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Council Building  
The Atrium  
137 Glover Street  
Perth  
PH2 0LQ

31 May 2016

A Meeting of the **Development Management Committee** will be held in the **Gannochy Suite, Dewars Centre, Glover Street, Perth, PH2 0TH** on **Wednesday, 08 June 2016** at **10:00**.

If you have any queries please contact Yvonne Oliver on (01738) 475125 or email [Committee@pkc.gov.uk](mailto:Committee@pkc.gov.uk).

**BERNADETTE MALONE**  
Chief Executive

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

**Members:**



**Development Management Committee**

**Wednesday, 08 June 2016**

**AGENDA**

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

- 1 WELCOME AND APOLOGIES/SUBSTITUTES**
- 2 DECLARATIONS OF INTEREST**
- 3 MINUTE OF MEETING OF DEVELOPMENT MANAGEMENT COMMITTEE OF 11 MAY 2016 5 - 22**
- 4 DEPUTATIONS**
- 5 APPLICATIONS FOR CONSIDERATION**
  - (1) MAJOR APPLICATIONS**
    - (i) 15/01109/FLM – PERTH – ERECTION OF RESIDENTIAL UNITS, COMMERCIAL UNITS (CLASSES 1, 2, 3 AND 10), FORMATION OF ALLOTMENTS/OPEN SPACE, LANDSCAPING AND ASSOCIATED INFRASTRUCTURE WORKS ON LAND AT BERTHA PARK TO THE NORTH WEST OF PERTH 23 - 76**

Report of Handling by Development Quality Manager  
(Recommendation - Approve) (copy herewith 16/254)
    - (ii) 15/02176/FLM – BRIDGE OF EARN – RESIDENTIAL DEVELOPMENT OF 80 DWELLINGS, OPEN SPACE, LANDSCAPING AND ASSOCIATED INFRASTRUCTURE AT LAND 200 METRES SOUTH EAST OF HILLVIEW, KINTILLO ROAD, BRIDGE OF EARN 77 - 108**

Report of Handling by Development Quality Manager  
(Recommendation - Approve) (copy herewith 16/255)

- (iii) **16/00255/FLM – KINROSS – RESIDENTIAL DEVELOPMENT  
CONSISTING OF 91 UNITS, ACCESS ROAD, OPEN SPACE AND  
ASSOCIATED WORKS AT FORMER KINROSS HIGH SCHOOL,  
HIGH STREET, KINROSS** **109 - 148**

Report of Handling by Development Quality Manager  
(Recommendation - Approve) (copy herewith 16/256)

- (iv) **16/00259/CON – KINROSS – PARTIAL DEMOLITION OF  
EXISTING BUILDINGS AT FORMER KINROSS HIGH SCHOOL,  
HIGH STREET, KINROSS** **149 - 168**

Report of Handling by Development Quality Manager  
(Recommendation - Approve) (copy herewith 16/257)

## **(2) LOCAL APPLICATIONS**

- (i) **16/00268/FLL – ABERFELDY – ERECTION OF A  
TELECOMMUNICATIONS MAST AND ANCILLARY EQUIPMENT** **169 - 180**

Report of Handling by Development Quality Manager  
(Recommendation - Approve) (copy herewith 16/258)

## **3 PROPOSAL OF APPLICATION NOTICE (PAN)**

- (i) **16/00006/PAN – BALBEGGIE – RESIDENTIAL DEVELOPMENT  
AT ST MARTINS ROAD, LAND 120 METRES WEST OF BURR  
COTTAGE, MAIN STREET, BALBEGGIE** **181 - 192**

Report of Handling by Development Quality Manager  
(Recommendation - Approve) (copy herewith 16/259)

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## DEVELOPMENT MANAGEMENT COMMITTEE

Minute of Meeting of the Development Management Committee held in the Gannochy Suite, Dewars Centre, Perth on Wednesday 11 May 2016 at 10.00am.

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

In attendance: D Littlejohn, N Brian, E Jordan, A Deans, E McLaughlin, M Petrie, S Callan, J Russell, R Stewart and A Rennie (all The Environment Service); A Cook (Education and Cultural Services); G Fogg, Y Oliver, A McColl and H Rheinallt (all Corporate and Democratic Services).

Apologies: Councillors H Anderson, D Cuthbert, A Gaunt and J Giacomazzi,

Councillor T Gray, Convener, Presiding.

### 292. WELCOME AND APOLOGIES

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

### 293. DECLARATIONS OF INTEREST

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

### 294. MINUTE OF PREVIOUS MEETING

The Minute of Meeting of the Development Management Committee of 13 April 2016 (Arts 292-296) was submitted, approved as a correct record and authorised for signature.

