



Securing the future... • *Improving services*
• *Enhancing quality of life* • *Making the best use of public resources*

Council Building
2 High Street
Perth
PH1 5PH

Tuesday, 10 April 2018

A Meeting of the **Planning and Development Management Committee** will be held in the **Council Chamber, 2 High Street, Perth, PH1 5PH** on **Wednesday, 11 April 2018** 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 electronic equipment is in silent mode.

Please note that the meeting will be recorded and will be publicly available on the Council's website following the meeting.

Members:

Councillor Roz McCall (Convener)
Councillor Bob Brawn (Vice-Convener)
Councillor Henry Anderson
Councillor Bob Band
Councillor Michael Barnacle
Councillor Harry Coates
Councillor Eric Drysdale
Councillor Tom Gray
Councillor Ian James
Councillor Anne Jarvis
Councillor Lewis Simpson
Councillor Richard Watters
Councillor Willie Wilson

Planning and Development Management Committee

Wednesday, 11 April 2018

AGENDA

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

- 1 WELCOME AND APOLOGIES**
- 2 DECLARATIONS OF INTEREST**
- 3 MINUTE OF MEETING OF THE PLANNING AND DEVELOPMENT MANAGEMENT COMMITTEE OF 14 MARCH 2018 FOR APPROVAL AND SIGNATURE 5 - 24**
(copy herewith)
- 4 DEPUTATIONS**
- 5 APPLICATIONS FOR DETERMINATION**
 - (1) MAJOR APPLICATIONS**
 - (i) 17/00946/IPM - AUCHTERARDER - FORMATION OF BUSINESS PARK (CLASS 4, 5 AND 6) AND ASSOCIATED WORKS (ALLOCATED SITE E25) (IN PRINCIPLE) ON LAND SOUTH OF FIELD VIEW, WINDSOLE, AUCHTERARDER 25 - 58**
Report by Interim Development Quality Manager (copy herewith 18/118)
 - (2) LOCAL APPLICATIONS**
 - (i) 17/01886/FLL - RHYND - ERECTION OF A CLUBHOUSE, FORMATION OF PARKING AND ASSOCIATED WORKS ON LAND 70 METRES NORTH EAST OF THE WORKSHOP, RHYND 59 - 84**
Report of Handling by Interim Development Quality Manager (copy herewith 18/119)
 - (ii) 17/02118/FLL - PERTH - ERECTION OF 26 FLATS ON LAND AT ALLISON CRESCENT, PERTH 85 - 110**
Report by Interim Development Quality Manager

(iii) **17/02161/FFL - ABERFELDY - ERECTION OF 5
DWELLINGHOUSES AND GARAGES (REVISED LAYOUT AND
CHANGE OF HOUSE TYPES) ON SITE OF FORMER
CRUACHAN HOUSE RESIDENTIAL HOME, KENMORE STREET,
ABERFELDY**

111 - 128

Report by Interim Development Quality Manager (copy herewith
18/121)

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

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

All Council Services can offer a telephone translation facility.

PERTH AND KINROSS COUNCIL
PLANNING AND DEVELOPMENT MANAGEMENT COMMITTEE
14 MARCH 2018

PLANNING AND DEVELOPMENT MANAGEMENT COMMITTEE

Minute of meeting of the Planning and Development Management Committee held in the Council Chamber, Ground Floor, Council Building, 2 High Street, Perth on Wednesday 14 March 2018 at 10.00am.

Present: Councillors R McCall, B Brawn, H Anderson, B Band, M Barnacle, E Drysdale, T Gray, I James, A Jarvis, A Parrott (substituting for R Watters), L Simpson and W Wilson.

In Attendance: N Brian, A Condliffe, D Niven, J Scott, A Belford, G Bissett, M Petrie, D Salman and R Stewart (all The Environment Service); G Fogg and D Williams (Corporate and Democratic Services).

Apologies: Councillors H Coates and R Watters.

Councillor R McCall, Convener, Presiding.

. WELCOME AND APOLOGIES

The Convener welcomed everyone present to the meeting and apologies were noted as above.

. DECLARATIONS OF INTEREST

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

. MINUTES

The minute of meeting of the Planning and Development Management Committee of 14 February 2018 (Arts. **-**) was submitted, approved as a correct record and authorised for signature, subject to the following amendment:

It be noted that, with regards to Art** (Item 5(2)(v), the amendment was proposed by Councillors T Gray and H Anderson, not Councillors T Gray and B Band.

. DEPUTATIONS

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

Planning Application No.	Art. No.
17/00939/IPM	** (1)(i)
17/02159/FLM	** (1)(iii)
17/01260/FLL	** (2)(i)
17/02240/FLL	** (2)(iii)

APPLICATIONS FOR DETERMINATION

(1) Major Applications

- (i) **17/00939/IPM – BLAIRGOWRIE – Mixed use development comprising residential development, business land, education/recreation/community facilities, infrastructure including roads, footpaths, landscaping, drainage, open space and associated works on land 200 metres west of Blairgowrie and Rattray Cottage Hospital, Perth Road, Blairgowrie – Westpark Partnership**

J Scott, Team Leader, advised members that, with regards to Paragraph 138 of Report 18/77, Tesco is in fact considered to be in a town centre location and explained the policy considerations that lead to the conclusions in Paragraph 139 to remain the same.

Mr J Paterson and Ms A Russell, objectors to the application, addressed the Committee and following their representation withdrew to the public benches.

Resolved:

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

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 with respect to the in Principle Permission (17/00939/IPM) with the substitution of the period of 3 years referred to in each of those subsections, with the period of 16 years.

Conditions

1. 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 2013 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 6 months from the date on which an earlier application for the requisite approval was refused, or
 - (ii) the expiration of 6 months from the date on which an appeal against such refusal was dismissed.

PERTH AND KINROSS COUNCIL
PLANNING AND DEVELOPMENT MANAGEMENT COMMITTEE
14 MARCH 2018

2. The submitted masterplan, site layout plan and indicated scale of development, of up to 400 dwellings and 4 hectares of business land, are purely indicative and are hereby not approved.
3. No works in connection with the development hereby approved shall take place until full details of the siting, design, external appearance and landscaping of the development and the means of access serving the development (hereinafter referred to as the 'Matters Specified in Condition') have been submitted to and approved in writing by the Planning Authority. The specified matters include:
 - (i) a detailed phasing plan;
 - (ii) 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 phase, relative to existing ground levels and a fixed datum point;
 - (iii) the siting, design, height and external materials of all buildings or structures;
 - (iv) the details of all roads, footpaths, cycleways, core path connections throughout the development;
 - (v) details of any screen walls/fencing to be provided (including any acoustic barriers);
 - (vi) measures to maximise environmental sustainability through design, orientation and planting or any other means;
 - (vii) details of all landscaping, structure planting and screening associated with the development of each site;
 - (viii) the lighting of all streets and footpaths;
 - (ix) the layout of play areas and the equipment to be installed;
 - (x) full details of the proposed means of disposal of foul and surface water from the development;
 - (xi) details of car charging points to be provided within the development; and
 - (xii) A minimum 40% of dwellings shall incorporate swift bricks and bat roost bricks at eaves height.
 - (xiii) no development above 90 metres AOD.
4. No work shall start on the relevant parts of the site unless the trees to be retained as identified in the submitted surveys have been protected by suitable fencing in accordance with BS5837 2012 (Trees in Relation to Construction). The details of the protective fencing and its location shall be first submitted to and agreed in writing by the Planning Authority.

PERTH AND KINROSS COUNCIL
PLANNING AND DEVELOPMENT MANAGEMENT COMMITTEE
14 MARCH 2018

5. All existing rights of way, core paths within or adjacent to the completed development shall at all times be protected and remain operational during the construction phases.
6. Prior to the commencement of development of each phase a Construction Environmental Management Plan (CEMP) must be submitted for the approval of the Planning Authority. The measures outlined in the agreed CEMP shall be adhered to at all times during the construction period.
7. The times of construction should be limited to Monday to Friday 07.00 to 19.00, Saturday 08.00 to 13.00 with no noise generating work on a Sunday.
8. Development shall not commence until the developer has secured the implementation of a programme of archaeological work in accordance with a written scheme of archaeological investigation which has been submitted by the applicant, and agreed in writing by the Council as Planning Authority, in consultation with Perth and Kinross Heritage Trust. Thereafter, the developer shall ensure that the programme of archaeological works is fully implemented including that all excavation, preservation, recording, recovery, analysis, publication and archiving of archaeological resources within the development site is undertaken. In addition, the developer shall afford access at all reasonable times to Perth and Kinross Heritage Trust or a nominated representative and shall allow them to observe work in progress.
9. Dust control measures as outlined in Appendix 3 of the Air Quality Impact Assessment dated 19 December 2017 shall but put in place throughout the construction of this development.
10. 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
11. Concurrent with the initiation of the development hereby approved and for the duration of construction, a temporary surface water treatment facility shall be implemented on site and maintained for the duration of the approved development works. The temporary surface water treatment facility shall remain in place until the permanent

PERTH AND KINROSS COUNCIL
PLANNING AND DEVELOPMENT MANAGEMENT COMMITTEE
14 MARCH 2018

surface water drainage scheme is implemented unless otherwise agreed in writing by the Council as Planning Authority.

12. As part of any application for the Approval of Matters Specified in Condition, all schemes of hard and soft landscaping works shall be submitted to the Local Planning Authority.

Details of the schemes shall include:

- (i) existing and proposed finished ground levels relative to a fixed datum point;
- (ii) existing landscape features and vegetation to be retained;
- (iii) existing and proposed services including cables, pipelines and substations;
- (iv) the location of new trees, shrubs, hedges, grassed areas and water features;
- (v) a schedule of plants to comprise species, plant sizes and proposed numbers and density;
- (vi) the location, design and materials of all hard landscaping works including, footpaths, walls, fences, gates, any other means of enclosure, street furniture and play equipment;
- (vii) an indication of existing trees, shrubs and hedges to be removed;
- (viii) a programme for the completion and subsequent maintenance of the proposed landscaping;
- (ix) a woodland management plan;
- (x) separation distances between residential buildings and edge trees;
- (xi) separation distances between residential buildings and existing woodland.

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.

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

14. Prior to the occupation of the first dwelling all matters 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

PERTH AND KINROSS COUNCIL
PLANNING AND DEVELOPMENT MANAGEMENT COMMITTEE
14 MARCH 2018

Roads Development Guide) and to the satisfaction of the Planning Authority.

15. No part of the development shall be occupied until a Travel Plan (TP), aimed to encourage more sustainable means of travel, has been submitted and approved in writing by the Council. The TP will have particular regard to provision for walking, cycling and public transport access to and within the site and will identify the measures to be provided, the system of management, monitoring, review, reporting and the duration of the plan.
16. Prior to the commencement of works on the development, the applicant shall submit for the written approval of the Planning Authority a Construction Traffic Management Scheme (TMS) which shall include the following:
 - a) restriction of construction traffic to approved routes and the measures to be put in place to avoid other routes being used;
 - b) timing of construction traffic to minimise impact on local communities particularly at school start and finishing times, on days when refuse collection is undertaken, on Sundays and during local events;
 - c) arrangements for liaison with the Roads Authority regarding winter maintenance;
 - d) emergency arrangements detailing communication and contingency arrangements in the event of vehicle breakdown;
 - e) arrangements for the cleaning of wheels and chassis of vehicles to prevent material from construction sites associated with the development being deposited on the road;
 - f) arrangements for cleaning of roads affected by material deposited from construction sites associated with the development;
 - g) arrangements for signage at site accesses and crossovers and on roads to be used by construction traffic in order to provide safe access for pedestrians, cyclists and equestrians;
 - h) details of information signs to inform other road users of construction traffic;
 - i) arrangements to ensure that access for emergency service vehicles are not impeded;
 - j) monitoring, reporting and implementation arrangements; and
 - k) arrangements for dealing with non-compliance.The TMS as approved shall be strictly adhered to during the entire site construction programme all to the satisfaction of the Council as Planning Authority.
17. As part of the first application for the Approval of Matters Specified in Condition an updated District Heating

PERTH AND KINROSS COUNCIL
PLANNING AND DEVELOPMENT MANAGEMENT COMMITTEE
14 MARCH 2018

Feasibility Study for the whole site shall be submitted in writing for the approval of the Planning Authority to assess the technical feasibility and financial viability of heat network/district heating for this site, identifying all 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.

18. A detailed Protected Species Survey, including breeding birds and ecological surveys, shall be submitted as part of any application for approval of Matters Specified by Condition submitted for approval under Condition 3 of this permission. The surveys shall include appropriate mitigation to protect identified species.
19. The conclusions and recommended action points within the supporting Environmental Impact Assessment (EIA) and hereby approved shall be fully adhered to, respected and undertaken as part of the construction phase of development.
20. No site clearance or removal of vegetation, including trees and shrubs will take place between 1st March and 31st August inclusive unless a competent ecologist has undertaken a careful and detailed survey of vegetation and trees for active birds' nests or bat roosts immediately before the vegetation or trees is to be cleared and provided written confirmation that no birds or bats will be harmed and/or that there are appropriate measures in place to protect nesting birds and bats on site. Any such written confirmation must be submitted to the planning authority prior to commencement of works.
21. All road gullies within 500m of a waterbody or SuDS pond shall have wildlife kerbs installed adjacent to the gully.
22. A scheme detailing measures to protect animals from being trapped in open excavations and/or pipe and culverts shall submitted for the written approval of the Planning Authority. The measures may include creation of sloping escape ramps for animals, which may be achieved by edge profiling of trenches/excavations or by using planks placed into them at the end of each working day and open pipework greater than 150 mm outside diameter being blanked off at the end of each working day. Thereafter, the approved scheme shall be implemented for the duration of the construction works of the development hereby approved.

PERTH AND KINROSS COUNCIL
PLANNING AND DEVELOPMENT MANAGEMENT COMMITTEE
14 MARCH 2018

23. Where it is intended to create semi-natural habitats, all species used in the planting proposals shall be locally native species of local provenance unless otherwise agreed in writing with the local planning authority.
24. The development shall be in accordance with the requirements of Development Plan policy and Perth & Kinross Council's Supplementary Guidance in relation to affordable housing.
25. The development shall be in accordance with the requirements of Development Plan policy and Perth & Kinross Council's Supplementary Guidance in relation to primary education infrastructure.
26. As part of any application for Approval of Matters Specified in Conditions, as set out in Condition 3, a noise assessment shall be submitted to demonstrate acceptable internal noise levels of 35 dB within all dwellings taking into account any acoustic mitigation proposed.
27. The net sales floor area of any Food Retail Unit shall not exceed 1,900 sqm and shall be a minimum of 70% for convenience goods and a maximum of 30% for the sale of comparison goods; the net sales floor area of any Non-Food Retail Unit shall not exceed 1,500 sqm and shall be a minimum of 60% for comparison goods and a maximum of 40% for the sale of convenience goods.
28. All deliveries to any retail/commercial unit must be within the hours of 0700 and 2300 Monday to Saturday. Sunday deliveries must be within the hours of 0900 and 1700 hours.
29. All fixed plant and equipment at the retail/business site shall be so enclosed, attenuated and/or maintained such that any noise therefrom shall not exceed a noise rating level of 35dB L_{Aeq}, 15 mins during the night time period when measured 1 metre from the window of the closest noise sensitive receptors and should not exceed a rating level of 40dB L_{Aeq}, 1 hr when measured at the closest noise sensitive receptor during the daytime period.

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

1. Consent shall not to be issued until the Section 75 Agreement relating to transport infrastructure contributions has been completed and signed to reflect the current planning reference 17/00939/IPM.
2. The legal agreement should be concluded and completed within 4 months of the date of any Committee approval.

PERTH AND KINROSS COUNCIL
PLANNING AND DEVELOPMENT MANAGEMENT COMMITTEE
14 MARCH 2018

Failure to conclude a legal agreement within 4 months will result in the planning application having to be re-assessed through failing to comply with the associated developer contributions policy and may ultimately be recommended for refusal under delegated powers.

Informatives

1. The applicant is advised that to enable some of the negative suspensive conditions to be fulfilled works which are operational development may have to be undertaken outwith the application site. These works themselves may require the submission of a planning application.
2. The applicant is advised that in terms of Section 56 of the Roads (Scotland) Act 1984 he must obtain from the Council as Roads Authority consent to open an existing road or footway prior to the commencement of works. Advice on the disposal of surface water must be sought at the initial stages of design from Scottish Water and the Scottish Environment Protection Agency.
3. The applicant is advised that in terms of Section 21 of the Roads (Scotland) Act 1984 they must obtain from the Council as Roads Authority consent to construct a new road prior to the commencement of roadworks. Advice on the disposal of surface water must be sought at the initial stages of design from Scottish Water and the Scottish Environment Protection Agency.
4. The applicants are advised that they must apply to the Roads Authority for construction consent to form a new street. Please contact The Construction and Maintenance Manager, The Environment Service, Perth and Kinross Council, Pullar House, Perth.
5. The applicant is advised that the granting of planning consent does not guarantee a connection to Scottish Water's assets. The applicant must make a separate application to Scottish Water Planning & Development Services team for permission to connect to the public wastewater system and/or water network and all their requirements must be fully adhered to.
6. The applicant is advised that the works may need a license under the Water (Controlled Activities) Regulations 2005 (CAR). The applicant should contact SEPA's Perth Environmental Protection and Improvement Team (Tel: 01738 627989) in regard to this. The applicant should ensure that all works on site comply with the best practice guidelines laid out in SEPA's published Pollution Prevention Guidance, found at www.sepa.org.uk
7. The Council's Community Waste Adviser in the Environment Service should be contacted to clarify the bin storage and recycling requirements for the development.

PERTH AND KINROSS COUNCIL
PLANNING AND DEVELOPMENT MANAGEMENT COMMITTEE
14 MARCH 2018

8. The applicant is reminded that, under the Wildlife and Countryside Act 1981, as amended, it is an offence to remove, damage or destroy the nest of any wild birds while that nest is in use or being built. Planning consent for a development does not provide a defence against prosecution under this act.
9. The applicant is reminded that, should any protected species be present a licence may be required from Scottish Natural Heritage to disturb a protected species. Failure to obtain a licence may constitute a criminal act under the Habitats Regulations and penalties are severe for non-compliance.
10. 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.
11. The developer is advised to contact Mr David Strachan, Archaeologist to discuss terms of reference for work required Tel 01738 477080.
12. For guidance on cycle paths please see Sustrans Design Manual Handbook for cycle-friendly design (drawings on P21-22).
13. Please consult the Street Naming and Numbering Officer, The Environment Service, Perth and Kinross Council, Pullar House, 35 Kinnoull Street, Perth PH1 5GD.
14. Any structures & all walls/embankments that act singly or together to support a carriageway or footpath & retain over 1.5m fill will require Technical Approval.
15. The applicant is recommended to discuss with the Council's Public Transport Unit the supply of bus services and public transport infrastructure to ensure an adequate public transport provision for the site.

- (ii) **17/01441/MWM – BALADO – Application under Section 42 of the Town and Country Planning (Scotland) Act 1997 to develop land without complying with Condition 2 (period extraction) of planning permission 04/01322/MWM (extraction and processing of sand and gravel) at Balado Quarry, Balado – D Geddes (Contractors) Ltd**

Resolved:

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

Conditions

1. The development hereby approved must be carried out in accordance with the approved drawings and documents,

PERTH AND KINROSS COUNCIL
PLANNING AND DEVELOPMENT MANAGEMENT COMMITTEE
14 MARCH 2018

unless otherwise provided for by conditions imposed by this decision notice.

2. All sand and gravel extraction within the site shall be completed within ten years of the date of this Decision Notice.
3. The extraction of sand and gravel shall commence and proceed only in accordance with the submitted details of phasing, direction and depth of working, as shown on the plans herewith approved. No deviations from the phasing plan shall be permitted. No more than one phase shall be worked at any one time. The land awaiting extraction shall remain in agricultural use.
4. Restoration shall be fully implemented within twelve months of the completion of extraction and shall be phased in accordance with the restoration scheme to be approved under condition 5 below and shall thereafter be maintained to the satisfaction of the Planning Authority.
5. A progressive phasing plan shall be submitted within 6 months of the date of this consent to the Planning Authority illustrating how the restoration scheme shall be implemented at the site. No more than one phase or sub-phase shall be worked at any one time and restoration of each phase and sub-phase shall take place as soon as is practical.
6. Prior to the commencement of the final restoration of the site associated with this consent a detailed scheme with final contours and an updated restoration plan and an updated aftercare plan for the site shall be submitted to and require the approval of the Planning Authority. The restoration and aftercare scheme shall set out the means of reinstating the site following the removal of components of the development. Thereafter the approved restoration and aftercare scheme shall be implemented.
7. Topsoil stripping shall only be carried out when the soil is reasonably dry and friable (usually May to September), and shall not take place during or immediately after periods of heavy rain.
8. Topsoil shall not be stripped by bulldozer, but by means of boxscraper, towed scraper or excavator. The applicant shall give at least 7 days' notice to the planning authority before topsoil is to be stripped, and the planning authority reserves the right to suspend operations during adverse weather conditions, or to impose such conditions as it sees fit for the safe keeping of the topsoil.
9. Mineral extraction and processing and the movement of vehicles shall only be carried out at the site between the hours of 0800-1800 Mondays to Fridays and 0800-1300 hours on Saturdays. However, in addition, between the hours of 0630-0800 Mondays to Saturdays operations

PERTH AND KINROSS COUNCIL
PLANNING AND DEVELOPMENT MANAGEMENT COMMITTEE
14 MARCH 2018

- associated with loading and dispatch only may take place. Only essential maintenance work shall be carried out on Saturday afternoons and Sundays.
10. Only the plant machinery and equipment specified in the Planning and Environmental Statement submitted with the application (or similar plant which generates no greater sound power levels) shall be used and all plant shall be operated and maintained in accordance with the manufacturer's instructions. This shall include servicing and the provision of suitable exhaust systems to minimise noise emissions.
 11. Should any aspect of the proposed operations result in justified nuisance complaints the applicant shall – if required by the planning authority – have recognised consultants carry out monitoring for noise or dust and provide reports to the planning authority. The applicant shall be required to take any reasonable remedial measures recommended in such reports.
 12. Noise levels measured at 3.5m from the façade of noise sensitive properties shall not exceed the following limits during the specified times (except during temporary operations - see condition 14):
Between the hours of 0630-0800 Monday to Saturday:
At all noise sensitive properties – 45dB LAeq, 1 hour (free field);
Between the hours of 0800-1800 Monday to Friday and 0800-1300 on Saturdays:
At Balado Home Farm Cottages - 50dB LAeq, 1 hour (free field);
At all other noise sensitive properties – 55dB LAeq, 1 hour (free field).
 13. To allow for temporary operations such as soil stripping, removing soil heaps, creating earth bunds, crushing operations and restoration, noise levels measures at 3.5m from the façade of any noise sensitive dwelling shall not exceed 70dB LAeq, 1 hour (free field) for more than 8 weeks in any one year.
 14. Audible vehicle reversing alarms fitted to vehicles operating within the extraction area shall be Brigade Electronics BBS-97 type or have a similar specification.
 15. All external lighting to be installed shall be sufficiently screened and aligned so as to ensure that there is no direct illumination of neighboring land and ecologically sensitive habitats and that light spillage beyond the boundaries of the site is minimised.
 16. The existing Dust Management Strategy for the site shall be submitted to the Planning Authority within 14 days of

PERTH AND KINROSS COUNCIL
PLANNING AND DEVELOPMENT MANAGEMENT COMMITTEE
14 MARCH 2018

- this decision notice and thereafter implemented in full throughout the duration of the development.
17. The height of the soil mound between the farm road and Phase 2A shall be increased from 4 metres to 5 metres and the section to the north of this from 3 metres to 4 metres.
 18. Wheel cleaning facilities shall be maintained at the exits from the site until the restoration of the site has been complete. All vehicles leaving the site will be required to use these facilities.
 19. The vehicular access at the site entrance shall be maintained in accordance with the 'Design Manual for Roads and Bridges, Volume 6, Section 2, Figure 1/2: Ghost Island Junction' together with appropriate signing all to the satisfaction of the Council as Planning Authority.
 20. The gradient of the access shall not exceed 3% for the first 15.00 metres measured back from the edge of the carriageway and the access shall be constructed and maintained so that no surface water is discharged to the public highway.
 21. Turning facilities shall be retained within the site to enable all vehicles to enter and leave in a forward gear to the satisfaction of the Council as Planning Authority.
 22. Visibility splays of 6.00 metres by 215.00 metres measured from the centre line of the new access shall be maintained in both directions along the nearside channel of the A977 and free from any obstruction of a height exceeding 1.05 metres above the adjacent road channel level.
 23. There shall be at all times an adequate unexcavated corridor between the toe of the bund and the proposed workings, to the satisfaction of the planning authority in consultation with SEPA, in order to reduce the risk of lateral erosion.
 24. The existing approved closed drainage system details shall be submitted to the Planning Authority within 14 days of this decision notice and thereafter implemented in full throughout the duration of the development.
 25. The existing approved water quality and quantity monitoring programme covering the operation and restoration phases of the development site shall be submitted to the Planning Authority within 14 days of this decision notice and thereafter implemented in full throughout the duration of the development.
 26. There shall be at all times a buffer strip of at least 25m between any watercourses and the site operations.
 27. The proposed car park surfacing will be suitable to provide infiltration, in accordance with the principles of Sustainable Urban Drainage System (SUDS).

