Pre-Application Report by Interim Head of Planning

Proposed business park including use classes 4, 5 and 6 and associated works at land 130 Metres South Of Field View, Windsole, Auchterarder, Perthshire

Ref. No: 16/00014/PAN
Ward No: N7 Strathallan

Summary

This report is to inform the Committee of a forthcoming planning application in respect of a major development for a proposed business park including use classes 4, 5 and 6 and associated works at land 130 Metres South Of Field View, Windsole, Auchterarder, Perthshire. The report also aims to highlight the key planning policies, the likely stakeholders who would be involved in the decision making process and to offer a brief overview of the key planning issues which are likely to be relevant to the proposal.

BACKGROUND AND DESCRIPTION

- 1 In accordance with the provisions of the Town & Country Planning (Scotland) Act 1997 as amended, the applicants submitted a Proposal of Application Notice on 26 January 2016. The purpose of this report is to inform the Development Management Committee of a forthcoming planning application in respect of a major development for a business park including use classes 4, 5 and 6 and associated works at land 130 Metres South Of Field View, Windsole, Auchterarder, Perthshire. Pre-application reports give the Committee an opportunity to raise issues which it would like to see addressed in the planning application.
- 2 The site extends to some 5.99 hectares and is located south of the A984 road at the eastern end of Auchterarder. The site's northern boundary comprises a row of established residential properties of varying styles and sizes, including 3 storey apartments. To the east and west of the site is open farmland and to the south is the Ruthven Water and Scottish Water Waste Water Treatment Works. A substantial woodland boundary exists to the south of the site, offering shelter and structure.
- 3 The site falls within the existing settlement boundary on the Auchterarder Proposals Map of the LDP. The site has been allocated in LDP as part of Proposal E25 for the development of general employment uses. The site is not subject to any landscape, environmental, archaeological, ecological or heritage designations. It is not located within any Sensitive Areas.
- 4 The proposed access into the site has previously been granted detailed planning permission (Refs: 12/02160/FLL and 16/01443/FLL). The exact scale and design of the development will be arrived during pre-application discussions.

ENVIRONMENTAL IMPACT ASSESSMENT

- 5 Due to the scale of the proposal it will require to be screened as to whether the proposal is an Environmental Impact Assessment (EIA) development under the EIA 2011 regulations. A screening request (16/2148/SCRN) has been submitted and found that an EIA is not required in this instance.

PRE-APPLICATION PROCESS

- 6 The Proposal of Application Notice (reference 16/00014/PAN) outlined a public exhibition will be held locally on 23rd February 2017. The ward Councillors (Ann Gaunt, Tom Gray and Murray Lyle) and Auchterarder and District Community Council have been notified. The results of the community consultation will be submitted with the renewal application as part of the required Pre-Application Consultation (PAC) Report.

NATIONAL POLICY AND GUIDANCE

- 7 The Scottish Government expresses its planning policies through the National Planning Framework (NPF) 3, the National Roads Development Guide 2014, Scottish Planning Policy (SPP) 2014 and Planning Advice Notes (PAN).

National Planning Framework

- 8 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

- 9 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 : paragraphs 269 – 291
 - Annex B – Parking Policies and Standards

- 10 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
- PAN 77 Designing Safer Places
- Designing Places (2001)
- Designing Streets (2010)
- Creating Places (2013)
- National Roads Development Guide (2014)

LOCAL POLICY AND GUIDANCE

TAYPlan Strategic Development Plan 2012-2032

- 11 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”

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

- Policy 1 – Location Priorities
- Policy 2 – Shaping better quality places
- Policy 3 – Managing TAYPlans Assets

Perth and Kinross Local Development Plan 2014 – Adopted February 2014

- 13 The Local Development Plan 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.

- 14 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.”

15 Under the LDP, the following policies are of particular importance in the assessment of this application.

- PM1 – Placemaking
- PM2 – Design Statements
- PM3 – Infrastructure Contributions
- PM4 – Settlement Boundaries
- ED1 – Employment and Mixed Use Areas
- ED3 – Rural Business and Diversification
- RD1 – Residential Areas
- TA1 – Transport Standards and Accessibility Requirements
- CF2 – Public Access
- NE2 – Forestry, Woodland and Trees
- NE3 – Biodiversity
- NE4 – Green Infrastructure
- ER5 – Prime Agricultural Land
- ER6 – Managing Future Landscape Change to Conserve and Enhance the Diversity and Quality of the Area's Landscape
- EP1 – Climate Change, Carbon Reduction and Sustainable Construction
- EP2 – New Development and Flooding
- EP3 – Water Environment and Drainage
- EP5 – Nuisance from Artificial light and Light Pollution
- EP8 – Noise Pollution
- EP9 – Waste Management Infrastructure

OTHER POLICIES

16 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
- Green Infrastructure Supplementary Guidance November 2014
- Perth and Kinross Council Corporate Plan 2013-2018
- Perth and Kinross Community Plan 2013/2023

PLANNING SITE HISTORY

17 The following history is relevant for the proposed site.

- 12/02160/FLL – Formation of roundabout and ancillary works. Approved by committee August 2013
- 16/01443/FLL - Renewal of permission 12/02160/FLL Formation of a roundabout and ancillary works. Approved under delegated powers October 2016
- 16/02148/SCRN – EIA Screening for development of a business park Use (Class 4, 5 and 6). Screening Opinion provided January 2017

CONSULTATIONS

18 As part of the planning application process the following would be consulted;

External

- Scottish Environmental Protection Agency (SEPA)
- Scottish Natural Heritage (SNH)
- Scottish Water
- Transport Scotland
- Forestry Commission Scotland
- Auchterarder and District Community Council