### 295. DEPUTATIONS

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

#### Planning Application No.

#### Art. No.

14/01993/FLM  
15/01157/IPM  
16/00079/FLL

## 296. APPLICATIONS FOR DETERMINATION

### (1) Major Applications

- (i) **14/01993/FLM – Erection of a wind farm comprising 14 turbines (6 within Perth and Kinross and 8 within Angus), access track, borrow pits, anemometer mast and ancillary works known as Saddlehill Windfarm, Land at Black Hill, Glen Isla – Report 16/95 - Wind Prospect**

Mr E Ivory, on behalf of objectors, Mr R Clegg, Chairman, Kirriemuir Landward West Community Council, objectors to the application, followed by Ms S Dooley, Agent, on behalf of the applicant, addressed the Committee, and, following their respective representations, withdrew to the public benches.

#### **Resolved:**

**Refuse**, for the following reasons:

1. The proposal by virtue of the location, dominance, scale and layout of the proposed wind farm would result in unacceptable adverse landscape impacts, including cumulative landscape impacts having regard to landscape character and setting within the immediate landscape and wider landscape character types contrary to Policy 3 and Policy 6 of TAYplan and Policies ER1A and ER6 of the Perth and Kinross Local Development Plan 2014.
2. The proposal by virtue of the location, dominance, scale and layout of the proposed wind farm would result in unacceptable visual impacts, including cumulative visual impacts having regard on residential, recreational and tourist receptors contrary to Policy 6 of TAYplan and Policies ER1A and ER6 of the Perth and Kinross Local Development Plan 2014.
3. The development does not contribute positively to the quality of the surrounding built and natural environment as the design, density and siting of the development does not respect the character and amenity of Eastern Perthshire, contrary to Policy PM1A of the Perth and Kinross Local Development Plan 2014.
4. The application is contrary to Policy HE1A of Perth and Kinross Local Development Plan 2014 as the setting of scheduled ancient monuments, Redlatches, settlement and field system 1900m SSE of (index no. 4640), Redlatches, settlement and field system 1900m S of (index no. 4673) and Craighead, settlement and field system 900m N of (index no. 5581) are compromised.

### **Justification**

The proposal is not considered to comply with the Perth and Kinross Local Development Plan 2014 and there are no other material considerations that would justify a departure therefrom.

**(ii) 15/01112/IPM – Residential development with community facilities, employment land, open space, landscaping and associated infrastructure (in principle) on land at Bertha Park to the North West of Perth – Report 16/96 - Bertha Park Ltd**

N Brian, Development Quality Manager, requested that, should the Committee be minded to approve the following application, they also approve amended Conditions No. 23 and 34. Copies of the amended terms of these conditions were distributed to the Committee.

### **Resolved:**

**Grant**, subject to the following conditions including the amended Conditions 23 and 34 as undernoted:

1. The Council as Planning Authority hereby directs that formal application(s) for the Approval of Matters Specified in Conditions as specified below shall be submitted to, and approved by, the Planning Authority before the commencement of development. The application for Phase 1 of the Approval of Matters Specified in Conditions shall be made no later than 2 years from the date of this permission, the application for Phase 2 of the Approval of Matters Specified in Conditions shall be made no later than 11 years from the date of this permission and the application for Phase 3 of the Approval of Matters Specified in Conditions shall be made no later than 21 years from the date of this permission or, if later, within 6 months from when an earlier approval for the same matters was refused or dismissed at appeal. Notwithstanding this, the proposed development shall be commenced within 5 years from the approval of this planning application for planning permission in principle, or within 3 years from the date of approval of the first application for Approval of Matters Specified in Conditions, whichever date is the earlier.
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 proceed in accordance with the approved delivery plan, to the satisfaction of the Planning Authority.
3. No development shall commence on each phase of the development until formal application(s) for the Approval of

Matters Specified in Conditions has been submitted to the Planning Authority in respect of the following matters to coincide with the delivery plan:-

- a) The delivery of the development in phases associated with the character areas prescribed in Bertha Park's masterplan.
- b) Details of all cut and fill operations.
- c) Details on the removal of mineral resource from the site or on-site use of the mineral resource to ensure the resource is not sterilised.
- d) Full details of the proposed means of disposal of foul water to serve the development.
- e) Full details of the disposal of surface water from the development by means of a Sustainable Urban Drainage System.
- f) The siting, design, height and external materials of all buildings or structures.
- g) Measures to maximise environmental sustainability through design, orientation and planting or any other means.
- h) Details of any screen walls/fencing to be provided.
- i) Details of all landscaping, planting, screening, open space and allotments associated with the development.
- j) Details of play areas and the equipment to be installed.
- k) 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).
- l) The detailed specification of all street and footpath lighting.
- m) Further supplementary noise surveys shall be undertaken to inform the preparation and implementation of corresponding phases and include noise mitigation measures where necessary.
- n) A detailed plan of public access across the site (existing, during construction and upon completion).
- o) A Woodland Management Plan for all woodland areas and timescales for implementation.
- p) Further supplementary ecological surveys for protected species shall be undertaken to inform the preparation and implementation of corresponding phases. The supplementary surveys shall be of an appropriate type for the