PERTH AND KINROSS COUNCIL
PLANNING AND DEVELOPMENT MANAGEMENT COMMITTEE
14 MARCH 2018

28. All trenches and excavations on the site shall be fitted with measures to prevent animals from being trapped. This can include the creation of sloping escape ramps or by using planks within the excavations to allow animals to escape.
29. Should any soil stripping works be proposed during the bird nesting season a suitable qualified and experienced person at the developers' expense shall check the area to be worked for nesting birds immediately before works begin with the demarcation of areas which should not be disturbed. The suitably qualified and experienced person will have the ability to stop operations, make changes to demarcated areas and working practices as necessary.

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

1. Consent shall not to be issued until a Section 75 Agreement to secure the terms of the bond or financial instrument associated with required site decommissioning, restoration and aftercare over the lifetime of the development and beyond has been completed and signed. 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. 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.

PERTH AND KINROSS COUNCIL
PLANNING AND DEVELOPMENT MANAGEMENT COMMITTEE
14 MARCH 2018

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. 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.

(iii) 17/02159/FLM – INCHTURE – Erection of 66 dwellinghouses, formation of SUDS pond, landscaping and associated works (allocated site H24) on land 150 metres south west of Moncur Farm. Moncur Road, Inchture – Hadden Construction Ltd

Mr J Lochhead and Ms K Sneedon, objectors to the application, followed by Mr S Hadden, applicant, and Mr D Tibbs, agent, addressed the Committee and, following their representation, withdrew to the public benches.

Motion (Councillors W Wilson and M Barnacle) – Refuse the application for the following reasons:

1. The Proposal is contrary to the Perth and Kinross Local Development Plan 2014, Policy RD1 Residential Areas, as the proposed development is considered to be an overdevelopment of the site and would result in an adverse impact on proposed residential amenity of new occupiers.
2. The proposal is contrary to the Perth and Kinross Local Development Plan 2014, Policy EP8 Noise Pollution, PAN 1/2011 Planning and Noise and PAN51 Planning, Environmental Protection and Regulation as the proposed development has failed to successfully demonstrate that noise mitigation and attenuation can be adequately achieved on this site for the benefit of proposed residents and in respect of providing adequate amenity, whilst not restricting existing consented neighbouring business operations.
3. The proposal is contrary to the Perth and Kinross Local Development Plan 2014, Policy NE 3 Biodiversity in

PERTH AND KINROSS COUNCIL
PLANNING AND DEVELOPMENT MANAGEMENT COMMITTEE
14 MARCH 2018

failing to provide a suitably up to date ecological assessment with associated breeding bird survey and survey of impacted tree loss.

Justification

The proposal fails to accord with the Development Plan and there are no material reasons which justify a departure from the Development Plan.

Amendment (Councillors T Gray and E Drysdale) – Grant the application for the following reason:

There is no substantive evidence suggest that the proposal is contrary to Policy EP8 of the Perth and Kinross Local Development Plan 2014.

In accordance with Standing Order 55, a roll call vote was taken.

8 members voted for the Motion as follows:

Councillors H Anderson, B Band, M Barnacle, B Brawn, I James, R McCall, A Parrott and W Wilson.

4 members voted for the Amendment as follows:

Councillors E Drysdale, T Gray, A Jarvis and L Simpson.

Resolved:

In accordance with the Motion.

THERE FOLLOWED A 13 MINUTE RECESS.

(2) Local Applications

(i) 17/01260/FLL – COUPAR ANGUS – Erection of 2 dwellinghouses on land 30 metres east of Abbeyhill, Precinct Street, Coupar Angus – Ward Builders

Mr B Miles and Mr K Miles, objectors to the application, addressed the Committee and following their representation withdrew to the public benches.

Motion (Councillors R McCall and T Gray) – Grant the application subject to conditions and informatives recommended in the Report of Handling.

Amendment (Councillors W Wilson and M Barnacle) – Defer the application for (1) further information & clarification on ownership and site boundaries and (2) further information on the possible use of an access to Abbey Road for Plot 2.

PERTH AND KINROSS COUNCIL
PLANNING AND DEVELOPMENT MANAGEMENT COMMITTEE
14 MARCH 2018

In accordance with Standing Order 55, a roll call vote was taken.

4 members voted for the Motion as follows:

Councillors H Anderson, E Drysdale, T Gray and R McCall.

8 members voted for the Amendment as follows:

Councillors B Band, M Barnacle, B Brawn, I James, A Jarvis, A Parrott, L Simpson and W Wilson.

Resolved:

In accordance with the Amendment.

- (ii) **17/02057/IPL – BLAIRGOWRIE – Residential development (in principle) on land 50 metres north of Morvich House, Golf Course Road, Blairgowrie – Westpark Partnership**

Resolved:

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

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.
2. All existing trees and hedging on the site shall be retained and their retention or proposed lopping, topping or felling shall be shown in the submission of the matters specified in Condition 1 above.
3. Notwithstanding the terms of condition 1 above, a biodiversity / habitat survey shall be submitted with an application for the approval of matters specified.
4. Notwithstanding the details submitted by the applicant, no permission is granted for any layout, number of plots or house types.
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

PERTH AND KINROSS COUNCIL
PLANNING AND DEVELOPMENT MANAGEMENT COMMITTEE
14 MARCH 2018

Contributions and Affordable Housing Supplementary Guidance 2016 in line with Policy RD4: Affordable Housing of the Perth & Kinross Local Development Plan 2014, or such subsequent Guidance and Policy which may replace these.

7. Prior to the development hereby approved being completed or brought into use, all matters regarding access, car parking, road layout, design and specification, including the disposal of surface water, shall be in accordance with the standards required by the Council as Roads 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. Trees and scrub are likely to contain nesting birds between 1st March and 31st August inclusive. Trees and scrub are present on the application site and are to be assumed to contain nesting birds between the above dates. The applicant is reminded that, under the Wildlife and Countryside Act 1981, as amended (section 1), it is an offence to remove, damage or destroy the nest of any wild bird while that nest is in use or being built. Planning permission for a development does not provide a defence against prosecution under this Act.
4. For information, foul flows only will be allowed to discharge to the public system. The Developer should arrange to dispose of surface water privately, to the satisfaction of the statutory drainage Authority.
5. The applicant is advised that in terms of Sections 56 of the Roads (Scotland) Act 1984 he must obtain from the Council as Roads Authority consent to open an existing

PERTH AND KINROSS COUNCIL
PLANNING AND DEVELOPMENT MANAGEMENT COMMITTEE
14 MARCH 2018

road or footway prior to the commencement of works.
Advice on the disposal of surface water must be sought at the initial stages of design from Scottish Water and the Scottish Environmental Protection Agency.

6. The applicant is advised that 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 consent to connect to the public wastewater system and/or water network and all their requirements must be fully adhered to.

**(iii) 17/02240/FLL – LOGIERAIT – Renewal of permission
14/00214/FLL (erection of dwellinghouse) on land 80 metres
north east of Cuil An Daraish, Logierait – Mr J McMenemie**

Ms M Adam, on behalf of Ms K Adam, objector to the application, and Mr J McMenemie, applicant, addressed the Committee and, following their respective representations, withdrew to the public benches.

Amendment (Councillors W Wilson and H Anderson) – Refuse the application for the following reason:

The proposal is not located on a suitable site, and is contrary to Policies PM1B(a) and RD3 of the Perth and Kinross Local Development Plan 2014.

Amendment (Councillors B Band and E Drysdale) – Grant the application, subject to the conditions and informatives recommended in the Report of Handling.

In accordance with Standing Order 55, a roll call vote was taken.

8 members voted for the Motion as follows:

Councillors H Anderson, M Barnacle, B Brawn, I James, R McCall, A Parrott, L Simpson and W Wilson.

4 members voted for the Amendment as follows:

Councillors B Band, E Drysdale, T Gray and A Jarvis.

Resolved:

In accordance with the Motion.

~~~~~





Perth and Kinross Council  
Planning & Development Management Committee – 11 April 2018  
Report of Handling by Interim Development Quality Manager

**PROPOSAL:** Formation of business park (class 4, 5 and 6) and associated works (allocated site E25) (in principle)

**LOCATION:** Land south of Field View, Windsole, Auchterarder

Ref. No: 17/00946/IPM  
Ward No: P7- Strathallan

**Summary**

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

**BACKGROUND AND DESCRIPTION OF PROPOSAL**

- 1 Planning permission in principle is sought for the formation of a business park (class 4, 5 and 6) and associated works on the majority of allocated site E25 of the Perth and Kinross Local Development Plan 2014 (LDP) on the eastern edge of Auchterarder. The application site extends to 5.99 hectares (ha). Access into the application site is proposed from a consented roundabout (16/01443/FLL) which is yet to be constructed at the northern edge of the site which provides a connection to the A824 public road. The site is located within the settlement boundary of Auchterarder and is made up of two parcels of agricultural land extending in a southerly direction from a row of existing residential properties which front onto the A824. A third parcel of land behind the properties off the A824 to the west is included within the LDP allocation but is not within this application site. To the south of the site the land extends down towards the Ruthven Water opposite from the Scottish Water sewage works.
- 2 The rear garden ground of the properties fronting onto the A824 forms the north west boundary of the application site, to the south west and north east are open agricultural land and to the south east is the Ruthven Water. The submission includes a landscape masterplan and design statement. The proposal is to provide a mix of business and employment units of various sizes to meet local business requirements. The statement indicates that there would be a mix of building sizes with predominantly single storey units and some two storey office units.
- 3 An indicative layout and phasing plan has been submitted with the application which states that the site will be developed in four phases (1A-1D).

- 4 Furthermore, an outline of the proposed floor area has been provided with a total floor space of 11687 square metres (sqm), made up of:
  - Class 4 Office Space 2992sqm (26%)
  - Class 4 Light Industrial 2264sqm (29%)
  - Class 5 General Industry 1068sqm (9%)
  - Class 6 Storage and Distribution 4263sqm (36%)
- 5 The indicative proposal also states that a new Sustainable Urban Drainage System (SUDS) would be installed and that new structural landscaping to the north and south of the site would be provided.
- 6 The LDP allocation outlines a series of site specific developer requirements for the site including a masterplan; Flood Risk Assessment (FRA); Transport Assessment (TA); Landscape Framework - including a green buffer to the north east and south west of the site; links to path network and enhancement to biodiversity and protection of habitats. The application includes submissions to address these requirements.

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

- 7 Directive 2011/92/EU (the EIA Directive) requires the 'competent authority' (in this case Perth and Kinross Council) when giving a planning permission for particular large scale projects to do so in the knowledge of any likely significant effects on the environment. The Directive therefore sets out a procedure that must be followed for certain types of project before 'development consent' can be given. The EIA Directive was amended and updated in 2014 by Directive 2014/52/EU introducing new requirements on the developer and competent authorities. These changes are transposed in to the Scottish planning system through the Town and Country Planning (Environmental Impact Assessment) (Scotland) Regulations 2017 (the 2017 Regulations) which largely replaces the 2011 EIA Regulations.
- 8 This procedure, known as Environmental Impact Assessment (EIA), is a means of drawing together, in a systematic way, an assessment of a project's likely significant environmental effects. 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.
- 9 A screening request (16/02148/SCRN) was submitted in March 2017 and the opinion given found that an EIA is not required in this instance.
- 10 The planning application has been accompanied by a Planning Statement, Transport Assessment, Flood Risk and Drainage Assessment, Habitat Assessment, Design and Access Statement, Landscape Survey, Pre-Application Consultation Report and Sustainability Checklist.

## **PRE-APPLICATION CONSULTATION**

- 11 The proposed development is classed as a Major development under the Town and Country Planning (Hierarchy of Developments) (Scotland) Regulations 2009. This requires pre-application consultation with the local community to be undertaken. A Proposal of Application Notice (PAN) was submitted to the Council as required by regulation 6 of The Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2008 and Section 35B of the Planning Act. The content of the PAN and public event date were subsequently agreed by the Council under 16/00014/PAN.
- 12 The pre-application consultation report submitted by the agent confirms the extent of consultation activity undertaken, including a public event/exhibition on 30 March 2017, a meeting with the Auchterarder and District Community Council, Public Notice in the local press, posters in the community and other correspondence with local residents. In this case it complies with the content of the measures agreed through the Proposal of Application Notice.

## **NATIONAL POLICY AND GUIDANCE**

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

### **National Planning Framework**

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

### **Scottish Planning Policy 2014**

- 15 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.

- 16 The following sections of the SPP will be of particular importance in the assessment of this proposal:

- Sustainability : paragraphs 24 – 35
- Placemaking : paragraphs 36 – 57

### **Planning Advice Notes**

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

- PAN 40 Development Management
- PAN 51 Planning, Environmental Protection and Regulation
- PAN 61 Planning and Sustainable Urban Drainage Systems
- PAN 68 Design Statements
- PAN 69 Planning and Building standards Advice on Flooding
- PAN 75 Planning for Transport
- PAN 77 Designing Safer Places

### **Creating Places 2013**

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

### **Designing Streets 2010**

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

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

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

### **DEVELOPMENT PLAN**

- 21 The Development Plan for the area comprises the TAYplan Strategic Development Plan 2016-2036 and the Perth and Kinross Local Development Plan 2014.

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

- 22 TAYPlan sets out a vision for how the region will be in 2036 and what must occur to bring about change to achieve this vision. The vision for the area as set out in the plans states that:
- 23 *“By 2036 the TAYplan area will be sustainable, more attractive, competitive and vibrant without creating an unacceptable burden on our planet. The quality of life will make it a place of first choice where more people choose to live, work, study and visit, and where businesses choose to invest and create jobs.”*
- 24 The following sections of the TAYplan 2016 are of particular importance in the assessment of this application.

### **Policy 1: Locational Priorities**

- 25 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**

- 26 Seeks to deliver distinctive places by ensuring that the arrangement, layout, design, density and mix of development are shaped through incorporating and enhancing natural and historic assets, natural processes, the multiple roles of infrastructure and networks, and local design context.

### **Policy 6: Developer Contributions**

- 27 Seeks to ensure suitable infrastructure is in place to facilitate new development, developer contributions shall be sought to mitigate any adverse impact on infrastructure, services and amenities brought about by development. This may include contributions towards schools, the delivery of affordable housing, transport infrastructure and facilities (including road, rail, walking, cycling and public transport), green infrastructure and other community facilities in accordance with the Scottish Government Circular 3/2012: Planning Obligations and Good Neighbour Agreements.

### **Policy 8: Green Networks**

- 28 Seeks to protect and enhance green and blue networks by ensuring that:
- i. development does not lead to the fragmentation of existing green networks;
  - ii. development incorporates new multifunctional green networks (that link with existing green networks) of appropriate quantity and quality to meet the needs arising from the nature of the development itself; and,
  - iii. the provision of networks of green infrastructure is a core component of any relevant design framework, development brief or masterplan

## **Policy 9: Managing TAYPlans Assets**

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

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

- 30 The Local Development Plan (LDP) was adopted by Perth and Kinross Council on 3 February 2014. The LDP sets out a vision statement for the area and states that, *“Our vision is of a Perth and Kinross which is dynamic, attractive and effective which protects its assets whilst welcoming population and economic growth.”* It is the most recent statement of Council policy and is augmented by Supplementary Guidance.
- 31 The principal relevant policies are, in summary

### **Policy PM1A - Placemaking**

- 32 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**

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

### **Policy PM3 - Infrastructure Contributions**

- 34 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 PM4 - Settlement Boundaries**

- 35 For settlements which are defined by a settlement boundary in the Plan, development will not be permitted, except within the defined settlement boundary.

### **Policy ED1A - Employment and Mixed Use Areas**

- 36 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 TA1A - Transport Standards and Accessibility Requirements**

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

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

- 38 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 CF2 - Public Access**

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

### **Policy HE1B - Scheduled Monuments and Non Designated Areas**

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

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

- 41 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**

- 42 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**

- 43 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**

- 44 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**

- 45 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**

- 46 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**

- 47 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**

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

#### **Policy EP3D - Water, Environment and Drainage**

- 49 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 EP5 - Nuisance from Artificial Light and Light**

- 50 Permission will not be granted for proposals where the lighting would result in obtrusive and / or intrusive effects.

### **Policy EP8 - Noise Pollution**

- 51 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**

- 52 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**

- 53 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**

- 54 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 & Kinross Community Plan (2006 – 2020)**

- 55 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**

- 56 Corporate Plan Vision includes promoting a prosperous, inclusive and sustainable economy. Creating safe and sustainable places for future generations.

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

- 57 Perth & Kinross Council is progressing with preparation of a new Local Development Plan to provide up-to-date Development Plan coverage for Perth & Kinross. When adopted, the Perth & Kinross Local Development Plan 2 (LDP2) will replace the current adopted Perth & Kinross Local Development Plan (LDP). The Proposed Local Development Plan 2 was approved at the Special Council meeting on 22 November 2017. The Proposed LDP2 sets out a clear, long-term vision and planning policies for Perth & Kinross to meet the development needs of the area up to 2028 and beyond. The Proposed LDP2 is considered consistent with the Strategic Development Plan (TAYplan) and Scottish Planning Policy (SPP) 2014.
- 58 The Proposed LDP2, as approved by Perth & Kinross Council, was subject of a 9 week period of representation, which ended on 2 February 2018. Any unresolved representation to the Proposed Plan after this period is likely to be considered at an Examination by independent Reporter(s) appointed by the Scottish Ministers. The Reporter(s) will thereafter present their conclusions and recommendations on the plan, which the Council must accept prior to adoption. It is only in exceptional circumstances that the Council can elect not to do this.
- 59 The Proposed Plan represents Perth & Kinross Council's settled view in relation to land use planning and as such it is a material consideration in the determination of planning applications. The Proposed Plan is, however, at a stage in the statutory preparation process where it may be subject to modification. As such limited weight can therefore currently be given to its content and the policies and proposals of the plan are only referred to where they would materially alter the recommendation or decision. The weight of the Proposed Plan may change following consideration of representation received during consultation, at which time the level of significance of any objection to strategy, policies or proposals within the plan will be known.

## **SITE HISTORY**

- 60 16/00014/PAN Proposed Business Park including use classes 4, 5 and 6 and associated works 16 January 2017
- 61 16/02148/SCRN Proposed development of business park to provide a range of buildings for use within Class 4, 5 and 6 together with associated access roads, car parking, storage yards, landscaping, SUDs and ancillary works (Part of LDP proposal E25) 20 March 2017

## **CONSULTATIONS**

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

## **EXTERNAL**

### **Scottish Environment Protection Agency**

- 63 An initial objection has now been removed in relation to flood risk following receipt of additional information in the form of an updated Flood Risk Assessment (FRA) to establish the flood risk associated with the Dalry Burn through the centre of the site. A condition (13) is recommended to ensure the development progresses in accordance with the findings of the FRA. In particular, that development is located out with areas identified as being functional flood plan in the FRA and that finished floor levels should be set no lower than 0.6m above the 1 in 200 year plus climate change water levels set out in the FRA.
- 64 Energy Statement should also be submitted and this can be secured by condition (12).

### **Scottish Natural Heritage**

- 65 No objection.

### **Scottish Water**

- 66 No objection. Currently capacity in the Turret Water Treatment Works and the Auchterarder Waste Water Treatment Works.

### **Transport Scotland**

- 67 Does not advise against on the understanding that the applicant make an appropriate contribution towards the A9 junction improvements.

### **Forestry Commission Scotland**

- 68 No objection.

### **Auchterarder and District Community Council**

- 69 No response received.

## **INTERNAL**

### **Structures and Flooding Team**

- 70 Initial concerns have been addressed through submission of updated flood risk assessment. Conditions recommended regarding both construction and operational Sustainable Urban Drainage System (SUDS).

## **Environmental Health**

- 71 No objection subject to conditions relating to submission of detailed noise impact assessment and construction management plan.

## **Biodiversity Officer**

- 72 Conditions are recommended regarding breeding bird and protected species. Other detailed conditions have also been recommended which can be secured through any detailed permission.

## **Strategy And Policy**

- 73 The application site area is 6 ha, which is most but not all of the 8 ha allocated by Proposal E25. The Design Statement submitted with the application acknowledges this and explains that the remainder of the allocation is not in the applicant's ownership.
- 74 The design statement notes that the Auchterarder Framework originally set out a requirement for 4 ha of employment land to be delivered in tandem with new housing. And while 8 ha of land was allocated under Proposal E25 the LDP acknowledges that not all of this will be developable, due to the requirements for a buffer to residential neighbours and potential buffer to avoid adverse impact on the operation of the Waste Water Treatment Works. Addressing the fact that the planning application does not include all of the 8 ha allocated, the indicative site layout provides that a connection could be made through the application site to the remainder of E25 in the future and this is acceptable at this stage.

## **Contributions Officer**

- 75 The application falls within the identified A9 Junction Supplementary Guidance boundary. While this site is not within the Auchterarder Development Framework, the framework document allows for an alternative employment site within the Auchterarder area to be brought forward instead of the planned 4 ha at north-west Kirkton. This site was identified as one of these options and as such will be exempt from contribution towards the A9 Junction.

## **Transport Planning**

- 76 No objection subject to class 4 office space being capped at 2992sqm due to the increased trip generation of this use class. Condition requiring a travel plan framework for the site and for road layout to be in accordance with the standards required by the Council (as detailed in the National Roads Development Guide) also required.

## **REPRESENTATIONS**

- 77 The following points were raised in the 8 letters of objection received:
- Disturbance during construction

- Impact on breed birds
- Overshadowing and overlooking
- Residential Amenity – noise generation
- Dust/soot
- Control Deliveries/Times (noise impact)
- Visual impact and scale of proposed units
- Retention of trees.
- Loss of green space
- Light pollution
- Loss of Prime Agricultural Land
- Loss of public recreation space
- Undeveloped land at Aberuthven Business Park for employment uses
- Road capacity
- Loss of lighting from landscaping scheme
- Maintenance of landscaping
- Security/crime

- 78 These issues are addressed in the Appraisal section of the appraisal. Security/crime issues associated with the development falls outwith the Planning Authority's remit and is a police matter.

## **ADDITIONAL STATEMENTS**

79

|                                                |              |
|------------------------------------------------|--------------|
| Environment Statement                          | Not Required |
| Screening Opinion                              | Submitted    |
| Environmental Impact Assessment                | Not Required |
| Appropriate Assessment                         | Not Required |
| Design Statement / Design and Access Statement | Submitted    |
| Reports on Impact or Potential Impact          | Submitted    |

## **APPRAISAL**

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

## **Principle**

- 82 TAYplan Policy 1 (Location Priorities) states the Tier 3 settlements have the potential to play an important but more modest role in the regional economy and will accommodate a small share of the region's additional development. Auchterarder is identified as a tier 3 settlement and therefore the proposal complies with this policy.
- 83 The principle of developing the site for a business park is set out in Proposal E25 of the LDP and the developed proposed in this planning application are consistent with Proposal E25.
- 84 Turning to the LDP Site Specific Developer Requirements relating to Proposal E25, a masterplan is to be submitted to ensure the built form and layout respond appropriately to the landscape and to neighbouring residential property.
- 85 The application site area is 6 ha, which is most but not all of the 8 ha allocated by Proposal E25. The Design Statement submitted with the application acknowledges this and explains that the remainder of the allocation is not in the applicant's ownership.
- 86 The design statement notes that the Auchterarder Framework originally set out a requirement for 4 ha of employment land to be delivered in tandem with new housing. And while 8 ha of land was allocated under Proposal E25, the LDP acknowledges that not all of this will be developable, due to the requirements for a buffer to residential neighbours and potential buffer to avoid adverse impact on the operation of the Waste Water Treatment Works to the south. Addressing the fact that the planning application does not include all of the 8 ha allocated, the indicative site layout provides that a connection could be made through the application site to the remainder of E25 in the future and this is acceptable at this stage. It is noted, however that the indicative landscape layout shows an area of landscaping along the south west boundary of the site which may limit access onto the remainder of the E25 site. A condition (4i) is therefore recommended to ensure that an access road connection to the remainder of the E25 allocation extends to the south west boundary of the application site to ensure access to the adjacent land is made available so its delivery is not prejudiced.

## **Masterplan and Phasing**

- 87 The applicant has provided a Masterplan establishing the broad land use, phasing and placemaking principles for all of the application site and majority of the LDP site. The LDP allocation requires that the masterplan indicates the provision of appropriate landscaping on the boundaries of the site and a green buffer to residential properties and the Ruthven Water. It also requires that any development should avoid adverse impact on the Scottish Water Waste Water Treatment Works located to the south east of the site.

- 88 The proposal addresses the requirements of LDP Policy PM1 - Placemaking as the submitted masterplan document fully assesses the proposed site, its constraints and opportunities before arriving at an indicative site layout showing where the roads, employment land and open space should be located. The design, density and siting of development respects the character and amenity of the area, new and improved links within and outwith the site and provides an appropriate provision of planting along the areas identified in the LDP as key areas for landscaping. These masterplan principles, subject to recommended planning conditions, ensure that the delivery of the remainder of the LDP allocation is not prejudiced. This approach satisfactorily assures that the site specific requirement for a masterplan for the whole site is not undermined by this application.
- 89 The predicted timescale of the construction is anticipated to be in the region of 10 years. The phasing strategy of the masterplan and the proposal for development to progress in four phases is considered to be acceptable. No detail on the delivery and detailed phasing of the site has been submitted but this can be secured by condition (2).

## **Noise**

### Operational

- 90 The planning system has an important role to play in preventing and limiting noise pollution. Although the planning system cannot tackle existing noise problems directly, it has the task of guiding development to the most suitable locations and regulating the layout and design of new development. The noise implications of development can be a material consideration in determining applications for planning permission.
- 91 Class 4 is any use which can be carried out in any residential area without detriment to the amenity of that area by reason of noise, vibration, smell, fumes, smoke, soot, ash, dust or grit.
- 92 The indicative masterplan indicates that the buildings proposed to the north of the site are proposed to house Class 4 uses including office and light industry which are more likely to be compatible with adjacent residential uses.
- 93 The proposed development has the potential to adversely affect residential amenity of existing properties due to noise from the Class 5 General Industrial and Class 6 Storage/Distribution uses at the site and the increase of vehicle movements to and from the site especially from Class 6 and for the whole site. Also there is the potential of plant noise from the installation of ventilation and heating systems etc. associated with the development to potentially adversely affect residential amenity to existing residential properties within close proximity to the site. It is noted that the indicative masterplan proposes a general industrial building (Class 5) in the southern corner of the site which is close to a property known as Millbank. This use has the potential to disturb residential amenity, however a detailed assessment of impact would be required as part of any detailed application through a Noise Impact Assessment (NIA).

- 94 Environmental Health have offered no objection and have indicated that these matters can be suitably controlled through a condition (4) which requires submission of a detailed NIA as part of the approval of matters applications. This will include mitigation measures to protect neighbouring residents from noise generated by the proposed uses and meet the requirements of Policy EP8 of the LDP.

### Construction

- 95 It is recognised that the development of this site will undoubtedly result in an element of disturbance to neighbouring properties in comparison with the status quo due to building works and the operation of new land uses. Consultation has been undertaken with Environmental Health who advise that the predicted increase in noise at existing residential property is negligible. This can be controlled through appropriate mitigation measures in the form of a Construction Management Plan (CMP) which can be requested by condition (4).

### **Residential Amenity**

- 96 As referred to above, the presence of a business park to the south of the existing dwellings will clearly have a level of impact on the amenity enjoyed by residents currently as their outlook will alter from open agricultural fields to a business park with associated buildings, infrastructure, traffic movements and activity. Noise from operations on the site can be addressed through the submission of a detailed NIA which can be secured by condition as referred to in paragraph 96. Ultimately there will be a level of additional disturbance caused by the creation of a business park in this location with associated traffic movements and other related activity which are not controlled through the planning system, however, the site has been allocated within the LDP and therefore the principle of development is acceptable.
- 97 Concerns have been expressed by neighbours relating to the presence of buildings close north west boundary of the application site. These include buildings D5, D1, B2 and B3 as marked on the indicative site layout. These are the buildings located closest to residential dwellings on Feus Road to the north west of the site. Some re-arrangement of the position of buildings has taken place following concerns expressed by SEPA regarding the culverting of watercourse which runs centrally through the site and this is now required to remain an open channel which has limited the developable area of the site. It should be noted that the site layout is indicative at this stage and therefore no consent is being granted for the finalised position of the buildings. Nevertheless the E25 zoning in the LDP requires a landscape buffer to be created between the site and residential properties and this is marked on the indicative site plan. The detail of this is referred to further in the landscape section below. I am satisfied that the presence of this landscape buffer will help to protect the amenity and outlook of the residential properties to the north. The indicative plan proposes a landscape buffer which ranges in depth across the length of the site from approximately 12m to 30m. It is accepted that the outlook of the properties will alter significantly from the current situation and