Internal

- Environmental Health
- Biodiversity Officer
- Strategic Planning and Policy
- Developer Negotiations Officer
- Community Greenspace including Access
- Transport Planning
- Structures and Flooding
- Community Waste Advisor
- Economic Development

KEY ISSUES AGAINST WHICH A FUTURE APPLICATION WILL BE ASSESSED

- 19 The key considerations against which the eventual application will be assessed includes:
- a. Visual Impact
 - b. Scale, Design and Layout
 - c. Relationship to nearby land uses
 - d. Natural Heritage and Ecology
 - e. Landscape
 - f. Water resources and soils
 - g. Noise
 - h. Odour
 - i. Air Quality
 - j. Dust
 - k. Light
 - l. Transport Implications
 - m. Economy

ADDITIONAL STATEMENTS WHICH WILL BE REQUIRED

- 20 The following supporting documents will need to be submitted with any planning application.
- Planning Statement
 - Design and Access Statement
 - Pre-Application Consultation (PAC) Report
 - Transport Assessment/Statement
 - Flood Risk and Drainage Assessment
 - Ecology Assessment
 - Tree Survey
 - Noise Assessment/Management Plan
 - Sustainability Assessment

CONCLUSION AND RECOMMENDATION

- 21 This report summarises the key issues which should be considered as part of the appraisal of any subsequent planning application which may be lodged in respect of this development and members are recommended to note these key issues and advise officers of any other issues which they consider should be included as part of the application and assessment.

Nick Brian
Interim Head of Planning

Background Papers: None

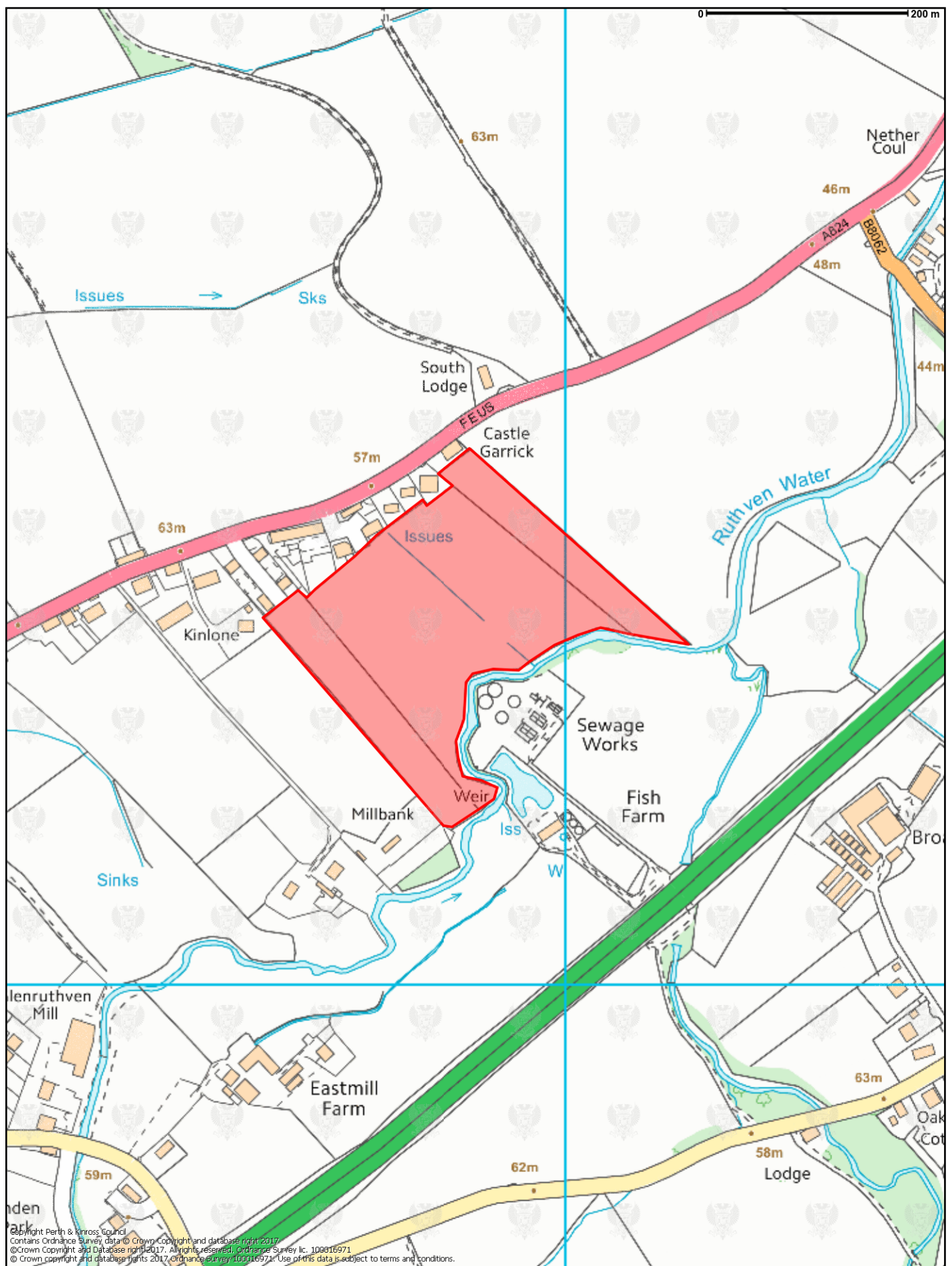
Contact Officer: Steve Callan – Ext 75337

Date: 26 January 2017

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