- above habitats and/or species and survey methods shall follow national good practice guidelines.
- The development shall be implemented in accordance with the planning application(s) and the approved details.
4. In pursuance of Condition 3c) removal of mineral resource from the site or on-site use of the mineral resource:-
- a) Prior to the extraction of the economic mineral resource to be won on site, the extent of the economic mineral resource shall be quantified to ensure it is not sterilised. Details of which shall be submitted to and approved in writing by the Planning Authority.
  - b) Prior to the extraction of the economic mineral resource a mineral working programme and phasing plan shall be submitted to and approved in writing by the Planning Authority. This shall detail the method and working direction of the mineral resource along with temporary restoration to be deployed before receiving built development.
  - c) No buildings shall be constructed on the identified economic mineral resource until a detailed survey plan, including levels to Ordnance Datum, to show that the economic mineral resource associated with that working phase has been extracted, is submitted to and approved in writing by the Planning Authority.
5. In pursuance of condition 3 d), foul drainage for each phase of the development shall be drained to the mains sewerage system or instillation by means of an adoptable sewerage and plant system. The details of which shall be submitted to and approved in writing by the Planning Authority prior to its instillation and in consultation with Scottish Water, Scottish Environment Protection Agency and Scottish Natural Heritage. The agreed foul drainage shall thereafter be implemented prior to the completion of the development.
6. In pursuance of condition 3 e), disposal of surface water:-
- a) 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 construction works associated with each development phase. The temporary surface water treatment facility shall remain in place until the permanent surface water drainage scheme is implemented unless otherwise agreed in writing by the Planning Authority.

- b) For the avoidance of any doubt the discharge of any surface water drainage shall be limited to the greenfield runoff rates as detailed in section 12.5.26 of the Environmental Statement.
  - c) Development shall not commence on each phase until a detailed and permanent sustainable urban drainage system (SUDS) has been submitted for the further written approval of the 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. Thereafter, all works shall be carried out in accordance with the agreed details and be operational prior to the bringing the development phase into use.
  - d) Development shall not commence on each phase until the design of all new and existing culverts/bridges and associated features (such as screens) for that phase have been submitted to and approved in writing by the Planning Authority, in consultation with the Council's Flooding Team. Thereafter, all works shall be carried out in accordance with the agreed details and be operational prior to the bringing the development phase into use.
  - e) Prior to commencement of any works, full details of the finalised design of the replacement pond and SUDS pond within phase 1 of the development will be submitted for the written approval of the Planning Authority, in consultation with SEPA. Thereafter, all work shall be carried out in accordance with the approved scheme. The finalised design will include details of how the SUDS and replacement pond will maintain hydrology, and how biodiversity from the old pond to the new pond will be translocated.
7. In pursuance of condition 3 g), 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 the development phase shall be undertaken in accordance with the approved details.

8. In pursuance of condition 3 k) future application(s) for development areas within the masterplan shall include a transport statement scoped to include the means of access to the site from the wider public road network to include all modes of transport (walking, cycling, public transport and private car).
9. In pursuance of condition 3 i), landscaping, planting, screening, open space and allotments shall be submitted as part of the matters specified by condition application for each phase of development. Details of the schemes 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 and 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 and any other means of enclosure.
  - g) An indication of existing trees, shrubs and hedges to be removed.
  - h) Details of areas of public open space.
  - i) Details of areas for allotments.
  - j) A programme for the completion and subsequent maintenance of the proposed landscaping, planting, screening, open space and allotments.

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.