that the buildings proposed are relatively significant in scale. The proposal for a landscape buffer along the northern boundary complies with the requirements of the LDP and the exact specification and detail, including maintenance can be secured by condition (10). This detail will provide an opportunity to verify the appropriateness of planting specification in the landscape buffer that would not undermine other aspects of residential amenity, such as daylight and sunlight.

- 98 At this stage I do not consider that the development phases would impact on the amenity enjoyed by neighbouring land uses in terms of overlooking or overshadowing. These elements will be looked at and assessed in greater detail once comprehensive layout plans and building designs have been submitted as part of any subsequent application for the approval of Matters Specified in Conditions.

### **Lighting**

- 99 No detailed lighting proposals have been put forward at this in principle stage but full details including mitigation and light spill details to protect residential amenity can be secured by condition (4).

### **Air Quality**

- 100 In order to tackle the issue of poor air quality in towns and cities, the Scottish Government launched the Cleaner Air for Scotland (CAFS) strategy in 2015. This outlines a vision and places certain expectations on Local Authorities with regards to air quality. One of the key objectives of this strategy under Placemaking is: "A Scotland where air quality is not compromised by new or existing development and where places are designed to minimise air pollution and its effects."
- 101 To aid local authorities in assessing air quality at the planning stage Environmental Protection Scotland (EPS) and the Royal Town Planning Institute (RTPI) prepared guidance called Delivering Cleaner Air for Scotland 2017.
- 102 This guidance supersedes previous Environment Protection UK guidance on the matter and now recommends that an air quality assessment be conducted where a development changes the flow in light duty vehicles and heavy duty vehicles.
- 103 A transport assessment has been conducted for this application scrutinising the peak traffic flow but the Annual Average Daily Traffic Flow (AADT) is not discussed. Due to this EH cannot complete their appraisal until either air quality is scoped out based on this criteria or an air quality assessment is conducted by a qualified consultant. A detailed Air Quality Assessment is therefore required as part of any detailed design which can be secured by condition (4).

## **Energy**

- 104 SEPA require that substantial developments ensure their heat demand is met from district heating, subject to the outcome of a feasibility statement. This can be achieved through onsite heat generation, co-location with an existing or proposed heat source (including Energy from Waste facility or other facility which produces heat/power including excess or waste heat), or an existing or proposed heat network off site.
- 105 SEPA have requested that an Energy Statement be provided which is informed by a Feasibility Study to demonstrate how the proposal will meet the requirements of providing district heating on site. This can be achieved through onsite heat generation, co-location with an existing or proposed heat source (including Energy from Waste facility or other facility which produces heat/power including excess or waste heat), or an existing or proposed heat network off site. This matter can be secured by condition (4 and 12).

## **Landscape**

- 106 The indicative landscape proposals seek to introduce landscape buffers along the north, west and southern boundaries of the application site as per the requirements of the E25 LDP allocation. Development of the site would create a more cohesive landscape, resulting in significant medium- and long-term character improvements for the area with robust landscape boundaries helping to form a defined edge to the Auchterarder settlement.
- 107 The buffer planting along the northern and western boundaries will help to protect the visual and residential amenity of the properties by separating the new built development from these houses. The proposed landscaping works should be undertaken at an early stage in the phasing plan to minimise the long term visual effects of the development and these should be incorporated into an agreed phasing plan for the development site and secured by condition (2).

## **Design/Visual Amenity**

- 108 At this stage I do not consider that the development phases would impact on the amenity enjoyed by neighbouring land uses in terms of overlooking or overshadowing, particularly given the set back of the buildings from the residential properties to the north and the proposed landscape buffer but these elements will be looked at and assessed in greater detail once comprehensive layout plans and building designs have been submitted. It is noted that there will be some loss of outlook associated with the development proposals and a change to the visual amenity of the area and this is inevitable given the land use allocation in the LDP. I believe this can be successfully managed by using an appropriate landscape buffer as indicated on the masterplan.
- 109 The general approach to development, utilising existing landscape features to shape the layout and tie it to the overall site context is supported. The design concept includes generous open space and takes account of the sites importance as a gateway into Auchterarder from the north east. Detailed

design of these areas should be sensitively guided by existing field boundaries, planting and watercourses, enhancing existing views, natural features and the setting of buildings.

- 110 Designs should be site specific, considering localised identity, outlook and solar orientation. Innovative, architectural design will be supported and a comprehensive design statement will be required to fully justify the architectural and urban design approach (condition 4).

### **Biodiversity**

- 111 Policy NE3 of the LDP relates to Biodiversity and seeks to protect and enhance all wildlife and wildlife habitats. A Phase 1 Habitat Survey accompanies the application. The Council's Biodiversity Officer has been consulted on the application. The contents of the Phase 1 survey are considered acceptable and sufficient to allow a recommendation to be made on this in principle application. Arable fields provide suitable habitats for ground nesting birds therefore a breeding bird survey would be required with detailed application and this can be conditioned. The site boundary is also close to the watercourse and SNH guidance provides for exclusion zones for otter holts, 30m standard exclusion and 50m exclusion for a natal holt. For this reason a protected species survey along the watercourse should be provided to identify whether there is likely to be any issues with the proximity of any works within 50m of the watercourse. These documents shall also include fully detailed mitigation measures for any protected species found and can be secured by condition (7). The Council's Bio diversity Officer has also recommended a series of detailed conditions which could be applied to any detailed permission depending on the outcome of the above surveys. The proposal is therefore considered to accord with Policy NE3 of the LDP.

### **Tree Protection**

- 112 There are trees both outwith the site and along the boundaries of the site and the applicant's agent has confirmed that none of these will be felled and this can be secured by condition (6). Forestry Commission Scotland offers no objection to the application given the limited impact on trees. The protection of trees in accordance with BS 5837:2012 to provide details of tree protection measures (6) will also be required as part of any detailed application(s).

### **Loss of Open/Recreational Space**

- 113 It is noted that the current agricultural fields, while not formal open space, may provide recreational opportunities for the local community to gain access to the countryside for dog walking and similar. Whilst it is noted that this area will be lost there are other areas within the locality which can be used as recreational space. Furthermore this area of land has been specifically zoned within the LDP for the proposed use.

## **Loss of Prime Agricultural Land**

- 114 Whilst the application site forms part of a Prime Agricultural Land designation (Class 3.1), given the land allocation in the LDP, the objectives of LDP Policy ER5 does not apply. The future expansion requirements of Auchterarder being addressed through the site allocation in the LDP and the benefits the employment generating uses proposed as part of this application would bring are significant considerations in support of the proposal.

## **Transport/Traffic**

- 115 The masterplan for the site indicates that the main vehicular access into the site is from the north east from the A824, connecting to the approved roundabout consented under planning reference 16/01443/FLL. The indicative layout proposes a main north to south west route through the site with a proposed connection to the land to the south west to provide access to any future development of this allocated land. This connection is referred to further in paragraph 88 above. A pedestrian/cycle access point into the site is proposed on the indicative masterplan in the north west corner onto Ruthven Park which links onto the A824 and core path network.
- 116 A Transport Assessment (TA) accompanies the application which outlines the likely traffic generation associated with the proposal, provides an assessment of sustainable methods of travel to the site and promotes the use of a Travel Plan for staff to establish travel trends to reduce reliance on private vehicles. The contents of the TA meet the criteria and requirements of policy TA1B of the LDP. The Council's Transport Planners have considered the submission and indicated that the traffic generation figures indicated are considered to be acceptable and are capable of being accommodated by the road network. A condition (5) is recommended to restrict Class 4 office space to a maximum of 2992sqm as no sensitivity check has been carried out within the TA given that Class 4 is the highest trip generator of the uses proposed.
- 117 Transport Planning have also recommended conditions which seek the submission of a Green Travel Plan (16) and a condition (4) to ensure that all matters relating to access, parking, public transport facilities, walking and cycling accord with the Council standards, as outlined within the National Roads Development Guide.

## **A9 Trunk Road**

- 118 As outlined above the main site access is onto the A824 but the extent of development has potential implications on the nearby trunk road network. Transport Scotland has been consulted. They have offered no objection to the TA on the basis that there is an existing agreement in place relating to the junction improvements associated with the wider Auchterarder Development Framework.
- 119 Muir Homes and Stewart Milne have already delivered the Loaninghead Junction improvements and, prior to the 500th Open Market unit within the

Auchterarder Development Framework, will deliver the Shinafoot Junction on the A9. This is all secured through the associated section 75 legal agreement. The impact of this area of business land has been taken account of through the wider Development Framework Transport Assessment. The requirement to deliver the employment land and the housing are linked through the existing legal agreement and a joint developer agreement is in place. As such the traffic impact of the development has been taken into account as part of the assessment undertaken for the A9 junction improvements and it was on that basis that this land has been allocated for employment use in the adopted LDP. As such there is no further requirement to undertake an assessment of the A9 road junctions for this application.

### Sustainable Transport

- 120 Planning Advice Note (PAN 75) outlines good practise when considering development proposals to set maximum travel distances for walking and cycling as well as establishing how far people would be prepared to walk to access public transport.
- 121 The TA refers to sustainable transport and provides detail on existing walking routes along the A824 into the town centre and the availability of existing public transport routes in the area. It also identifies trip generation data for walking, cycling and public transport. The footpath along Feus Road forms part of the core path network and provides links into the both the town centre of Auchterarder and adjacent residential areas. The core path also continues north eastwards along Feus Road towards Aberuthven.
- 122 In order to ensure the use of sustainable travel methods a Green Travel Plan (GTP) that sets out proposals for reducing dependency on the private car can be secured by condition (16). The GTP will have particular regard to provision for walking, cycling and public transport access to and within the site and will identify the measures to be provided (including the provision of new and/or enhanced public transport services), the system of management, monitoring, review, reporting and the duration of the plan. Furthermore details of connections from the site to the nearby core path network will also be required by condition (4).
- 123 Overall, subject to conditions the proposal is considered to accord with the LDP where it relates to traffic and transport.

### **Flood Risk and Drainage**

- 124 The LDP requires for a flood risk assessment to be undertaken as part of the submission. A Flood Risk and Drainage Assessment has been submitted in support of the proposal and has been updated following discussions with SEPA and the Council's Flood Officer. Following submission of further information by the applicant neither SEPA nor Flood Risk and Structures have any significant issues regarding flooding and drainage (foul and surface water).

- 125 In terms of Flood Risk the original proposal sought to culvert a north/south watercourse (Dalry Burn) which runs centrally through the site and this has now been amended to remain as an open water course within the masterplan indicating no development or land raising is proposed within the flood plain of the water course. A condition (13) is recommended to ensure that no built development or land raising occurs on this identified area of flood risk.
- 126 SEPA have now removed their initial objection in relation to flood risk following receipt of additional information in the form of an updated Flood Risk Assessment (FRA) to establish the flood risk associated with the Dalry Burn through the centre of the site. A condition (13) is recommended to ensure the development progresses in accordance with the findings of the FRA. In particular, that development is located out with areas identified as being functional flood plan in the FRA and that finished floor levels should be set no lower than 0.6m above the 1 in 200 year plus climate change water levels set out in the FRA.
- 127 Foul drainage from the proposed development is proposed to connect into the public waste water drainage system and Scottish Water have offered no objection to the proposal. The exact arrangements can be secured by condition (9).
- 128 Surface water from the site will require to be treated and attenuated through an appropriate SUDS scheme. The final arrangements of any SUDS scheme will be subject to detailed design and investigations of ground conditions however the topography of any SUDS ponds or basins appears realistic in principle with the site falling north to south and the potential receiving waters being to the south of the development area. It is recommended that this is secured by condition (9).
- 129 The proposal is considered to comply with the requirements of policies EP2, EP3B and C of the LDP subject to agreeing the detail through further applications.

### **Economic Benefits**

- 130 Policy 3 (Managing TAYplan's Assets) supports employment land within principal settlements and in particular Class 4 office development. The proposed development proposes classes 4, 5 and 6 therefore complies with this policy. Bringing effective employment land forward also complies with the adopted LDP policy ED1A. The proposal will complement the large scale residential development which is currently underway on the land to the north west of the application site. The submission indicates that the proposed development could provide approximately 270-300 direct jobs to the local area once fully developed. The creation of additional employment uses should also have a significant economic impact and provide additional choice for potential investors in the area or those already in the Strathearn area looking to expand their business.

- 131 There are also significant economic benefits generated through the construction process for the site.
- 132 Consequently, the proposal assists in delivering the visions contained within Perth and Kinross Council's Community Plan, Corporate Plan and Economic Development Strategy.

### **Waste Collection**

- 133 No concerns were expressed by Waste Services at this stage of the planning process. An informative (No.7) has been added to remind the applicant to contact them when at the detailed design stage to ascertain what the waste and recycling requirements will be and to incorporate them within the finalised design at the Approval of Matters Specified in Conditions (AMSC) stage.

### **LEGAL AGREEMENTS**

- 134 None required

### **DIRECTION BY SCOTTISH MINISTERS**

- 135 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**

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

### **RECOMMENDATION**

**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 with respect to the in Principle Permission (17/00088/IPM) with the substitution of the period of 3 years referred to in each of those subsections, with the period of 10 years.

## Conditions and Reasons for Recommendation

- 1 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 6 months from the date on which an earlier application for the requisite approval was refused, or
  - (ii) the expiration of 6 months from the date on which an appeal against such refusal was dismissed.

Reason - This is an application in principle and 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 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. The phasing plan shall ensure the early delivery of the landscaping works.

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.

- 3 The proposed site layout and phasing plan as submitted are indicative and are not approved.

Reason - The application is for planning permission in principle only at this stage and not any detailed matters specified.

- 4 No development shall commence on any phase until further planning application/applications have been submitted to the Planning Authority in respect of the following matters to coincide with the delivery and phasing plan referred to in condition 2.
  - a) The delivery of the development in agreed phases
  - b) Details of any 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 for during construction and for the completed development.



- 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/planting to be provided.
- h) Details of all landscaping, planting including structural planting and screening associated with the development.
- i) 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). This scheme shall also ensure an access road provides a vehicular link to the remainder of the E25 allocation in the Perth and Kinross Local Development Plan 2014 which extends to the south west boundary of the application site.
- j) Detailed specification of all street, footpath and other lighting including light spill details and mitigation
- k) Detailed plan of connection between the site and adjacent footway networks and core paths
- l) A detailed Construction Management Plan which includes monitoring and mitigation measures for the control of noise dust and vibration
- m) A detailed Noise Impact Assessment prepared by a suitably qualified consultant
- n) A detailed Air Quality Assessment
- o) A detailed Energy Statement
- p) A detailed Protected Species and Breeding Bird survey
- q) A detailed Design Statement

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 Notwithstanding the terms of condition 3, the maximum Class 4 Office floor space on site is restricted to a gross floor space of 2992sqm.

Reason - In the interests of pedestrian and traffic safety and to ensure the extent of development proposed can be accommodated on the road network.

- 6 All trees on site shall be retained. A 1:200 site plan which identifies the Construction Exclusion Zone (CEZ) of all retained trees on site shall be submitted as part any application for approval of Matters Specified by Condition submitted for approval under Condition 4 of this permission. This plan shall ensure all protective tree fencing adheres to BS 5837:2012 Trees in Relation to Design, Demolition and Construction. The CEZ as subsequently agreed shall be strictly adhered to during the construction of the development.

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

- 7 A detailed Protected Species Survey, including breeding birds and ecological surveys, shall be submitted as part of any application for approval of Matters Specified by Condition submitted for approval under Condition 4 of this permission. The surveys shall include appropriate mitigation to protect identified species.

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

- 8 In pursuance of condition 4 b), and prior to the commencement of any works, full details of the finalised foul drainage scheme shall be submitted for the written approval of the Planning Authority, in consultation with SEPA and Scottish Water. All work must be capable of connection with the main drainage system and shall be carried out in accordance with the approved scheme.

Reason - In the interests of public health and to prevent pollution.

- 9 In pursuance of condition 4 c) and prior to the commencement of any works, full details of the finalised SUDS scheme for both during construction operations and for the completed development shall be submitted for the written approval of the Planning Authority, in consultation with SEPA. All work shall be carried out in accordance with the approved scheme.

Reason - To ensure adequate protection of the water environment from surface water run-off.

- 10 In pursuance of condition 4 (e, f and g), 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, pipelines, 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.

- 11 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.

- 12 In pursuance of condition 4 (o) and prior to the commencement of any works an Energy Statement, shall be submitted for the written approval of the Planning Authority, in consultation with SEPA. The statement shall adhere to the advice contained within SEPA's consultation response dated 12 March 2018. All work shall be carried out in accordance with the approved statement.

Reason – To ensure the development accords with Scottish Government Planning Advice in relation to Planning and Heat.

- 13 The development of the site shall fully accord with the findings of the Flood Risk Assessment (FRA), dated February 2018 (doc ref: 17/00946/27 and 17/00946/28) to the satisfaction of the Council as Planning Authority. No built development or land raising shall occur within the 1 in 200 year plus climate change water level and finished floor levels shall be set no lower than 0.6m above the 1 in 200 year plus climate change water level indicated in the FRA.

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

- 14 The times of construction should be limited to Monday to Friday 07.00 to 19.00, Saturday 08.00 to 13.00 with no noise generating work on a Sunday.

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

- 15 No site clearance or removal of vegetation, including trees and shrubs will take place between 1<sup>st</sup> March and 31<sup>st</sup> August inclusive unless a competent ecologist has undertaken a careful and detailed check of vegetation for active birds' nests immediately before the vegetation is to be cleared and provided written confirmation that no birds will be harmed and/or that there are appropriate measures in place to protect nesting birds on site. Any such written confirmation must be submitted to the planning authority prior to commencement of works.

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

- 16 No part of the development shall be occupied until a comprehensive Green Travel Plan (GTP) that sets out proposals for reducing dependency on the private car has been submitted and approved in writing by the Planning Authority, after consultation with Transport Scotland. The GTP will have particular regard to provision for walking, cycling and public transport access to and within the site and will identify the measures to be provided (including the provision of new and/or enhanced public transport services), the system of management, monitoring, review, reporting and the duration of the plan.

Reason: to be consistent with the requirements of Scottish Planning Policy (SPP) and PAN 75 Planning for Transport.

## **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 Applicants are advised that should their application(s) for 'matters specified by condition' be refused and/or their appeal against such refusal dismissed outwith the time limit they are entitled to submit a revised application for 'matters specified by condition' within six months after the date of refusal of the earlier application or of the dismissal of an appeal against such refusal.

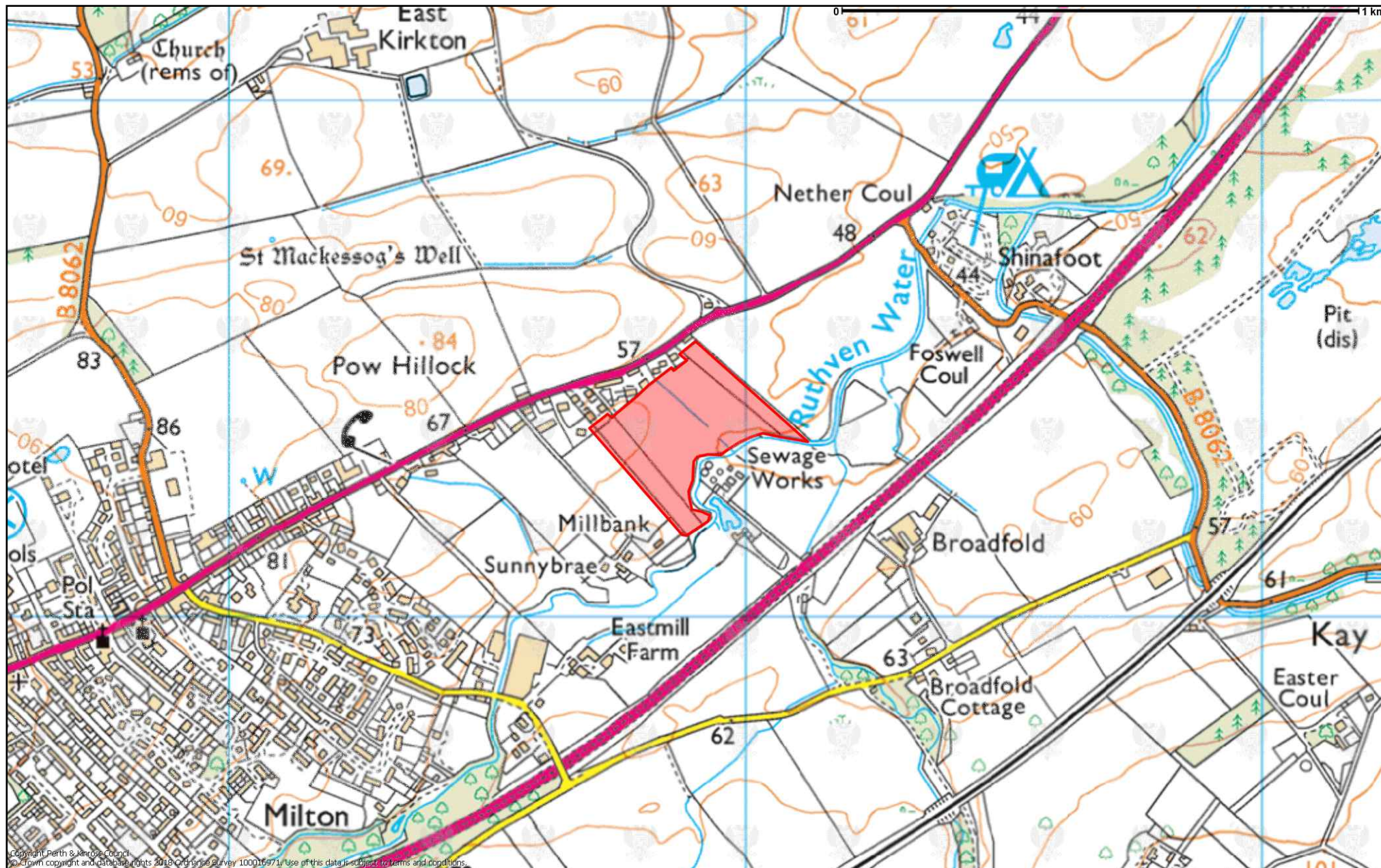
- 2 The applicant is advised that in terms of Sections 56 of the Roads (Scotland) Act 1984 he must obtain from the Council as Roads Authority consent to open an existing road or footway prior to the commencement of works. Advice on the disposal of surface water must be sought at the initial stages of design from Scottish Water and the Scottish Environmental Protection Agency.
- 3 The applicant is advised that in terms of Section 21 of the Roads (Scotland) Act 1984 they must obtain from the Council as Roads Authority consent to construct a new road prior to the commencement of roadworks. Advice on the disposal of surface water must be sought at the initial stages of design from Scottish Water and the Scottish Environment Protection Agency.
- 4 The applicants are advised that they must apply to the Roads Authority for construction consent to form a new street. Please contact The Construction and Maintenance Manager, The Environment Service, Perth and Kinross Council, Pullar House, Kinnoull Street, Perth.
- 5 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.
- 6 The applicant is advised that the works may need a license under the Water (Controlled Activities) Regulations 2005 (CAR). The applicant should contact SEPA's Perth Environmental Protection and Improvement Team (Tel: 01738 627989) in regard to this. The applicant should ensure that all works on site comply with the best practice guidelines laid out in SEPA's published Pollution Prevention Guidance, found at [www.sepa.org.uk](http://www.sepa.org.uk)
- 7 The Council's Community Waste Adviser in the Environment Service should be contacted to clarify the bin storage requirements for the development.
- 8 The applicant should be aware of the guidance available in relation to Japanese Knotweed which is outlined in SEPA consultation response dated 12 March 2018.

Background Papers: 8 letters of representation  
Contact Officer: John Williamson 01738 475360  
Date: 29 March 2018

**ANNE CONDLIFFE**  
**INTERIM DEVELOPMENT QUALITY MANAGER**







© Crown copyright and database rights 2018 Ordnance Survey 100016971. You are permitted to use this data solely to enable you to respond to, or interact with, the organisation that provided you with the data. You are not permitted to copy, sub-licence, distribute or sell any of this data to third parties in any form.

Scale 1:10000



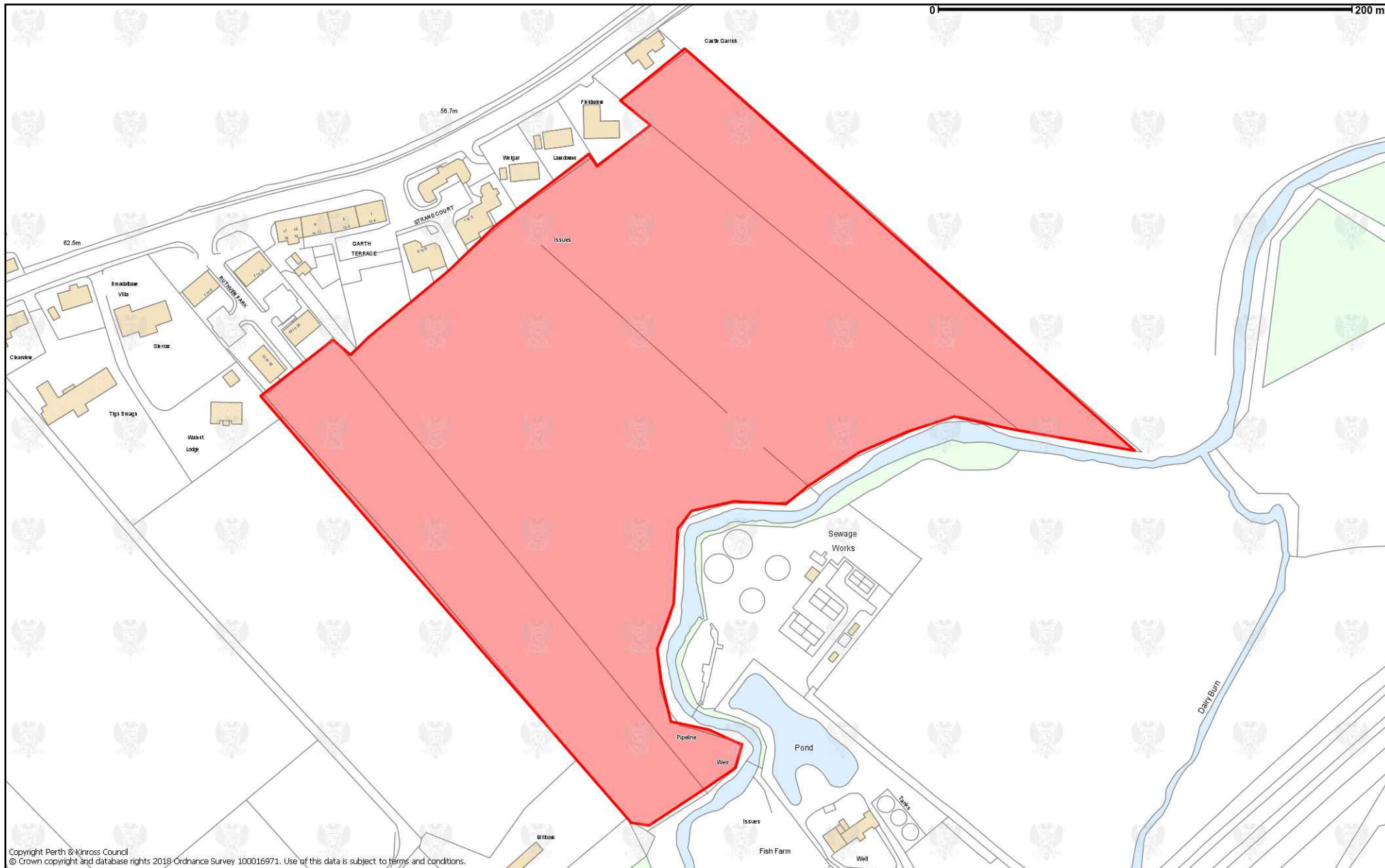
17/00946/IPM

Formation of business park (class 4, 5 and 6) and associated works (allocated site E25) (in principle) Land 130 Metres South Of Field View Windsole Auchterarder









© Crown copyright and database rights 2018 Ordnance Survey 100016971. You are permitted to use this data solely to enable you to respond to, or interact with, the organisation that provided you with the data. You are not permitted to copy, sub-licence, distribute or sell any of this data to third parties in any form.

Scale 1:2500



17/00946/IPM

Formation of business park (class 4, 5 and 6) and associated works (allocated site E25) (in principle) Land 130 Metres South Of Field View Windsole Auchterarder