10. In pursuance of condition 3 n), a detailed plan of public access across the site (existing, during construction &

upon completion), for each phase of development, will be provided for the written approval of the Council as Planning Authority and show:

- a) All existing paths, tracks & rights of way.
  - b) Any areas proposed for exclusion from statutory access rights, for reasons of privacy, disturbance or curtilage, in relation to proposed buildings or structures.
  - c) All paths & tracks proposed for construction, for use by walkers, riders, cyclists, all-abilities users, etc.
  - d) Any diversions of paths - temporary or permanent-proposed for the purposes of the development.
  - e) The detailed specification of the proposed paths and tracks, along with how they will be constructed to avoid impacts on trees.
11. No part of the approved development is permitted to be occupied until the A9/A85 Junction Improvement, generally as proposed by Perth and Kinross Council as part of its 'Perth Transport Futures Project' transport strategy to support the Local Development Plan, has been designed, approved and implemented to the satisfaction of the Planning Authority in consultation with Transport Scotland.
  12. No more than 750 residential units are permitted to be occupied until the Cross Tay Link Road Improvement including the Tay Crossing, generally as proposed by Perth and Kinross Council as part of its 'Perth Transport Futures Project' transport strategy to support the Local Development Plan, have been designed, approved and contract let to the satisfaction of the Planning Authority in consultation with Transport Scotland.
  13. No development shall commence until appropriate mitigation measures have been agreed to address the impact of the development at both the Broxden Roundabout on the A9 trunk road. The nature of the mitigation shall either be physical improvements to these junctions in the form of traffic signals and widening of approaches or a financial contribution in lieu of the said physical works. The details of the physical works or the level of financial contribution required shall be agreed in writing with the Planning Authority in consultation with Transport Scotland.
  14. No development shall commence until a Construction Traffic Management Plan has been approved in writing by the Planning Authority in consultation with Transport Scotland. In particular the CTMP shall identify measures to control the use of any direct access onto the trunk road, including the existing priority access located on the northbound carriageway of the A9 north of Inveralmond



- Roundabout. Thereafter, all construction traffic associated with the development shall conform to the requirements of the agreed plan.
15. Prior to approval of further detailed applications for the eastern portions of the application site (Phase 3), details of lighting within the site likely to impact on the trunk road shall be submitted for written approval and thereafter installed all to the satisfaction of the Planning Authority in consultation with Transport Scotland.
  16. Prior to approval of further detailed applications for the eastern portions of the application site (Phase 3), details of the barrier/boundary fencing and frontage landscaping treatment along the A9 trunk road boundary shall be submitted for written approval and thereafter installed all to the satisfaction of the Planning Authority in consultation with Transport Scotland.
  17. No development shall commence until a detailed specification for the emergency access arrangements to be put in place between the Inveralmond Bridge and Bertha Lodge along with implementation timescales has been submitted to and approved in writing by the Planning Authority. Thereafter the approved emergency access arrangements to accord with the agreed timescales shall be installed and thereafter maintained to the satisfaction of the Planning Authority.
  18. Prior to the completion of each phase of the development, all watercourses on the site (Gelly, unnamed watercourse and unnamed drains as referred to in the FRA dated 18 June 2015) shall be inspected and cleared of any impediments likely to create any obstruction to the free flow of water within the development and for 300m (or length otherwise agreed with the Planning Authority) upstream and downstream of the development phase; an inspection report along with details of works undertaken shall be submitted to the Planning Authority for written approval in consultation with the Roads Authority.
  19. The Finished Floor Level of all properties shall be a minimum of 600mm above the 200 year flood level including 20% for Climate Change.
  20. The overland flood routes of the dam breach analysis shall be maintained as open space to prevent any future development of the land, a minimum of a 5m Maintenance strip either side of the watercourse must be provided along all watercourses (Gelly, unnamed watercourse and unnamed drains as referred to in the FRA dated 18 June 2015) within the extents of the proposed development.
  21. Prior to the commencement of each phase of development a Construction Environment Management

Plan (CEMP), incorporating a Construction Method Statement (CMS), a Site Waste Management Plan (SWMP), a Drainage Management Plan (DMP) and Environmental Management Plan (EMP) detailing pollution prevention and control measures for all phases of the felling, construction and operation programmes will be submitted to and be approved in writing by the Planning Authority, in consultation with Scottish Environment Protection Agency and Scottish Natural Heritage. 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 of that phase shall be fully undertaken in accordance with the agreed CEMP.

22. Two months prior to the commencement of the development, an independent and suitably qualified ecologist shall be appointed as the 'Ecological Clerk of Works' (ECOW) for the site, by the developer and at the developer's expense. This appointment shall be subject to the prior written approval of the Planning Authority and detail the extent of inspections to be undertaken by the ECOW and how this relates to the delivery of the development phases. The ECOW shall oversee, on behalf of the Planning Authority, in consultation with Scottish Natural Heritage, the implementation of all ecology related planning conditions and how this relates to the phase of development being constructed. The ECOW shall undertake a watching brief throughout the construction of the development phase and shall have the authority to stop operations or to alter construction methods should there be any works occurring which are having an adverse impact on the natural heritage.