Perth and Kinross Council  
Planning & Development Management Committee – 11 April 2018  
Report of Handling by Interim Development Quality Manager

|                  |                                                                    |
|------------------|--------------------------------------------------------------------|
| <b>PROPOSAL:</b> | Erection of a clubhouse, formation of parking and associated works |
| <b>LOCATION:</b> | Land 70 Metres North East Of The Workshop Rhynd                    |

Ref. No: 17/01886/FLL  
Ward No: P9- Almond And Earn

### **Summary**

This report recommends **approval** of the application for the erection of a clubhouse, formation of parking and associated works for Tay Rowing Club as the development is considered to comply with the relevant provisions of the Development Plan and there are no material considerations apparent which outweigh the Development Plan.

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

- 1 This application is for the formation of a clubhouse for Tay Rowing Club (TRC) at Sleepless Inch. The site is located downstream of Perth on the southern bank of the River Tay opposite Walnut Grove and the Kinfauns Holdings. To the west of the site there is motor vehicle repair shop and a number of houses. To the east there is the Scottish Water Waste Treatment Plant. Access to the site is via a private access from the Rhynd Road.
- 2 The application site compromises the riverbank which includes a dilapidated pier, the access road to the Scottish Water Waste Treatment Plant and a triangular area of land where the clubhouse will be erected along with boat rigging, parking and a turning area.
- 3 The proposed club house will be two storeys in height which will consist of ground floor equipment storage areas and first floor will have a club, meeting, weight and plant rooms and, also changing /bathroom areas. The first floor will also have a balcony area which leads out from the club room.
- 4 The agent has confirmed that the TRC was formed in February 2015 by a group comprising long standing Perth residents and former students of Dundee University who have remained in the area since graduating. The club is a Scottish Charitable Incorporated Organisation (SCIO). The club's constitution includes reference to providing "equal opportunities for successful participation by all sections of the community, particularly through local schools" and to "work with partners to encourage watersport in Tayside". It is a founder member of the River Tay Community Sport Hub.

- 5 In searching for a suitable site upon which to be based, TRC took into account the following:-
- Safe water suitable for teaching beginners. Local knowledge suggests that this exists between Friarton Bridge and Elcho Castle.
  - Access from the site to the river, preferably an existing access.
  - Reasonable vehicular access to the site for the transportation of racing boats. A racing eight is about 18meters in length.
  - Availability for long term lease.
- 6 All available sites on the north bank discount themselves on vehicular access grounds due to the main railway line. Four potential sites were identified on the south bank, but only one was available for lease. This has led to the submission of the application at the Sleepless Inch site.

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

- 7 Directive 2011/92/EU requires the 'competent authority' (in this case Perth and Kinross Council) when giving a planning permission for particular large scale projects to do so in the knowledge of any likely significant effects on the environment. The Directive therefore sets out a procedure that must be followed for certain types of project before 'development consent' can be given.
- 8 This procedure, known as Environmental Impact Assessment (EIA), is a means of drawing together, in a systematic way, an assessment of a project's likely significant environmental effects. 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.
- 9 Taking account of the characteristics of the potential impact of the development, in terms of extent, scale, magnitude, complexity, probability, duration, frequency and reversibility, it is unlikely that the development would have a significant effect on the environment. A detailed study through EIA is therefore not required.

### **NATIONAL POLICY AND GUIDANCE**

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

#### **National Planning Framework**

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

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

### **Scottish Planning Policy 2014**

- 12 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.
- 13 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
  - Managing Flood Risk and Drainage: paragraphs 254 – 268

### **Planning Advice Notes**

- 14 The following Scottish Government Planning Advice Notes (PANs) and Guidance Documents are of relevance to the proposal:
- PAN 40 Development Management
  - PAN 51 Planning, Environmental Protection and Regulation
  - PAN 61 Planning and Sustainable Urban Drainage Systems
  - PAN 69 Planning and Building standards Advice on Flooding
  - PAN 75 Planning for Transport

### **Creating Places**

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

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

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

## **DEVELOPMENT PLAN**

- 17 The Development Plan for the area comprises the TAYplan Strategic Development Plan 2016-2036 and the Perth and Kinross Local Development Plan 2014.

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

- 18 TAYPlan sets out a vision for how the region will be in 2036 and what must occur to bring about change to achieve this vision. The vision for the area as set out in the plans states that:
- 19 *“By 2036 the TAYplan area will be sustainable, more attractive, competitive and vibrant without creating an unacceptable burden on our planet. The quality of life will make it a place of first choice where more people choose to live, work, study and visit, and where businesses choose to invest and create jobs.”*
- 20 The following sections of the TAYplan 2016 are of particular importance in the assessment of this application.

### **Policy 9: Managing TAYplans Assets**

- 21 Seeks to ensure responsible management of TAYplan’s assets by: using the locational priorities of the Plan to identify and protect finite resources (mineral deposits and important soils); Protecting Natura 2000 sites; and safeguarding the integrity of natural and historic assets including habitats, wild land, sensitive green spaces, forestry, water environment, wetlands, floodplains (in-line with the Water Framework Directive), carbon sinks, species and wildlife corridors, and also geo-diversity, landscapes, parks, townscapes, archaeology, historic battlefields, historic buildings and monuments and by allowing development where it does not adversely impact upon or preferably enhances these assets.

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

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

### **Policy PM1A - Placemaking**

- 24 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**

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

### **Policy PM3 - Infrastructure Contributions**

- 26 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**

- 27 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 NE1A - International Nature Conservation Sites**

- 28 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 NE3 - Biodiversity**

- 29 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 NE5 - Green Belt**

- 30 Development in the Green Belt will only be allowed where it conforms with the 5 criteria set out. The Housing in the Countryside Policy RD3 does not apply in the Green Belt.

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

- 31 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 EP2 - New Development and Flooding**

- 32 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 EP15 - Development within the River Tay Catchment Area**

- 33 Nature conservation in the River Tay Catchment Area will be protected and enhanced. To ensure that there are no adverse effects on the River Tay SAC listed criteria will be applied to development proposals in Acharn, Balnaguard, Camserney, Croftinloan/Donavoured/East Haugh/Ballyoukan, Fortingall, Grandtully/Strathtay/Little Ballinluig, Logierait, Tummel Bridge, Concraigie and Kinloch, Bankfoot and Kirkmichael.

## **Policy HE1A - Scheduled Monuments and Non Designated Archaeology**

- 34 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**

- 35 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.

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

- 36 Perth & Kinross Council is progressing with preparation of a new Local Development Plan to provide up-to-date Development Plan coverage for Perth & Kinross. When adopted, the Perth & Kinross Local Development Plan 2 (LDP2) will replace the current adopted Perth & Kinross Local Development Plan (LDP). The Proposed Local Development Plan 2 was approved at the Special Council meeting on 22 November 2017. The Proposed LDP2 sets out a clear, long-term vision and planning policies for Perth & Kinross to meet the development needs of the area up to 2028 and beyond. The Proposed LDP2 is considered consistent with the Strategic Development Plan (TAYplan) and Scottish Planning Policy (SPP) 2014.
- 37 The Proposed LDP2, as approved by Perth & Kinross Council, was subject of a 9 week period of representation, which ended on 2 February 2018. Any unresolved representation to the Proposed Plan after this period is likely to be considered at an Examination by independent Reporter(s) appointed by the Scottish Ministers. The Reporter(s) will thereafter present their conclusions and



recommendations on the plan, which the Council must accept prior to adoption. It is only in exceptional circumstances that the Council can elect not to do this.

- 38 The Proposed Plan represents Perth & Kinross Council's settled view in relation to land use planning and as such it is a material consideration in the determination of planning applications. The Proposed Plan is, however, at a stage in the statutory preparation process where it may be subject to modification. As such limited weight can therefore currently be given to its content and the policies and proposals of the plan are only referred to where they would materially alter the recommendation or decision. The weight of the Proposed Plan may change following consideration of representation received during consultation, at which time the level of significance of any objection to strategy, policies or proposals within the plan will be known.

### **SITE HISTORY**

- 39 None.

### **CONSULTATIONS**

#### **External**

##### **Scottish Environment Protection Agency (SEPA)**

- 40 No objection to the application. Advice provided on flood risk and drainage.

##### **Scottish Natural Heritage (SNH)**

- 41 This proposal could be progressed with appropriate mitigation. However, because it could affect internationally important natural heritage interests, SNH object to this proposal unless it is made subject to Construction Method Statement which will ensure that the works are done strictly in accordance with the mitigation detailed in their appraisal.

##### **Historic Environment Scotland (HES).**

- 42 This application should be determined in accordance with national and local policy on development affecting the historic environment, together with related policy guidance.

#### **Scottish Water**

- 43 No objection to the application. Scottish Water do highlight that they have infrastructure running through the site.

#### **Internal**

##### **Structures & Flooding**

- 44 No objection.

### **Biodiversity Officer**

- 45 No objection subject to conditions relating to the implementation of mitigation measures associated with protected species as well as informatives.

### **Environmental Health**

- 46 No objections subject to conditional control relating to construction noise, operational noise and lighting.

### **Transport Planning**

- 47 No objection.

### **Contributions Officer**

- 48 No objection.

### **Perth and Kinross Area Archaeologist (PKHT)**

- 49 The site of the new clubhouse, formation of parking and associated works is in an area considered to have archaeological potential. If permission is granted for the clubhouse and associated infrastructure, it is recommended that a negative suspensive condition for an archaeological investigation is attached to consent to ensure the development does not destroy significant archaeological remains.

### **REPRESENTATIONS**

- 50 The following points were raised in the 3 representations received that support the application:

- Good for keeping community active.
- Tay Rowing Club will take a responsible and safe approach to road usage and contribute to the maintenance of the private access.

- 51 The following points were raised in the 10 representations received that object to the application:

- Flooding issues. Drainage issues. The main Scottish Water sewer runs through the site.
- Transport issues. Road safety concerns. No public transport. No opportunity to improve the road it is in private ownership as well as the adjoining verges and ground.
- Parking provision too low.
- Conflict with Greenbelt designation and impact on rural area. Landscape impact and visual impact.
- Impact on wildlife.
- Impact on pier.
- Impact on quality of life.
- Concerns with loss of trees.

- 52 The above matters are addressed in the Appraisal section of this report.
- 53 However the following points of objection are best addressed at this stage under the following headings:-
- Concern the site is unstable. – This will be a matter for the developer to take into account to ensure that the groundworks undertaken at the site are suitable for the proposed clubhouse construction. This will be something that requires satisfaction through the building regulations process.
  - Concern the site is already being utilised without the benefit of planning permission. – From the site inspection it appears that storage of equipment at the site is being undertaken without the benefit of permission.
  - Concern the site could be used for another purpose if the rowing club fails. – This concern is noted. Conditional control can limit the use of the building to a Rowing Club. Accordingly any change away from the Rowing Club use would be subject to a further application and this would allow public comment.
  - Area will be utilised as a dumping ground. – This concern is noted but is not directly comparable to this application as unauthorised dumping could already occur at the site.

## **ADDITIONAL STATEMENTS**

54

|                                                |                 |
|------------------------------------------------|-----------------|
| Environment Statement                          | Not Required    |
| Screening Opinion                              | ES 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          | Submitted       |

## **APPRAISAL**

- 55 Sections 25 and 37(2) of the Town & Country Planning (Scotland) Act 1997 (as amended) require the determination of the proposal to be made in accordance with the provisions of the Development Plan, unless material considerations indicate otherwise. The adopted Development Plan comprises the TAYplan Strategic Development Plan 2016–2036 and the Perth and Kinross Local Development Plan 2014. The relevant policy considerations are outlined in the policy section above and are considered in more detail below.

- 56 In this case I consider the main issues to be assessed is the relationship of the proposal with the Greenbelt, design and layout, landscape, residential amenity, roads and access issues, drainage and flooding, natural heritage and bio-diversity, cultural heritage, developer contributions and economic impact.

### **Principle**

- 57 The Green Belt is the cornerstone for the spatial strategy for the Perth Area. TAYplan states that a Green Belt shall be designated to manage long-term growth, preserve the setting, views and special character of Perth and sustain the separate identity of Scone.
- 58 An objective of Green Belt policy is to strictly control the spread of built development, increase the area's use for leisure and recreational purposes, particularly for managed public access, and facilitate the creation of green corridors with improved biodiversity.
- 59 National policy and guidance attaches great importance to the need to establish confidence in the permanence of Green Belts. The boundaries which define the area must be clear and generally follow permanent physical features. To create permanence, the Green Belt allows sufficient land for long-term expansion, possibly in excess of 30 years. The Green Belt is therefore as much about defining the long-term expansion of Perth and surrounding villages, as protecting its landscape setting.
- 60 The proposed rowing club site is within the Green Belt. The LDP through Policy NE5 seeks to encourage recreational opportunities as contained within criterion (c).
- 61 *(c) it constitutes uses which advance the Council's aims of improving public access to the countryside around Perth and are appropriate to the character of the Green Belt, including recreational, educational and outdoor sports development including modest related buildings which are located and designed in such a way as not to detract from the character of the green belt.*
- 62 Taking account of the above the proposal complies with criterion (c) of Policy NE5, the rowing club is an outdoor sports development and the building is modest in scale taking account of operational requirements and site constraints. The design of the building is discussed in greater detail under the Design and Layout heading.

### **Design and Layout**

- 63 Policy PM1A and PM1B confirms that development must contribute positively, should be planned and designed with reference to climate change, mitigation and adaptation.
- 64 The agent has submitted a supporting statement which explains the project ethos and design.

- 65 The proposed club house will be two storeys in height which will incorporate ground floor equipment storage areas. On the first floor there will be club accommodation, meeting, weight and plant rooms as well as changing /bathroom areas. A balcony area is located to the east of the building and this is accessed from the first floor. Fair faced dense concrete masonry will be used in the construction of the ground floor external walls, untreated vertical cedar boarding will be utilised for the external walls of the first floor and balcony balustrade. The roof will consist of profile metal sheeting with PV panels set in three arrays of four incorporated into the plain of the roof between the light tubes on the south elevation. Roller shutter doors will provide access to the boat storage. Windows are aluminum with a mid grey colour coating to the frames, the entrance door will be galvanized steel. The approach taken to the buildings design with regards to scale, massing and detailing of the fenestration is appropriate. However, samples of materials require to be submitted for prior approval, see condition 4.
- 66 Externally there will be fencing to secure the boat rigging area and mid green painted LPG tank. The fencing will consist of 2.0 metre high 'V' mesh panels and matching gates with a green colour coating. The boat rigging, car parking and drop off / turn round surfaces will consist of 40mm Geogrid interlocking ground reinforcement tiles on 150mm compacted sub-base. Infilled with <10mm gravel in car areas with topsoil and grass seed in rigging compound.
- 67 Taking the above into account the approach deployed at the site complies with the Placemaking policies of the LDP and the design and layout criterion contained within the Green Belt Policy NE5.

### **Landscape**

- 68 Scotland's landscape is one of its most valuable assets it is therefore essential that this quality is maintained and enhanced. Development and land use change should be compatible with the distinctive characteristics and features of Perth & Kinross's landscape. LDP Policy NE5 requires the proposal to be satisfactorily accommodated within the landscape of the Green Belt. There is also landscape protection associated with Policy ER6.
- 69 The application site is located within the Sidlaw Hills Special Landscape Area (SLA) and includes part of the Carse of Gowrie as well as Moncreiffe Hill to the south of the Tay and Kinnoull Hill on the outskirts of Perth which sits in an elevated position with panoramic views over the application site. This supplementary guidance acknowledges the special qualities of this landscape unit, forces for change and objectives to protect it. While the site will be visible from viewpoints on Kinnoull Hill I do not consider that there will be an adverse landscape or visual impact on this Special Landscape Area Unit given the nature of this proposal. From the Tay Valley floor the impact will be minor given intervening woodland and topography.
- 70 Taking account of the above there is no conflict with LDP Policy NE5 or ER6.

## **Residential Amenity**

- 71 The planning system has an important role to play in preventing and limiting noise pollution. Although the planning system cannot tackle existing noise problems directly, it has the task of guiding development to the most suitable locations and regulating the layout and design of new development. The noise implications of development can be a material consideration in determining applications for planning permission. I note concerns have been raised regarding the schemes potential impact on residents quality of life.

### Construction Noise

- 72 There is the potential at the construction stage for noise to adversely affect residential amenity if not properly controlled, this could be noise from piling works, generators etc. The nearest noise sensitive residential receptor is approximately 230 metres from the site. Environmental Health recommend that the applicant submits a Construction Management Plan prior to the commencement of the construction of building which should include proposals for noise and dust management. Condition 3.

### Operational Noise

- 73 There is the potential for noise from the operations of the rowing clubhouse, such as patrons using and leaving the premises, however Environmental Health are of the view that with good management that this should not adversely affect residential amenity. They note that the plans indicate a plant room and recommend that the standard plant noise condition be included on any given consent. Conditions 10 and 11.
- 74 With conditional control applied there is not considered to be a conflict with policy EP8.

### Lighting.

- 75 The detailed design brief includes external lighting. It confirms there is requirement for external security lighting and this will be fixed to the north and east elevations of the clubhouse. This lighting will be controlled by sensors so will only be on when there are people in close proximity to the building. Conditional control can ensure lights are fitted or shaded in a way that the actual light sources do not spill beyond the site, see condition 12.

## **Roads and Access**

- 76 It is apparent from the letters of representation that one of the main issues of concern are the access arrangements to the site and the extent of traffic that already utilises the road.
- 77 The concerns regarding the ownership of the road raised in letters of representations and the commentary made by the TRC chairman regarding the up keep of the road is noted. Ultimately matters of ownership, maintenance and

rights to use the road are private civil matters between the parties and this falls out with the assessment of this application.

- 78 Notwithstanding this there is a requirement to ensure that the access arrangements to the site are appropriate and I am required to take cognisance of Policy TA1B.
- 79 It is noted from the site selection criterion that the locational opportunities for the TRC are somewhat restricted. As a result the ability to integrate the scheme with the public transport network is limited taking account of other operational requirements that need to be met. The supporting statement submitted by TRC acknowledges this and confirms that public transport is some 2.5km from the site. From the site visit this would be the bus stops on the Edinburgh Road close to the junction with Rhynd Road. The journey between the site and public transport would predominantly be on foot via the road as the footpath from the Edinburgh Road only extends to Tarsappie.
- 80 TRC do note that along the riverside the site is only 4.5km from the centre of Perth by bicycle or on foot. To promote sustainable transport the scheme allows for the secure storage for at least 20 bicycles within the boathouse. The provision of the bike storage and the changing facilities at the club are likely to increase this form of transport however this will not alleviate the need for trips to be undertaken by motor vehicles.
- 81 The proposal includes off street parking for 8 cars, an off street drop off and turning area. Consultation with Transport Planning has been undertaken and they offered no objection to the application.
- 82 Given the extent of objections on roads access and road safety grounds Transport Planning were asked to review the application again. A copy of the video submitted by one of the objectors was also provided to Transport Planning. Their stance on the scheme remains unaltered, no objection is offered. Accordingly significant weight is attached to this consultation response and on this basis, in so far as roads matters are concerned, the proposed development does not conflict with Policy TA1B.
- 83 Conditional control will nevertheless be applied to ensure that the parking and turning facilities are installed at the site prior to the occupation of the building, see conditions 7 and 8.

## **Drainage and Flooding**

### Flood Risk

- 84 Scottish Planning Policy states that land within 1 in 200 year flood risk may be suitable for:
- “some recreational, sport, amenity and nature conservation uses, provided appropriate evacuation procedures are in place”

And goes on to provide further advice as follows:

“Where built development is permitted, measures to protect against or manage flood risk will be required and any loss of flood storage capacity mitigated to achieve a neutral or better outcome. Water-resistant materials and construction should be used where appropriate.”

- 85 The SEPA response confirms that the location of the development will be susceptible to flooding but note that it is essential for water-based recreation (and refer to Scottish Planning Policy paragraph 263). They note the building should be designed and constructed to be operational during floods and not impede water flow. SEPA offer no objection but advise that they expect Perth & Kinross Council to undertake its responsibilities as the Flood Prevention Authority. The PKC Structures & Flooding Team offers no objection.
- 86 The TRC are aware of the potential flooding issue and appropriate precautions have been incorporated into their scheme. This includes the construction of the ground storey in water resistant materials and adopting a flood emergency procedure for the club.
- 87 Taking account of this there is no conflict with LDP Policy EP2: New Development and Flooding or the associated flooding section of the SPP.

#### Foul Drainage

- 88 The TRC are aware that Scottish Water has sewer infrastructure running through the site and the proposed building is set back 6 metres from the line of the sewer to allow Scottish Water future access.
- 89 Policy EP3B looks for development to connect to public sewerage system. While there is a public sewer running through the site Scottish Water cannot offer a connection due to the large diameter of the sewer. Foul sewage will therefore be dealt with by a private system then discharged after partial soakaway into the river.
- 90 Given the low population equivalent (PE) anticipated for this clubhouse and the proposal is to install a treatment plant and partial soakaway SEPA have no objection to this development on the grounds of foul drainage and the relationship with the River Tay SAC.
- 91 In light of this there is no conflict with LDP Policy EP3B or EP15.

#### Surface Water Drainage

- 92 SEPA acknowledge the need for surface water to be dealt with via a Sustainable Urban Drainage System (SUDs). The absence of proposals for SUDs may not be significant given the relative small size of the development and that discharge is likely to be into a tidal part of river Tay but this should be clarified by the applicant. From the review of the supporting statement and the material specification there is an intention to deploy SUDs however for the



avoidance of doubt conditional control is recommended to secure this, condition 9.

### **Natural Heritage and Biodiversity**

- 93 When determining a planning application the planning authority is required to have regard to the Habitats Directive and the Habitats Regulations. Consideration of how 'European Protected Species' (EPS) are affected must be included as part of the consent process, not as an issue to be dealt with at a later stage. Three tests must be satisfied before the Scottish Government can issue a license under regulation 44(2) of the Habitats Regulations so as to permit otherwise prohibited acts.
- 94 Test 1: *the activities to be carried out under any proposed licence are for the purpose of "preserving public health or public safety or other imperative reasons of overriding public interest including those of a social or economic nature and beneficial consequences of primary importance for the environment"*.
- 95 Test 2: *"there is no satisfactory alternative"*.
- 96 Test 3: *"the action authorised will not be detrimental to the maintenance of the population of the species concerned at a favourable conservation status in their natural range"*
- 97 In addition Tayplan policy 3 seeks the protection of key assets and River Tay SAC is such an asset. While LDP policy NE1A also seeks to protect the interest of protected species within this watercourse.
- 98 In support of the application the TRC commissioned Gavia Environmental to carry out an Extended Phase One Habitat Survey and a Fresh Water Pearl Mussel Survey has also been submitted.
- 99 The Extended Phase One Habitat Survey recommendations are:-
- Precautionary note on the potential spread of Japanese Knot Weed noted only on adjacent site.
  - Appointment of Ecological Clerk of Works during construction to monitor legal compliance re any debris, runoff or chemicals which might affect the river.
  - Appointment of Ecological Clerk of Works during any construction taking place April-July inclusive, to monitor legal compliance re nest disturbance during the bird breeding season.
- 100 TRC's land lease includes the existing pier and the riverbank between high and low water for the full length of main site. The TRC consider the pier was probably constructed in the early 1900s and was somewhat larger than the remaining structure on the site. The piers outer walls remain visible but the central section between the walls now allows access to the river.

- 101 The TRC need to undertake works to this structure to facilitate access to the river for modern rowing boats, a slipway is proposed comprising of concrete below high tide level and hardcore above the height of the existing side walls. The side walls of the structure are also reduced in height. TRC acknowledge the need to obtain authorisation from Marine Scotland for works below MHWS. They also note that the landowner has asked that TRC replace the present random boulders and other objects which prevent motor vehicles from driving onto the slipway with proper bollards.
- 102 Given there are proposed works within the water environment which forms part of the River Tay SAC consultation with SNH confirms that the proposal is likely to have a significant effect on the salmon and lamprey interests of the SAC through the potential release of sediments and pollutants during construction if suitable mitigation measures are not deployed. SNH note that Perth and Kinross Council is required to carry out an appropriate assessment in view of the site's conservation objectives for its qualifying interests. However, if the proposal is amended so that the works are done strictly in accordance with a detailed Construction Method Statement (CMS), the likelihood of a significant effect can be avoided, and an appropriate assessment would not be required.
- 103 The biodiversity officer has been consulted on the application and the advice confirms that he has no objection to the development as long as conditional control is applied and mitigation measures deployed to ensure that the action authorised will not be detrimental to protected species.
- 104 Taking account of the tests in the Habitat Regulations and Tayplan Policy 3 and LDP Policy NE1A with conditional control applied and deployed there is no conflict with designated areas, protected species or biodiversity, see conditions 3, 5 and 6.

### **Cultural Heritage**

- 105 The agent acknowledges that the proposed development lies some 130m from the site of a Cistercian Nunnery, which is a Scheduled Ancient Monument (SAM).
- 106 The monument is the remains of a medieval Cistercian nunnery, founded in the early 13th century and abandoned during the Reformation. It consists of the nunnery church visible as the foundations of a rectangular building, along with further structures visible as grass grown walling and spreads of rubble. Two ditches have been recorded as cropmarks to the north and south of the nunnery remains. The monument lies on a raised terrace above the south bank of the River Tay, at about 10m above sea level.
- 107 There is a presumption against development which would have an adverse effect on the integrity of a SAM and its setting, unless there are exceptional circumstances as detailed within Policy HE1A.
- 108 In this case consultation with HES confirms they have no objection to the proposal. From my site visit I do not consider that the development will have a

significant adverse impact on the setting of the SAM given the intervening woodland along the watercourse between the SAM and the proposed development.

- 109 There is also a requirement to take account of Policy HE1B.
- 110 Consultation with PKHT confirms that the proposed development site is in an area considered to have archaeological potential and note in the 1960s, a series of timber uprights were recorded by the Perthshire Society for Natural Sciences from this section of the riverbank during clay extraction. The timbers were interpreted as a landing stage. It is possible, given the site lies to the immediate north of the medieval nunnery at Elcho, and is on a small creek that would have furnished the nunnery with access to the river, that this quayside dated from the medieval period. Alternatively it may have been associated with the 18th century ice house that was situated near the nunnery.
- 111 If permission is granted for the clubhouse and associated infrastructure, it is recommended that a negative suspensive condition for an archaeological investigation is attached to consent to ensure the development does not destroy significant archaeological remains. In the first instance, there is a need to assess the presence / absence of archaeological deposits on the site, their character, condition and significance, and the extent to which the development will impact upon them. This evaluation will inform a mitigation strategy, if required, to either preserve significant deposits within the development or for further archaeological works, to consist of the excavation, post-excavation analysis and publication of these deposits.
- 112 If made subject to conditional control the application would comply with Policy HE1B, see condition 2.

### **Developer Contributions**

- 113 The Council Transport Infrastructure Developer Contributions Supplementary Guidance 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.
- 114 Paragraph 6.8 of the Developer Contributions and Affordable Housing Guidance allows for a reduction or removal of the contribution requirement where the proposal supports specific Council objectives. A financial assessment and a review of the projects objectives have established this project would support Council objectives and is therefore exempt from the contribution requirement. There is no conflict with Policy PM3.

### **Economic Impact**

- 115 There will be a positive economic impact associated the construction phase of the development. There will also be benefits associated with the operational phase of the development as it will increase the leisure offering within Perth and Kinross.

## **LEGAL AGREEMENTS**

116 Not required.

## **DIRECTION BY SCOTTISH MINISTERS**

117 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**

118 To conclude, the application must be determined in accordance with the adopted Development Plan unless material considerations indicate otherwise. In this respect, I have taken account of the Local Development Plan and material considerations and in this case I am content that the development proposed does not conflict with the Development Plan.

119 Accordingly the proposal is recommended for approval subject to the following conditions.

### **A RECOMMENDATION**

#### **Approve the application**

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

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

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

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

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

- 3 Development shall not commence until a detailed Construction Environmental Management Plan (CEMP) detailing environmental mitigation measures and construction method statements, including specific measures for environmental monitoring during construction, shall be submitted for the further written agreement of the Council as Planning Authority. Such details shall be submitted not less than two months prior to the agreed scheduled commencement date and shall incorporate detailed pollution avoidance and mitigation measures for all construction elements. Thereafter the development shall be fully undertaken in accordance with the agreed CEMP.

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.

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

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

- 5 The conclusions and recommended action points within the supporting biodiversity survey submitted and hereby approved shall be fully adhered to, respected and undertaken as part of the construction phase of development.

Reason - In the interests of employing best practice ecology and to ensure there is no adverse impact on any protected species as identified under the Wildlife and Countryside Act (1981).

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

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

- 7 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.

- 8 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.

- 9 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.

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

- 10 All plant or equipment shall be so enclosed, attenuated and/or maintained such that any noise therefrom shall not exceed Noise Rating 35 between 0700 and 2300 hours daily, or Noise Rating 25 between 2300 and 0700 hours daily, within any neighbouring residential property, with all windows slightly open, when measured and/ or calculated and plotted on a rating curve chart.  
Reason - In order to safeguard the neighbouring residential amenity in the area.

- 11 No music amplified or otherwise shall be permitted outside the premises and efforts must be made to minimise the impact of noise from inside the premises so no sound is audible in any nearby residential property.

Reason - In order to safeguard the neighbouring residential amenity in the area.

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

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

- 13 The premises shall be used solely for the purposes of a rowing club. The use of the premises for any other purpose, including another purpose in Class 11 of the Schedule to the Town and Country Planning (Use Classes)(Scotland) Order 1997 or any Order revoking and re-enacting that Order will require to be the subject of a further planning application to the Council as Planning Authority.

Reason - In order that the Planning Authority may retain control over the future use of the land which is located within the Greenbelt.

## **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 Please consult the Street Naming and Numbering Officer, The Environment Service, Perth and Kinross Council, Pullar House, 35 Kinnoull Street, Perth PH1 5GD for a new postal address. The form is downloadable from [www.pkc.gov.uk](http://www.pkc.gov.uk) and should be returned to [snn@pkc.gov.uk](mailto:snn@pkc.gov.uk)
- 6 Existing buildings or structures may contain nesting birds between 1st March and 31st August inclusive. The applicant is reminded that, under the Wildlife and Countryside Act 1981, as amended (section 1), it is an offence to remove, damage or destroy the nest of any wild bird while that nest is in use or being built. Planning permission for a development does not provide a defence against prosecution under this Act.
- 7 Perth and Kinross Council Environmental Health Team advise that noisy construction working should be limited to Monday to Friday 07.00 to 19.00, Saturday 08.00 to 13.00 with no noisy working on a Sunday.
- 8 The applicant is advised to review the consultation responses received on the application from Environmental Health, the Bio-Diversity Officer and Scottish Natural Heritage when preparing the Construction Environmental Management Plan.
- 9 Scottish Water Records indicate that there is a 1145mm Concrete Combined sewer running in the north of the site. Please note that Scottish Water records are indicative only and your attention is drawn to the disclaimer at the bottom of

this letter. It is your responsibility to accurately locate the position of the pipe for line and depth on site and annotate this information onto your plans. This information should be sent to the Scottish Water Asset Impact Team for review and acceptance using the email address below. All due care must be taken when working in the vicinity of Scottish Water assets, you should seek our support accordingly prior to any excavation works. The stand-off distance for this sewer is 5 – 6.5 metres (dependent on depth) in every direction on the horizontal plane. No building, private\_garden or other obstruction should be located within the stand-off distance of a sewer.  
Service.Relocation@scottishwater.co.uk

|                    |                              |
|--------------------|------------------------------|
| Background Papers: | 13 letters of representation |
| Contact Officer:   | John Russell 01738 475346    |
| Date:              | 29 March 2018                |

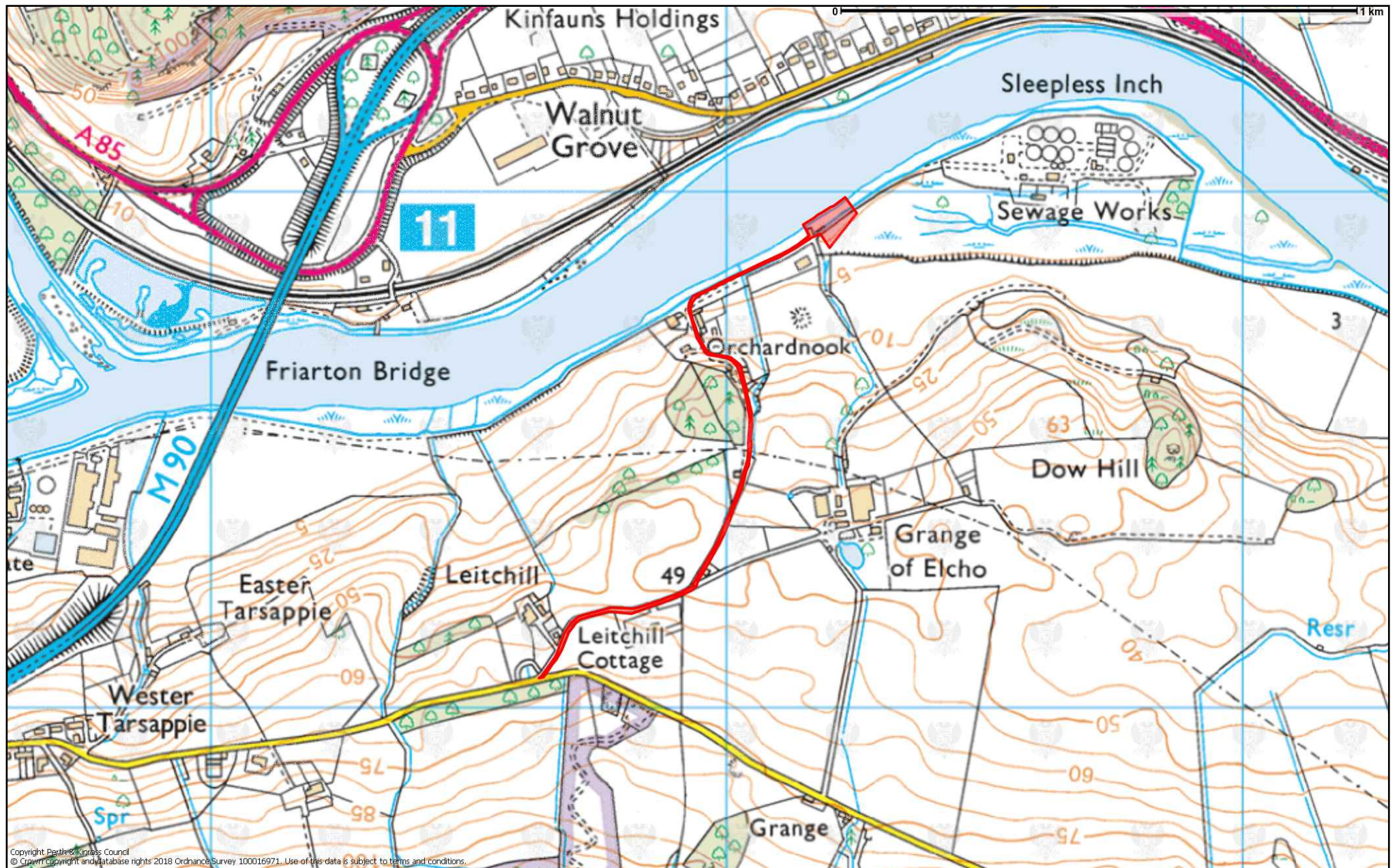
**ANNE CONDLIFFE**  
**INTERIM DEVELOPMENT QUALITY MANAGER**

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

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

|                                                                  |
|------------------------------------------------------------------|
| All Council Services can offer a telephone translation facility. |
|------------------------------------------------------------------|





© Crown copyright and database rights 2018 Ordnance Survey 100016971. You are permitted to use this data solely to enable you to respond to, or interact with, the organisation that provided you with the data. You are not permitted to copy, sub-licence, distribute or sell any of this data to third parties in any form.

Scale 1:10000



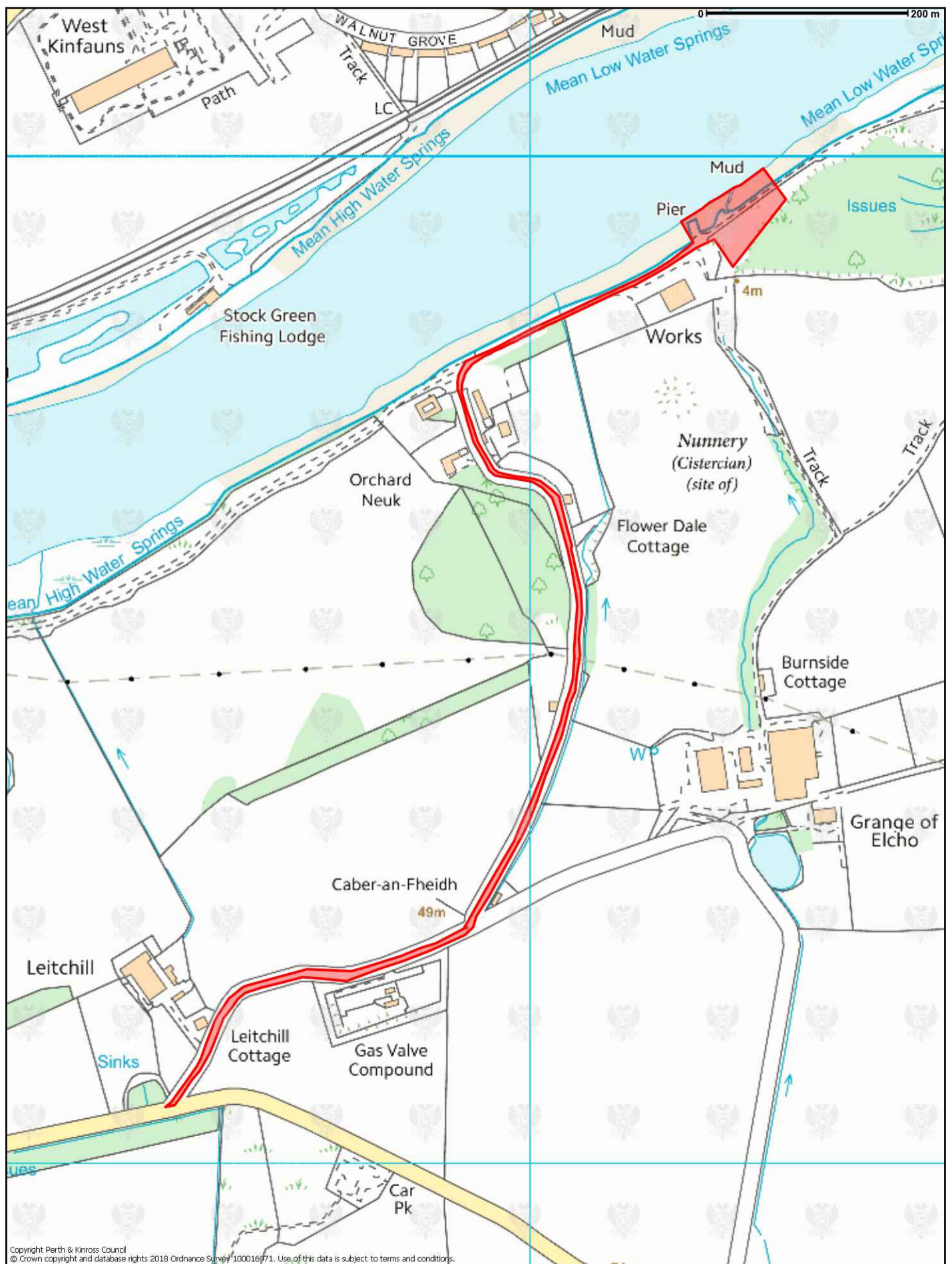
17/01886/FLL

Erection of a clubhouse, formation of parking and associated works Land 70 Metres North East Of The Workshop Rhynd









© Crown copyright and database rights 2018 Ordnance Survey 100016971. You are permitted to use this data solely to enable you to respond to, or interact with, the organisation that provided you with the data. You are not permitted to copy, sub-licence, distribute or sell any of this data to third parties in any form.



**17/01886/FLL**

**Erection of a clubhouse, formation of parking and associated works Land 70 Metres North East Of The Workshop Rhind**





Perth and Kinross Council  
Planning & Development Management Committee – 11 April 2018  
Report of Handling by Interim Development Quality Manager

**PROPOSAL:** Erection of 26 flats

**LOCATION:** Land at Allison Crescent, Perth

Ref. No: 17/02118/FLL  
Ward No: P11- Perth City North

**Summary**

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

**BACKGROUND AND DESCRIPTION OF PROPOSAL**

- 1 Full planning consent is sought for the erection of a total of 26 flats, contained with three blocks on an area of vacant land within the Tulloch area of Perth. The land is currently utilised as a storage area for containers and building materials and is surrounded by temporary fencing. There is also a temporary north/south path through the site which provides a pedestrian link between Allison Crescent and Pullar Terrace. Outline consent was previously granted for a wider residential development in the surrounding area in 1997 (PK/0360) but no details were ever submitted for this part of the site. The application site was originally part of a wider allocated housing site (H11) in the Perth Area Local Plan 1995 which identified a capacity for 250 homes. A previous application on the site for 30 flats (07/01951/AML) was refused due to concerns relating to the proposed road layout, footpath links, affordable housing requirements and the lack of landscape details.
- 2 This application is a re-submission following the withdrawal of two previous applications for 27 flats (17/01069/FLL) and 26 flats (17/01357/FLL) which were withdrawn due to concerns identified relating to the scale of development and the road and site layout.
- 3 This proposed application seeks to build three individual, three storey blocks positioned on the northern half of the site. Blocks 2 and 3 are to contain 9 flats each with block 1 containing 8 flats due to a proposed step down to relate to the adjacent properties on Allison Crescent to the east.
- 4 Car parking is proposed to the south of the flat blocks with a strip of open space beyond. Bin stores and cycle parking facilities are proposed within the parking area. A single vehicular access point is proposed from Allison Crescent to the north. A footpath link is proposed within the site to provide a link between the

development and an existing footpath which runs to the rear of properties on Pullar Terrace.

- 5 The application site is surrounded to the east by existing single storey flatted properties, to the north by Allison Crescent, an area of public open space and further housing beyond, to the west by land owned by PKC where the proposed Sustainable Urban Drainage System (SUDS) for the A9/A85 junction is proposed and to the south by an area of open space, existing footpath and two storey residential units beyond.

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

- 6 Directive 2011/92/EU requires the 'competent authority' (in this case Perth and Kinross Council) when giving a planning permission for particular large scale projects to do so in the knowledge of any likely significant effects on the environment. The Directive therefore sets out a procedure that must be followed for certain types of project before 'development consent' can be given.
- 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 An Environmental Statement was not required to be submitted with the proposal as the scale of development falls below the EIA thresholds.

## **PRE-APPLICATION CONSULTATION**

- 9 The proposed development is not classed as a Major development in terms of the Town and Country Planning (Hierarchy of Developments) (Scotland) Regulations 2009. Therefore the applicant was not required to undertake not any formal pre-application consultation with the local community.

## **NATIONAL POLICY AND GUIDANCE**

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

### **National Planning Framework**

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

## **Scottish Planning Policy 2014**

- 12 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.
- 13 The following sections of the SPP will be of particular importance in the assessment of this proposal:
- Sustainability : paragraphs 24 – 35
  - Placemaking : paragraphs 36 – 57

## **Planning Advice Notes**

- 14 The following Scottish Government Planning Advice Notes (PANs) and Guidance Documents are of relevance to the proposal:
- PAN 40 Development Management
  - PAN 51 Planning, Environmental Protection and Regulation
  - PAN 61 Planning and Sustainable Urban Drainage Systems
  - PAN 68 Design Statements
  - PAN 69 Planning and Building standards Advice on Flooding
  - PAN 75 Planning for Transport
  - PAN 77 Designing Safer Places

## **Creating Places**

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

## **Designing Streets 2010**

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

## **National Roads Development Guide 2014**

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

## **DEVELOPMENT PLAN**

- 18 The Development Plan for the area comprises the TAYplan Strategic Development Plan 2016-2036 and the Perth and Kinross Local Development Plan 2014.

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

- 19 TAYPlan sets out a vision for how the region will be in 2036 and what must occur to bring about change to achieve this vision. The vision for the area as set out in the plans states that:
- 20 *“By 2036 the TAYplan area will be sustainable, more attractive, competitive and vibrant without creating an unacceptable burden on our planet. The quality of life will make it a place of first choice where more people choose to live, work, study and visit, and where businesses choose to invest and create jobs.”*

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

- 21 The Local Development Plan (LDP) was adopted by Perth and Kinross Council on 3 February 2014. The LDP sets out a vision statement for the area and states that, *“Our vision is of a Perth and Kinross which is dynamic, attractive and effective which protects its assets whilst welcoming population and economic growth.”* It is the most recent statement of Council policy and is augmented by Supplementary Guidance.
- 22 The principal relevant policies are, in summary

## **Policy RD1 - Residential Areas**

- 23 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 PM1A - Placemaking**

- 24 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**

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

### **Policy PM2 - Design Statements**

- 26 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**

- 27 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 RD4 - Affordable Housing**

- 28 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**

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

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

- 30 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**

- 31 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 pursued to create, improve and avoid the fragmentation of green networks.

### **Policy CF2 - Public Access**

- 32 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 EP2 - New Development and Flooding**

- 33 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**

- 34 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**

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

### **Policy EP12 - Contaminated Land**

- 36 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.

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

- 37 Perth & Kinross Council is progressing with preparation of a new Local Development Plan to provide up-to-date Development Plan coverage for Perth & Kinross. When adopted, the Perth & Kinross Local Development Plan 2 (LDP2) will replace the current adopted Perth & Kinross Local Development Plan (LDP). The Proposed Local Development Plan 2 was approved at the Special Council meeting on 22 November 2017. The Proposed LDP2 sets out a clear, long-term vision and planning policies for Perth & Kinross to meet the development needs of the area up to 2028 and beyond. The Proposed LDP2 is considered consistent with the Strategic Development Plan (TAYplan) and Scottish Planning Policy (SPP) 2014.

- 38 The Proposed LDP2, as approved by Perth & Kinross Council, was subject of a 9 week period of representation, which ended on 2 February 2018. Any unresolved representation to the Proposed Plan after this period is likely to be considered at an Examination by independent Reporter(s) appointed by the Scottish Ministers. The Reporter(s) will thereafter present their conclusions and recommendations on the plan, which the Council must accept prior to adoption. It is only in exceptional circumstances that the Council can elect not to do this.
- 39 The Proposed Plan represents Perth & Kinross Council's settled view in relation to land use planning and as such it is a material consideration in the determination of planning applications. The Proposed Plan is, however, at a stage in the statutory preparation process where it may be subject to modification. As such limited weight can therefore currently be given to its content and the policies and proposals of the plan are only referred to where they would materially alter the recommendation or decision. The weight of the Proposed Plan may change following consideration of representation received during consultation, at which time the level of significance of any objection to strategy, policies or proposals within the plan will be known.

#### **SITE HISTORY**

- 40 PK/97/0360 Erection of approximately 250 houses (in outline) Approved at Committee February 1998
- 41 07/01951/AML Erection of 30 dwelling flats and associated infrastructure Application refused under delegated powers 19 April 2011
- 42 17/01069/FLL Erection of 27no. flats 28 July 2017 Application withdrawn
- 43 17/01357/FLL Erection of 26 no. flats and associated works Application withdrawn 14 September 2017

#### **OTHER POLICIES**

- 44 Flood Risk and Flood Risk Assessments – Developer Guidance June 2014 and Developer Contributions and Affordable Housing Supplementary Guidance April 2016

#### **CONSULTATIONS**

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

##### **External**

- 46 Scottish Environment Protection Agency – initial objection relating to flood risk, location of Newton Burn culvert and surface water drainage. Objection now withdrawn following receipt of additional information.
- 47 Scottish Water – no objection

## **Internal**

- 48 Transport Planning – no objection
- 49 Environmental Health – no concerns relating to proximity of flats to A9/A85 exchange link road.
- 50 Community Waste Advisor – content with proposals for waste provision
- 51 Community Greenspace – content with landscaping proposals which will be adopted by the Council. The links to the wider public open space to the west of the flats is particularly important and have been adequately addressed. The Council will adopt the public open space subject to it reaching adoptable standard. The current policy for the adoption of public open space requires payment of a commuted sum of £370 per house and transfer of title to the Council.
- 52 Contributions Officer – no contribution required as the site benefits from extant planning consent in principle under PK/97/0360. Whilst this is a new planning application it falls within the boundary of this consent and is for the consented land use. Paragraph 3.2 of the Supplementary Guidance states that the guidance will not apply retrospectively to a site with full or “in principle” planning consent. As the “in principle” consent predates the adoption of the relevant sections of the guidance, in relation to affordable housing, primary education and transport infrastructure, these will not be applied to this proposal.
- 53 Perth And Kinross Heritage Trust – archaeological investigation required
- 54 Structures and Flooding – requested further information relating to Newton Burn culvert to south of the site and proposals relating to surface water drainage. Further information has been submitted which identifies that no development will take place over Newton Burn and that surface water drainage will be connected to Scottish Water surface water sewer. Detailed design can be secured by condition.

## **REPRESENTATIONS**

- 55 The following points were raised in the 19 letters of objection received:
- Excessive height
  - Design
  - Loss of daylight or sunlight
  - Noise Pollution
  - Over development/ Inappropriate density
  - Overlooking
  - Traffic congestion/road safety/lack of parking
  - Visual impact
  - Use of open space and its current poor condition

- Lack of green space
- Flood risk/impact on watercourse
- Loss of trees
- Loss of open space to north
- Construction noise
- Previous refusal
- Affordable housing requirement
- Alternative proposals for 2 storey housing preferred
- Contaminated land
- Drainage – existing surface water flooding concerns
- Impact on Human Rights
- Maintenance of trees and potential for falling on property
- Concern regarding withdrawal of previous applications
- Accuracy of plans
- Potential for development to include revised vehicular access into rear of Pullar Terrace (not part of proposal).
- Contaminated Land
- Loss of view
- Impact on property values
- Timing of submission over Christmas break
- Other flats for sale in immediate vicinity

56 These issues are addressed in the appraisal section of the appraisal. The loss of a view, impact on value of property, timing of the submission and the presence of other flats for sale in the area are not material planning considerations.

## **ADDITIONAL STATEMENTS**

57

|                                                |              |
|------------------------------------------------|--------------|
| Environment Statement                          | Not Required |
| Screening Opinion                              | Not Required |
| Environmental Impact Assessment                | Not Required |
| Appropriate Assessment                         | Not Required |
| Design Statement / Design and Access Statement | Submitted    |
| Reports on Impact or Potential Impact          | Submitted    |

## **APPRAISAL**

58 Sections 25 and 37(2) of the Town & Country Planning (Scotland) Act 1997 (as amended) require the determination of the proposal to be made in accordance with the provisions of the Development Plan, unless material considerations indicate otherwise. The adopted Development Plan comprises the TAYplan

Strategic Development Plan 2016–2036 and the Perth and Kinross Local Development Plan 2014. The relevant policy considerations are outlined in the policy section above and are considered in more detail below. In terms of other material considerations, this involves considerations of the Council's other approved policies and supplementary guidance which are identified in the policy section above.

### **Principle**

- 59 The site is located within an established residential area where policy RD1 of the Perth and Kinross Local Development Plan (LDP) applies. This states that infill residential development will be accepted where the density makes the most efficient use of the site and where existing residential amenity will be retained and respected. As such the general principle of residential development on this site is considered to be acceptable. A detailed assessment of the proposal in relation to design, residential amenity and other relevant matters are outlined in the paragraphs below.

### **Design and Scale**

- 60 This area of Tulloch is characterised by a number of differing design styles and scales and includes detached dwelling houses of two storeys, single storey flats and three storey flats located to the north east. The properties in the surrounding area are finished in a mixture of finishing materials including harling, brick and concrete tiles. The proposed flats are to be finished in white roughcast and facing brick and timber cladding. The windows are proposed to be anthracite grey upvc. Given the mixture of finishes in the surrounding area I consider the proposed finishes to be appropriate in this context. I also consider the overall character of the area to be relatively mixed and as such there is scope for a set of three storey blocks to be acceptable on this site. A step down is proposed on block one to allow the scale and height to better relate to the adjacent properties to the east and a street elevation has been provided to demonstrate the relationship of the proposed development with the adjacent properties at 69-75 Allison Crescent. There are a similar set of three storey flats located to the north east on Allison Crescent and the design, form and scale of these proposed flats relates to the consented and constructed flats to the east. Given the overall mix of scale and design types in this part of Tulloch I consider the design and height of the proposed development to be acceptable in this context. The site slopes down from Allison Crescent which will help to reduce the bulk and scale of the dwellings when viewed from Allison Crescent. The full height of each flat block will be clearly visible from the rear of properties on Pullar Terrace to the south but given the distance between these properties and the proposed blocks (45 metres) this is considered to be acceptable. This will be considered in more detail within the residential amenity paragraph below.
- 61 Overall the design and scale of the units is considered to be acceptable given the site context and topography and the step down to the east helps to provide an improved relationship to the scale of the neighbouring buildings on Allison Crescent. As such the design and scale of the development is considered to

comply with the criteria outlined in policies PM1A and B and RD1 where they relate to design and scale.

## **Layout**

- 62 As described above the individual flat blocks are proposed on the northern half of the site following the building line of the properties to the east. A single access road is proposed into the site between the blocks 2 and 3 which will provide vehicular access to a car parking area to the south of the flats which will accommodate 52 spaces, together with cycle parking and bin stores. Transport Planning have been consulted on the layout and have advised that the proposed revised layout is now acceptable. They had previously been consulted on the earlier applications and raised concerns regarding the road design and layout and that was the main reason why the previous applications were withdrawn. Following discussions during the previous applications between Transport Planning and the applicant the layout was to be amended to ensure that it has been designed to an adoptable standard. This is to allow it to be brought forward for adoption in the future. In this most recent layout there are now footpaths proposed along the access into the site to cater for pedestrians and to allow pedestrians to safely enter and leave the parking area to the rear without using the same carriageway as vehicles. Furthermore vehicles are now able to turn within the site. Transport Planning have advised that the amended layout is now considered to be acceptable and accords with the National Roads Development Guide and Policy TA1B of the LDP. The detail of the access arrangements and approval are secured through the Roads Construction Consent (RCC).

## **Residential Amenity**

- 63 A number of letters of representation have raised concerns regarding the potential impact which the development will have on the amenity of nearby residents. There are three key areas which may be affected by the proposal and these will be addressed in turn below. These are Pullar Terrace, Allison Crescent and Greig Place.

### Pullar Terrace

- 64 Located to the south of the application site there is potential for the scale of development to impact on the amenity of the residents of Pullar Terrace. The rear of the properties on Pullar Terrace, together with their rear garden grounds are clearly visible from the application site and letters of representation from the residents of Pullar Terrace have identified concerns with overlooking and overshadowing associated with the proposed development. It is noted that the site is currently undeveloped but occupied by building materials and temporary buildings and the proposal will result in the removal of these materials and temporary buildings. Given the site is located within a residential area and is currently vacant there should, in my view, be an expectation that this site would eventually be developed at some point. It is fully accepted that the erection of 3 storey flat blocks will alter the outlook from the rear of properties in Pullar Terrace, however the loss of a view is not a material consideration in planning

terms. Furthermore the proposed blocks are located 45 metres from the rear elevations of the properties on Pullar Terrace and whilst the blocks will have windows which face towards Pullar Terrace, I consider the 45m distance to be sufficient to mitigate overlooking. Recognised guidance on this matter which is based upon the Building Research Establishment's (BRE) guide on site layout planning which is applied throughout Perth and Kinross seeks a minimum of 18m from window to window and the distance apparent here is more than double that and is therefore considered acceptable.

- 65 In terms of daylight and sunlight reduction, again there is guidance in place which allows an assessment of impact to be made. The 25 degree approach applies. This requires suitable daylight for habitable rooms to be achieved when a 25 degree vertical angle is taken from the centre of the lowest window on an existing property. The line from this window at a 25 degree angle determines what the maximum ridge height of the adjacent building. In this instance given the distance between the existing properties and the proposed development the proposal would not result in loss of daylight and sunlight to the properties on Pullar Terrace. It is appreciated that the proposed car parking area and public open space may be overshadowed by the proposal but the proposal is considered to meet the requirements of the guidance in terms of daylight and sunlight. Furthermore given the orientation of the buildings the likelihood of overshadowing to the south is minimal due to the position of the sun throughout the day.

#### Greig Place

- 66 Greig Place is located to the north west of the application site and is occupied by detached dwellings where the rear elevations and gardens face toward the application site and letters of representation have identified concerns relating to overlooking and overshadowing from the proposed 3 storey blocks into both the garden ground and rear windows. There is a large area of open space annotated as 'public open space' on the submitted site plan between the proposed flatted blocks and the rear gardens of these properties. Block 3 is the closest block to the properties on Greig Place and sits at a lower level than Greig Place. A sectional drawing has been submitted to demonstrate the difference in levels between the proposed development and Greig Place. Block 3 is proposed at an angle from Greig Place and the distance from the windows within the block to the rear windows on the nearest houses on Greig Place (nos 2-6) is between 25 and 36 metres. Furthermore the distance from windows of the proposed block to the rear boundaries of nos 2-6 is between 14 metres and 27 metres. The submitted sectional drawings indicate that the 2nd floor FFL of the flats of 28.6 m AOD is similar to the GFL of 5 Greig Place given the drop in topography. As such the first floor and ground floor flats will look towards the area of open space rather than directly into the neighbouring properties. The FFL of the second floor flat will be at a similar level to the ground floor level of the properties on Greig Place and the garden ground of the properties slopes down towards the application site. As such there is some scope for the second floor flats to overlook the properties on Greig Place. However, as mentioned above, the Council's guidance seeks a minimum of 18m window to window and 9m window to boundary in order to mitigate overlooking. In this instance those



distances are achieved and therefore this is considered sufficient to mitigate concerns regarding overlooking.

- 67 In terms of overshadowing the same 25 degree rule referred to above applies and having applied this the majority of overshadowing which would occur is to the open space area and not into the gardens or windows of the existing houses and as such this is considered to be acceptable in planning terms.

#### Allison Crescent

- 68 There are flats located to the immediate east of the application site which front onto Allison Crescent and there is potential for block 1 to overshadow these properties. On that basis the scale of block 1 has been reduced with its eastern end reduced to two stories. There are no windows proposed on the eastern gable elevation.
- 69 Environmental Health have identified the new A9/A85 exchange link road as have the potential to disturb the amenity of occupiers of the proposed flats, however having reviewed the plans they have confirmed that they are satisfied that the proposed barrier along the route is sufficient to protect the amenity of all of the flats.

#### **Traffic and Transport**

- 70 As outlined above there is a single access proposed to serve the site with car parking, bin stores and cycle parking proposed to the south (rear) of the flat blocks. The level of car parking proposed is considered to be sufficient. Following submission of the previous application there was discussion with the Council's Transport Planners regarding the overall layout, the lack of footpaths to serve the proposed roads and the lack of any detail to demonstrate that the roads within the site will be developed to an adoptable standard. There was also no provision within the site for turning to allow vehicles to leave the site in a forward gear. As such, the previously proposed layout of the site was not considered to be appropriate. The layout has now been revised with the access into the site designed to an adoptable standard and Transport Planning have confirmed that the layout is now considered to be acceptable. This includes footpath provision within the site and allows vehicles to enter and leave the site in a forward gear. As outlined elsewhere the detailed design will be assessed further through the Roads Construction Consent (RCC) process. The proposal therefore accords with Policy TA1B of the LDP.

#### **Footpath Link**

- 71 The vacant site currently has a footpath link through the middle of the site which provides access from Allison Crescent to Pullar Terrace to the south and then subsequent access to the nearest bus stops on Primrose Crescent. It is evident from letters of representation that this is a well-used link and therefore discussions were undertaken regarding incorporating this link into the proposed development. A footpath link is proposed centrally within the site. This link extends from the proposed roadway within the site to connect with the existing

public footpath to the rear of properties on Pullar Terrace. There is an existing path between nos 20 and 21 Pullar Terrace. This provides a shortcut for pedestrians to reach the bus stops on Primrose Crescent and allows the existing route to be maintained as part of the development. Condition 4 ensures that this footpath link is completed prior to the occupation of the first unit on site. Given that this is an existing footpath link I do not consider provision of this proposed footpath to result in any increased impact on residential amenity.

## **Landscaping and Open Space**

- 72 There is a small narrow strip of land identified as open space on the plans which is located to the south of the proposed car parking area. Following discussions with Community Greenspace they have indicated that there may be scope for this area to be adopted by the Council (subject to an appropriate financial agreement) and for its maintenance to be secured as part of the wider area of open space which extends to the south and west of the site. On that basis discussions were undertaken with the developer to provide a detailed planting and design for the area of open space with appropriate planting species. A simple planting scheme is proposed to ensure the area between the proposed car parking spaces and the footpath along Pullar Terrace is provided with a planting scheme to provide a buffer between the site and the adjacent properties. This will be a significant improvement over the existing situation given the currently unkempt condition of this piece of land. Community Greenspace have indicated that they would only be willing to adopt this area should it form part of a wider useable green network which provides multi-function and an integrated design. The proposed layout ensures that the land will be integrated into the wider network of open space around the site including the landscaped SUDS pond to the west and the open space to the north of the site. This is to ensure that the open space within the site is prepared to an adoptable standard and is useable. Policy CF1B of the LDP indicates that fragmentation of green networks is not appropriate. The detail of the planting proposed within this area is acceptable and will ensure this strip of land contributes to the wider open space network within the area. Condition 10 of the recommendation ensures that the maintenance and upkeep of the open space is maintained in perpetuity.

## **Waste Collection**

- 73 The Council's Waste Services Department raised concerns with the layout proposed in the previous application and the design for the bin stores. In their formal consultation response they were working on the basis that the roads within the site would be adopted but if they are not to be adopted their vehicles could not enter the site to collect the bins (as they can't be held liable for any damage) and instead residents would have to wheel their bins up to the public road for collection. The revised layout proposes part of the road to be constructed to an adoptable standard which will allow Council waste vehicles to enter and leave the site and collect waste. Waste Services have now confirmed that the layout of the site is acceptable.

## **Contaminated Land**

- 74 Policy EP12 of the LDP applies. This states that consideration will be given to proposals for the development of contaminated land, as defined under Part IIA, Section 78A(2) of the Environmental Protection Act 1990, where it can be demonstrated to the satisfaction of the Council that appropriate remediation measures can be incorporated in order to ensure the site/land is suitable for the proposed use. It goes on to state that the Council may wish to attach conditions to the granting of planning consent to ensure remediation measures have been completed prior to the commencement of any works. It then states that the Council will adopt the "suitable for use" approach as advocated by Scottish Government Statutory Guidance when dealing with proposals for the development of contaminated land.
- 75 The potential for contaminated land on the site was indicated on one of the submitted plans and attracted concern from the local community through letters of representation. The issue was discussed with the Council's Contaminated Land Officer. A site investigation has been carried out for the site and has identified made ground containing elevated levels of contaminants. As such it is appropriate for a detailed evaluation of the site to be undertaken to identify the level of contaminated and propose suitable mitigation measures to ensure the contaminants dealt with appropriately to allow the site to be developed and to protect adjacent properties.
- 76 Furthermore the applicant has advised that there will be no need to excavate or disturb the contaminated material on the site with the exception of the installation and laying of the new sewer/drainage connections. This will be carried out in accordance with the preliminary Construction Method Statement (doc ref:17/02118/8) (i.e in dry weather, in lined / capped trenches and back filled the same day).
- 77 This small amount of contaminated soil, removed for this purpose, will be kept in a covered skip and disposed of in accordance with the Waste Management Licensing regulations and at a suitably authorised site. This non-disturbance of the contaminated area will prevent in becoming exposed to rainfall and run-off and as such should protect the wider water environment.
- 78 The above can be covered by a suitably worded condition (condition 2).
- 79 This accords with the requirements of policy EP12 of the LDP.

## **Flood Risk and Drainage**

- 80 Having considered SEPA's 2015 flood maps, the application site is not located within an area considered to be at risk from flooding. Letters of representation have raised concern relating to surface water flooding on the footpath to the south of the site. Introducing hard surfaces within the site has potential to exacerbate surface water run-off from the site and this requires to be addressed through a detailed Sustainable Urban Drainage System (SUDS) as required by policy EP3C of the LDP. The application indicates that a SUDS

system will be utilised and the submission states that this will connect to a Scottish Water surface water sewer.

- 81 Concerns were initially identified by SEPA and the Flood Officer regarding the presence of the Newton Burn which runs within a culvert to the south of the site and the potential impact which the development may have on it. Further information has been submitted by the applicant and as a result the Flood Officer and SEPA have now withdrawn their objection relating to flood risk and drainage.
- 82 This additional information advises that no development will take place over the Newton Burn culvert, that the overland flow path of the Newton Burn will not impact on the development, overland flow from the development site will be reduced through the proposed new drainage system and that surface water drainage will connect to a Scottish Water surface water sewer with run off attenuated/stored on site. The information also indicates that the culvert is at a sufficiently lower level than the development that it will not pose a flood risk to the development should it collapse or surcharge. Furthermore no discharge from the site to the culvert is proposed and as such there is no increase in fluvial flood risk downstream as a result of the development. The Flood Officer has advised that the detailed design of the surface water system requires to be agreed but has confirmed that this can be agreed by condition (condition 6). SEPA have advised that they have no objection in relation to the proposed final phase SUDS approach.
- 83 SEPA also sought more information regarding the relationship between the contaminated land on the site and the water environment. The applicant has submitted a set of additional drainage plans which helps to explain how the site will be constructed to ensure that the contaminated land will not impact on the water environment. This includes additional sectional drawings together with a Construction Sustainable Urban Drainage System. Furthermore a detailed Construction Management Plan has been submitted to explain how the works will be undertaken. SEPA have indicated that the level of information is sufficient to allow them to withdraw their objection and have concluded that the information allows them to understand how the development will be constructed whilst ensuring the protection of the water environment. This is referred to further in the Contaminated Land section above. Conditions 1, 2, 7 and 9 are recommended to ensure the development adheres to these documents.
- 84 The proposal therefore accords with policies EP3B and C of the LDP.

### **Land Ownership**

- 85 Letters have raised concern regarding a disputed area of land at the southern end of the site adjacent to the footpath which runs alongside the rear of the properties on Pullar Terrace. There have been ongoing concerns regarding the maintenance of this area for a number of years. This area was not included in the previous applications for the site. Ownership of the area is still disputed, nevertheless the area in question has now been included within the application site to enable matters to move forward and to ensure it can be included as part

of a wider landscaped area around the development site. It also allows the footpath link between the site and the footpath along the rear of Pullar Terrace to be installed. As such the proposal includes planting in this area and condition 5 of the recommendation will ensure the ongoing upkeep and maintenance of the open space areas.

### **Trees**

- 86 There are a number of trees located within the large area of open space annotated as 'public open space' on the submitted site plan to the north west of the proposed flatted blocks. These are unlikely to be affected by the development, nevertheless their protection, in accordance with BS 5837:2012 Trees in Relation to Design, Development and Construction can be secured by condition 8.

### **Overall Maintenance and Upkeep**

- 87 Concerns are expressed in letters of representation regarding the upkeep and ongoing maintenance of the site. Should an application be approved, the maintenance of the open space can be ensured through three options, either through the Greenbelt Company, the provision of a financial bond to the Council or through Council adoption (which requires a financial payment by the developer per unit towards the overall maintenance). The upkeep and maintenance of the open space areas can be secured by condition (10).
- 88 Furthermore as outlined elsewhere in this report the roads and footpaths within the site would normally be adopted by the Council. The exact details of this are subject to further consideration through the Roads Construction Consent (RCC) process.

### **Developer Contributions**

- 89 As the site is part of a wider consented housing development site, the provision for affordable housing as part of the wider area has been implemented on site and these currently exist within the Tulloch area. As such the provision for affordable housing has been undertaken. The Council's Developer Contributions Officer has commented on the application and indicated that this site benefits from extant planning consent under PK/97/0360. While this is a new planning application it falls within the boundary of this consent and is for the consented land use.
- 90 Paragraph 3.2 of the Guidance states:
- The Guidance will not apply retrospectively to sites with full or 'In Principle' planning consent prior to each relevant section of the Guidance coming into effect;
  - Affordable Housing - August 2005
  - Primary Education - May 2009
  - Transport Infrastructure - April 2014

- 91 As the 'In Principle' consent predates the adoption of the relevant sections of the Guidance these will not be applied to this proposal. There is therefore no requirement for a developer contribution or for affordable housing to be provided for this site.

### **Alternatives**

- 92 Letters of representation have identified alternatives solutions for the site including an alternative layout. Whilst these are noted the Planning Authority requires to consider the development as submitted and determine the application on that basis. It would be for the developer to consider any alternatives for the site. In any case, in this instance it is considered that the proposed development as submitted is acceptable.

### **Accuracy of Plans**

- 93 The plans are considered to be accurate and represent the proposal in relation to the surrounding context and allow an assessment of material planning considerations to be made.

### **Loss of Value/View**

- 94 The loss of value to a property and loss of a view is not a material planning consideration and therefore has no bearing on the assessment of this application.

### **Construction Noise**

- 95 Construction noise is controlled through separate legislation and not through the Planning Act. This legislation will ensure that the amenity of neighbours is taken into account as a result of construction operations.

### **Archaeology**

- 96 Perth and Kinross Heritage Trust have advised in their consultation response that the site is not archaeologically sensitive and therefore no archaeological investigation is required.

### **Human Rights Act**

- 97 Article 8 of the European Convention of Human Rights is referred to within letters of representation. A recommendation of approval, has potential implications for neighbours in terms of the Human Rights Act 1998, the alleged interference with privacy, home or family life (Article 8) and peaceful enjoyment of their possessions (First Protocol, Article 1). For the reasons referred to elsewhere in this report relating to residential amenity, it is considered that any actual or apprehended infringement of such Convention Rights, is justified. The impact on residential amenity of this proposal is considered to be appropriate and should the application be recommended for approval this would constitute a justified and proportional control of the use of the property in accordance with

the general interest and have regard to the necessary balance of the applicant's freedom to enjoy its property against the public interest and the freedom of others to enjoy neighbouring property/home life/privacy without undue interference.

## **LEGAL AGREEMENTS**

- 98 Not required.

## **DIRECTION BY SCOTTISH MINISTERS**

- 99 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**

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

## **RECOMMENDATION**

### **Approve the application**

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

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

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

- 2 Development shall not commence on site until an evaluation for the potential of the site to be affected by contamination by a previous use has been undertaken and, as a minimum, a Preliminary Risk Assessment (Phase 1 Desk Study) has been submitted for consideration and accepted by the Council as Planning Authority. If the preliminary risk assessment identifies the need for further assessment, an intrusive investigation shall be undertaken to identify;

- I. the nature, extent and type(s) of contamination on the site
- II. measures to treat/remove contamination to ensure the site is fit for the use proposed

- III. measures to deal with contamination during construction works
- IV. condition of the site on completion of decontamination measures.

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

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

- 4 The footpath link to the south of the site shall be completed prior to the occupation of the first unit on site. The footpath shall maintained thereafter to the satisfaction of the Council as Planning Authority.

Reason - To ensure adequate provision for pedestrian links through the site.

- 5 The detailed landscaping and planting scheme which is hereby approved shall be completed within the first available planting season (October to March) after the completion or bringing into use of the development, whichever is the earlier. The approved scheme shall thereafter be maintained, with any planting which fails to become established within five years being replaced in the following planting season with others of a size and species as previously approved.

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

- 6 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 occupation of any unit on site on site. The SUDS system shall accord with the details outlined in approved documents 17/02118/10, 14, 16, 17 and 18.

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

- 7 Concurrent with the initiation of the development hereby approved and for the duration of construction, a temporary surface water treatment facility which accords with SUDS principles shall be implemented on site and maintained for the duration of the approved development works. The temporary surface water treatment facility shall remain in place until the permanent surface water drainage scheme is implemented. The treatment facility shall accord with the details outlined in approved documents: 17/02118/12, 13 and 15 and shall also include a sampling and observation point at the post treatment/prior to discharge to the surface water sewer point. Prior to development commencing



on site, the applicants shall provide written confirmation from Scottish Water that they will accept drainage from the construction phase SUDS directly into their surface water network. If this confirmation cannot be provided, the applicants must provide an alternative means of draining the construction phase SUDS which shall be submitted to and agreed in writing by the Council, in consultation with SEPA, prior the commencement of any development on site. The system shall adhere to these approved details.

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.

- 8 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 and residential amenity; to ensure a satisfactory standard of local environmental quality; to reserve the rights of the Planning Authority.

- 9 All construction operations on site shall strictly adhere to the Construction Method Statement hereby approved (doc ref:17/02118/11) to the satisfaction of the Council as Planning Authority.

Reason: In the interests of residential amenity and to protect the environment.

- 10 The landscaped open space within the site shall be retained and maintained in perpetuity to the satisfaction of the Council as Planning Authority.

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

## **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 developer should be aware of the regulatory requirements outlined within SEPA's consultation response dated 13 March 2018.

Background Papers: 19 letters of representation  
Contact Officer: John Williamson 01738 475360  
Date: 29 March 2018

**ANNE CONDLIFFE**  
**INTERIM DEVELOPMENT QUALITY MANAGER**

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

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

|                                                                  |
|------------------------------------------------------------------|
| All Council Services can offer a telephone translation facility. |
|------------------------------------------------------------------|











Copyright Perth & Kinross Council  
 © Crown copyright and database rights 2018 Ordnance Survey 100016971. Use of this data is subject to terms and conditions.

© Crown copyright and database rights 2018 Ordnance Survey 100016971. You are permitted to use this data solely to enable you to respond to, or interact with, the organisation that provided you with the data. You are not permitted to copy, sub-licence, distribute or sell any of this data to third parties in any form.



Scale 1:1000

**17/02118/FLL**

**Erection of 26no.flats Land at Allison Crescent Perth**





Perth and Kinross Council  
Planning & Development Management Committee – 11 April 2018  
Report of Handling by Interim Development Quality Manager

|                  |                                                                                     |
|------------------|-------------------------------------------------------------------------------------|
| <b>PROPOSAL:</b> | Erection of 5 dwellinghouses and garages (revised layout and change of house types) |
| <b>LOCATION:</b> | Site of former Cruachan House Residential Home, Kenmore Street, Aberfeldy           |

Ref. No: 17/02161/FLL

Ward No: P4- Highland

### **Summary**

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

## **BACKGROUND AND DESCRIPTION OF PROPOSAL**

- 1 Full planning consent is sought for the erection of 5 dwellinghouses and associated works. The proposal involves the change of house types and alterations to the layout of an existing planning consent (10/00982/FLL) for five dwellinghouses at the former Cruachan House Residential Home on Kenmore Street within the Conservation Area of Aberfeldy.
- 2 There is considerable planning history to this site including various refusals by the Development Control Committee and the dismissal of appeals by the Scottish Government. The planning history is detailed in the Site History section below (paras 29-36).
- 3 This proposal seeks to make a minor alteration to the position of the access into the site and the turning head which is positioned centrally within the site. The proposal also seeks to revise the plot boundaries of each plot and the submission includes a layout plan which demonstrates the differences between the approved site layout plan and the proposed site layout plan. It should be noted that consent has already been granted for the change of house type on plot 4 under application 17/01769/FLL which was approved under delegated powers in February 2018 and therefore this application solely relates to the alterations of the boundaries on plot 4. Following the initial submission which resulted in a series of objections, discussions with the planning agent were undertaken and resulted in a series of amended plans being submitted. These amended plans were subject to a re-advertisement and re-notification procedure. The changes to the 2010 application may be summarised as follows:

### Plot 1:

Very minor changes to appearance of dwelling

Plot size increased by extending boundary to the south  
Relocating house by approximately 7m to the east  
Deletion of detached garage

Plot 2:

Plot size decreased by moving boundary to the south to allow for larger plot 1  
Relocation of house to south east  
Relocation of garage  
Minor change to finishing materials

Plot 3:

Minor reduction in plot boundaries  
Change of house type to smaller unit  
Relocation of garage

Plot 4:

Increase in plot size to east and north  
Change of house type consented in February 2018-17/01769/FLL

Plot 5:

Minor decrease in plot boundaries  
Relocation of house to north-west  
Minor change to position of detached garage  
Minor changes to finishing materials

- 4 The former residential home on the site was demolished a number of years ago and some minor works associated with the 2010 permission have been undertaken on the site and therefore the 2010 permission remains extant.

## **NATIONAL POLICY AND GUIDANCE**

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

### **National Planning Framework**

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

### **Scottish Planning Policy 2014**

- 7 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.

8 The following sections of the SPP will be of particular importance in the assessment of this proposal:

- Sustainability : paragraphs 24 – 35
- Placemaking : paragraphs 36 – 57

### **Planning Advice Notes**

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

- PAN 40 Development Management
- PAN 51 Planning, Environmental Protection and Regulation
- PAN 61 Planning and Sustainable Urban Drainage Systems
- PAN 68 Design Statements
- PAN 69 Planning and Building standards Advice on Flooding
- PAN 75 Planning for Transport
- PAN 77 Designing Safer Places

### **Creating Places**

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

### **Designing Streets 2010**

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

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

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

## **DEVELOPMENT PLAN**

- 13 The Development Plan for the area comprises the TAYplan Strategic Development Plan 2016-2036 and the Perth and Kinross Local Development Plan 2014.

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

- 14 TAYPlan sets out a vision for how the region will be in 2036 and what must occur to bring about change to achieve this vision. The vision for the area as set out in the plans states that:
- 15 *“By 2036 the TAYplan area will be sustainable, more attractive, competitive and vibrant without creating an unacceptable burden on our planet. The quality of life will make it a place of first choice where more people choose to live, work, study and visit, and where businesses choose to invest and create jobs.”*

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

- 15 The Local Development Plan (LDP) was adopted by Perth and Kinross Council on 3 February 2014. The LDP sets out a vision statement for the area and states that, *“Our vision is of a Perth and Kinross which is dynamic, attractive and effective which protects its assets whilst welcoming population and economic growth.”* It is the most recent statement of Council policy and is augmented by Supplementary Guidance.
- 16 The principal relevant policies are, in summary

#### **Policy RD1 - Residential Areas**

- 17 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 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 HE3A - Conservation Areas**

- 20 Development within a Conservation Area must preserve or enhance its character or appearance. The design, materials, scale and siting of a new development within a Conservation Area, and development outwith an area that will impact upon its special qualities should be appropriate to its appearance, character and setting. Where a Conservation Area Appraisal has been undertaken the details should be used to guide the form and design of new development proposals.

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

- 21 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**

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

### **Policy PM3 - Infrastructure Contributions**

- 23 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.

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

- 24 Perth & Kinross Council is progressing with preparation of a new Local Development Plan to provide up-to-date Development Plan coverage for Perth & Kinross. When adopted, the Perth & Kinross Local Development Plan 2 (LDP2) will replace the current adopted Perth & Kinross Local Development Plan (LDP). The Proposed Local Development Plan 2 was approved at the Special Council meeting on 22 November 2017. The Proposed LDP2 sets out a clear, long-term vision and planning policies for Perth & Kinross to meet the development needs of the area up to 2028 and beyond. The Proposed LDP2 is considered consistent with the Strategic Development Plan (TAYplan) and Scottish Planning Policy (SPP) 2014.
- 25 The Proposed LDP2, as approved by Perth & Kinross Council, was subject of a 9 week period of representation, which ended on 2 February 2018. Any unresolved representation to the Proposed Plan after this period is likely to be considered at an Examination by independent Reporter(s) appointed by the Scottish Ministers. The Reporter(s) will thereafter present their conclusions and

recommendations on the plan, which the Council must accept prior to adoption. It is only in exceptional circumstances that the Council can elect not to do this.

- 26 The Proposed Plan represents Perth & Kinross Council's settled view in relation to land use planning and as such it is a material consideration in the determination of planning applications. The Proposed Plan is, however, at a stage in the statutory preparation process where it may be subject to modification. As such limited weight can therefore currently be given to its content and the policies and proposals of the plan are only referred to where they would materially alter the recommendation or decision. The weight of the Proposed Plan may change following consideration of representation received during consultation, at which time the level of significance of any objection to strategy, policies or proposals within the plan will be known.

### **SITE HISTORY**

- 27 07/01284/OUT Residential Development (in Outline) 6 August 2007 Application Withdrawn
- 28 07/02835/FUL Conversion of dwellinghouse into 4 flats and erection of 3 dwellinghouses. Application withdrawn 13 May 2008
- 29 08/00021/FUL Demolition of existing building and erection of 9 houses and 6 garages– Appealed on non-determination – Dismissed 2 May 2008
- 30 08/01575/FUL Demolition of dwelling and erection of 9 dwellinghouses and 3 garages Application refused by Development Management Committee 31 October 2008
- 31 10/00982/FLL Erection of 5 dwellinghouses. Application permitted by Development Management Committee 8 June 2011
- 32 17/01769/FLL Erection of a dwellinghouse (revised layout) (plot 4) Application permitted under delegated powers 20 February 2018
- 33 17/02126/FLL Erection of a dwellinghouse, garage and installation of pv solar array– Application returned 12 December 2017
- 34 17/02183/MPO Modification of planning obligation associated with permission 10/00982/FLL (erection of 5 dwellinghouses). Application withdrawn 20 February 2018

### **CONSULTATIONS**

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

#### **External**

- 36 **Scottish Water** – no objection

## **Internal**

- 37 **Environmental Health** – condition recommended to ensure appropriate use of proposed stoves in interests of air quality.
- 38 **Local Flood Prevention Authority** – no objection.
- 39 **Transport Planning** – no objection.
- 40 **Contributions Officer** – no contribution required as covered by existing Section 75 Agreement.

## **REPRESENTATIONS**

- 41 The following points were raised in the five letters of objection received during the first neighbour notification and advertisement period:
- Impact on residential amenity
  - Overshadowing
  - Overlooking
  - Overdevelopment
  - Density/plot ratio
  - Setting of precedent
  - Retention of hedge and trees
  - Planning history
- 42 Following receipt of amended plans a second neighbour notification and advertisement period was undertaken and the following points were raised in six letter of objection received which includes letters from the same five households who objected during the first period. The letters indicate that in the main the changes are acceptable but that concerns remain with the proposal on plot 2:
- Impact on residential amenity
  - Overshadowing
  - Overlooking
  - Overdevelopment
  - Density/plot ratio
  - Setting of precedent
  - Planning history
- 43 These issues are addressed in the Appraisal section of the appraisal.

## **ADDITIONAL STATEMENTS**

|                                                |              |
|------------------------------------------------|--------------|
| Environment Statement                          | Not Required |
| Screening Opinion                              | Not Required |
| Environmental Impact Assessment                | Not Required |
| Appropriate Assessment                         | Not Required |
| Design Statement / Design and Access Statement | Submitted    |
| Reports on Impact or Potential Impact          | Not Required |

## **APPRAISAL**

- 45 Sections 25 and 37(2) of the Town & Country Planning (Scotland) Act 1997 (as amended) require the determination of the proposal to be made in accordance with the provisions of the Development Plan, unless material considerations indicate otherwise. The adopted Development Plan comprises the TAYplan Strategic Development Plan 2016–2036 and the Perth and Kinross Local Development Plan 2014. The relevant policy considerations are outlined in the policy section above and are considered in more detail below.

### **Policy Appraisal**

- 46 The principle of development on this site has been established by the extant consent referred to above and the proposal seeks to vary the house types and proposed layout. As such I consider the principle of development to remain consistent with Policy RD1 of the LDP. Consideration of the revised design and layout and any potential impact on residential amenity will be considered in more detail below.

### **Layout**

- 47 The proposed layout is similar in overall terms to the extant consent although some plots have been increased in size (1 and 4) and some have decreased in size (2 and 3). The plot ratios proposed on the site remain consistent with those in the surrounding area which vary from approximately 14% to 28% in terms of built footprint to plot size. The plot ratios of the proposal vary from plot to plot with plots 1, 4 and 5 being the largest. Plot 2 and 3 are the smaller plots. The same is the case in the consented 2010 layout. Plot 2 has a site area of 384sqm and the house and garage equate to a footprint of 98sqm resulting in a build to plot ratio of 25%. Plot 3 has a site area of 444sqm and the house and garage equate to a footprint of 78sqm resulting in a plot ratio of 17.5%. Whilst the build to plot ratio of plot 2 is relatively high it is not uncommon in the surrounding area. Policy RD1 requires new development to respect the character and density levels in the surrounding area and the layout and resultant build to plot ratios are considered to successfully achieve this. The proposed layout therefore accords with policy RD1 of the LDP. Furthermore, whilst it is noted that concerns have been expressed by neighbours regarding the density of the site and the potential for a precedent to be set, any increase in density levels elsewhere on the site would be subject to

a further planning application which would require to be considered on its own merits.

### **Design and Visual Impact**

- 48 Under the extant permission each house utilises similar design styles but each house type is slightly different. The scale of each house is similar to others in the area. The changes which are proposed to the house types are considered to be acceptable in design and visual amenity terms with the majority of the alterations relating to alterations to finishing materials, including replacing render areas with timber cladding. A condition (6) is recommended to ensure full details of all finishing materials are submitted for approval. The variations to the design of each unit maintains the aesthetic granted under the extant consent and as such the revisions are considered to comply with the criteria outlined in policies PM1A and B and RD1 where they relate to design and visual amenity.

### **Residential Amenity**

- 49 The proposed development meets the Council's guidelines in terms of window to boundary distances of 9m and amendments were made to the original scheme to ensure this. Whilst it is noted that the windows on the east (rear) elevation of plot 2 are within 8m of the eastern boundary this boundary backs onto an access track rather than directly onto another dwelling and is therefore considered to be acceptable as it results in no reduction in amenity levels for neighbours. A window serving the kitchen on south elevation of plot 2 is located within 7.5m of the boundary with Orchard Cottage to the south. Given the position of Orchard Cottage, which is elevated above plot 2 the position of the windows is not considered to result in any significant detriment to the amenity of Orchard Cottage.
- 50 The garden ground of each plot is considered to be of sufficient size to ensure adequate private amenity space for the size of each dwelling.
- 51 A condition (5) is recommended to control the use of the proposed stoves within each house in the interests of air quality.
- 52 The proposal is considered to accord with policies PM1A and B and RD1 of the LDP where they refer to residential amenity.

### **Landscaping and Trees**

- 53 The site benefits from some existing landscaping in the form of small scale trees and hedges. A condition (2) is recommended to ensure the provision of a detailed landscaping and planting scheme in order to soften the impact of the built form on the site and to complement the existing planting.
- 54 There are existing trees and hedging on the site which offer some existing landscape framework and containment to the site and these can be utilised within the wider proposed landscaping scheme to improve the visual amenity of

the site. A condition (4) is recommended to ensure the retention of the existing trees in the interests of visual amenity.

### **Drainage**

- 55 The site is proposed to connect to the public drainage system with a SUDS system proposed to cater for surface water drainage. The Structure's and Flooding Team consider this to be acceptable. This is considered to comply with policies EP3B and C of the LDP.

### **Access and Traffic**

- 56 Minor changes to the position of the access track and turning head into the site are proposed but these do not alter the overall layout of the site in terms of pedestrian and traffic safety to any significant degree. Each plot is proposed to have its own parking and turning facilities and there is an appropriate existing access onto Kenmore Street from the site. Transport Planning have offered no objection to the application. The proposal complies with policy TA1B of the LDP.

### **Developer Contributions**

- 57 There is an existing S75 Agreement in place regarding the provision of an affordable housing contribution of £23,750 for the five plot development. Whilst there was initially an Modification of Planning Obligation (MPO) submitted to vary the terms of the legal agreement (17/02183/MPO) this has now been withdrawn following discussions between Legal Services and the applicant's solicitor. It has now been agreed that the existing Section 75 agreement can be utilised in this situation which will ensure receipt of the required contribution.

### **Waste Collection**

- 58 As the access is proposed to be to an adoptable standard, the Council's waste collection vehicles will be able to enter the site to collect waste.

### **Natural Heritage and Biodiversity**

- 59 There are not considered to be any issues relating to natural heritage associated with the current application.

### **LEGAL AGREEMENTS**

- 60 Existing Section 75 Agreement applies.

### **DIRECTION BY SCOTTISH MINISTERS**

- 61 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**

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

## **RECOMMENDATION**

### **Approve the application**

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

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

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

- 2 Prior to the commencement of the development hereby approved, 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 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.

- 3 Prior to the commencement of the development hereby approved, details of the proposed boundary treatments for the site shall be submitted for the further written agreement of the Council as Planning Authority. The scheme as subsequently agreed shall be implemented prior to the completion or bringing into use of the development, whichever is the earlier.

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

- 4 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.

- 5 The stoves shall be installed, operated and maintained in full accordance with the manufacturer's instructions and shall not be used to burn fuel other than that approved for use by the manufacturer of the appliance as detailed in the information supporting this permission.

Reason: To ensure that emissions from the development do not result in undue loss of amenity for surrounding properties.

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

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

## **B JUSTIFICATION**

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

## **C PROCEDURAL NOTES**

None.

## **D INFORMATIVES**

- 1 This planning permission will last only for three years from the date of this decision notice, unless the development has been started within that period (see section 58(1) of the Town and Country Planning (Scotland) Act 1997 (as amended)).
- 2 Under section 27A of the Town and Country Planning (Scotland) Act 1997 (as amended) the person undertaking the development is required to give the planning authority prior written notification of the date on which it is intended to commence the development. A failure to comply with this statutory requirement

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

- 3 As soon as practicable after the development is complete, the person who completes the development is obliged by section 27B of the Town and Country Planning (Scotland) Act 1997 (as amended) to give the planning authority written notice of that position.
- 4 No work shall be commenced until an application for building warrant has been submitted and approved.
- 5 The applicant should be advised that in terms of Section 56 of the Roads (Scotland) Act 1984 they must obtain from the Council as Roads Authority consent to open an existing road or footway prior to the commencement of works. Advice on the disposal of surface water must be sought at the initial stages of design from Scottish Water and the Scottish Environmental Protection Agency.
- 6 The applicant should be advised that in terms of Section 21 of the Roads (Scotland) Act 1984 they must obtain Road Construction Consent from the Council as Roads Authority if they wish to offer the Road up for adoption by the Council.

Background Papers: 6 letters of representation  
Contact Officer: John Williamson 01738 475360  
Date: 29 March 2018

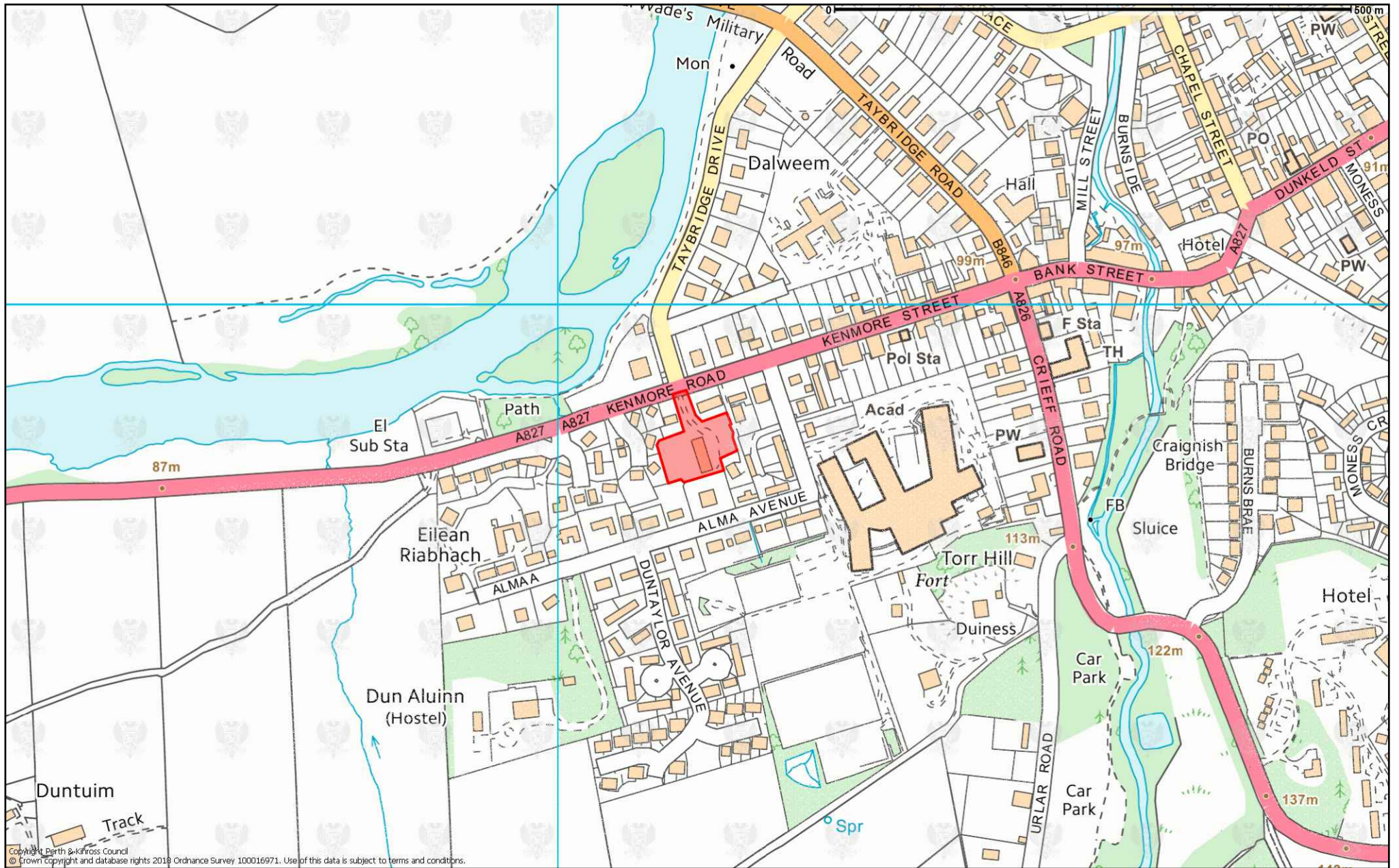
**ANNE CONDLIFFE**  
**INTERIM DEVELOPMENT QUALITY MANAGER**

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

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

|                                                                  |
|------------------------------------------------------------------|
| All Council Services can offer a telephone translation facility. |
|------------------------------------------------------------------|





© Crown copyright and database rights 2018 Ordnance Survey 100016971. You are permitted to use this data solely to enable you to respond to, or interact with, the organisation that provided you with the data. You are not permitted to copy, sub-licence, distribute or sell any of this data to third parties in any form.

Scale 1:5000



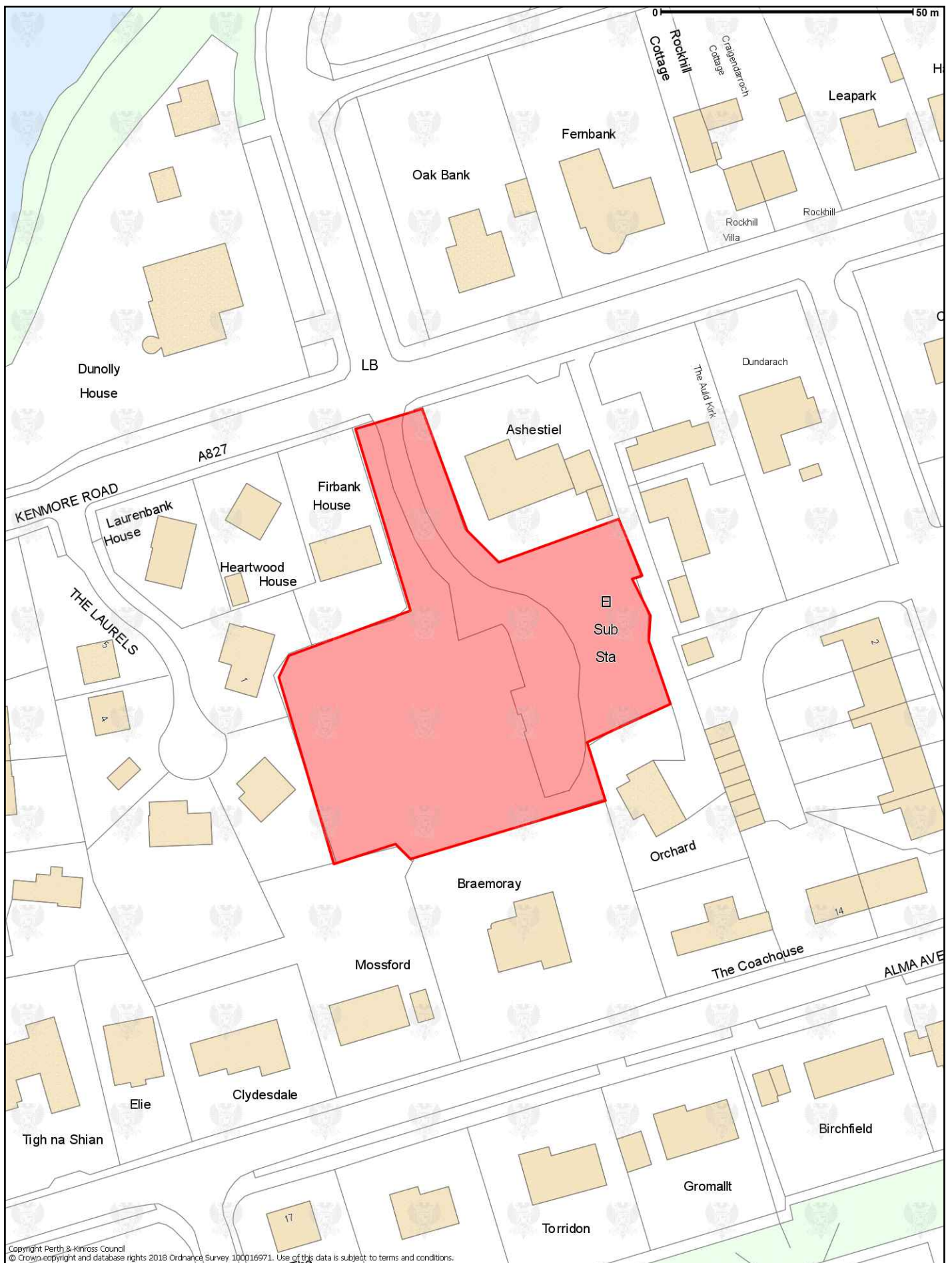
17/02161/FLL

Erection of 5no. dwellinghouses and garages (revised layout and change of house types) Site Of Former Cruachan House Residential Home Kenmore Street Aberfeldy









© Crown copyright and database rights 2018 Ordnance Survey 100016971. You are permitted to use this data solely to enable you to respond to, or interact with, the organisation that provided you with the data. You are not permitted to copy, sub-licence, distribute or sell any of this data to third parties in any form.



Scale 1:1000

17/02161/FLL

Erection of 5no. dwellinghouses and garages (revised layout and change of house types) Site Of Former Cruachan House Residential Home Kenmore Street Aberfeldy