The ECOW shall have responsibility for the following:

- a) Monitoring compliance with the mitigation works related to the development as set out in the Construction Environment Management Plan.
- b) Advising the developer on adequate protection of nature conservation interest on the site, including altering construction practices if existing practices are having an adverse impact on the natural heritage of the site.
- c) If any protected species are found on site, the Ecological Clerk of Works will ensure that work is suspended at that location and that a protected species protection plan is implemented.

The ECOW is required to notify the Planning Authority:-

- d) If there has been a requirement to stop or alter works in relation to this condition.

- e) They are required to submit a report on their inspection for the review of the Planning Authority in consultation with Scottish Environment Protection Agency and Scottish Natural Heritage during construction operations.
  - f) They will have the power to amend the Construction Method Statement, where required, with any amendments and measures to mitigate submitted to the Planning Authority.
23. No development shall take place on the development phase until details of checking surveys for protected species or the nests of any breeding birds on the site has been submitted to and approved in writing by the Planning Authority, in consultation with SNH. The surveys shall be undertaken by a qualified ecologist, in accordance with the approved specification, in the last 6 months preceding site preparation and construction work commencing. A programme of any mitigation measures required as a consequence of the survey results, and a timetable for any such mitigation measures shall have been submitted to and approved in writing by the Planning Authority prior to any works associated with the development phase taking place. The programme of mitigation work shall be implemented as approved under the supervision of a qualified ecologist all to the satisfaction of the Planning Authority.
24. No development shall take place, including demolition, ground works and vegetation clearance, until a biodiversity monitoring strategy has been submitted to, and approved in writing by, the local Planning Authority. The purpose of the strategy shall be to monitor the abundance and distribution of protected species over the period of the development. The content of the Strategy shall include the following.
- a) Aims and objectives of monitoring to match the stated purpose.
  - b) Identification of adequate baseline conditions prior to the start of development.
  - c) Appropriate success criteria, thresholds, triggers and targets against which the effectiveness of the various conservation measures being monitored can be judged.
  - d) Methods for data gathering and analysis.
  - e) Location of monitoring.
  - f) Timing and duration of monitoring.
  - g) Responsible persons and lines of communication.
  - h) Review, and where appropriate, publication of results and outcomes.

A report describing the results of monitoring shall be submitted to the local Planning Authority at intervals identified in the strategy. The report shall also set out (where the results from monitoring show that conservation aims and objectives are not being met) how contingencies and/or remedial action will be identified, agreed with the local Planning Authority, and then implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme.

The monitoring strategy will be implemented in accordance with the approved details.

25. No development shall take place on the development phase until 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. No materials, supplies, plant, machinery, soil heaps, changes in ground levels or construction activities shall be permitted within the protected areas without the written consent of the Planning Authority and no fire shall be lit in the position where the flames could extend to within 5 metres of foliage, branches or trunks.
26. No development shall commence until a detailed specification and planting scheme for the structural landscaping works between Phase 1 and 2 and Phase 1 and 3 along with implementation timescales has been submitted to and approved in writing by the Planning Authority. Thereafter the approved structural landscaping works between Phase 1 and 2 and Phase 1 and 3 shall be installed to accord with the agreed timescales and thereafter maintained to the satisfaction of the Planning Authority.
27. No works in connection with the development hereby approved shall take place until such time as a mechanism has been agreed and concluded to the satisfaction of the Planning Authority to ensure that the structural landscaping works between Phase 1 and 2 and Phase 1 and 3 have been completed in full.
28. No development shall take place within the development site as outlined in red on the approved plan until the developer has secured the implementation of a programme of archaeological works in accordance with a Written Scheme of Investigation which has been submitted by the applicant, agreed by Perth and Kinross Heritage Trust, and approved by the Planning Authority. Thereafter the developer shall ensure that the programme of archaeological works is fully implemented

and that all recording and recovery of archaeological resources within the development site is undertaken to the satisfaction of the Planning Authority in agreement with Perth and Kinross Heritage Trust.

29. For each phase of the development, a site specific plan, detailing bin storage areas, kerbside collection locations and recycling facilities shall be submitted to and approved in writing by the Planning Authority and thereafter undertaken in accordance with the approved details. All domestic properties require an appropriate storage area for a minimum of 3 x 240 litre bins (1 for general waste, 1 for garden & food waste and 1 for dry mixed recyclates/paper) and suitable access/surface to wheel the bins from the storage area to the kerbside where they must be presented for collection.

#### Bin Dimensions

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

30. Prior to the commencement of development of each phase a detailed noise impact assessment must be prepared by a suitably qualified consultant and shall be submitted to and approved in writing by the Planning Authority. This assessment should include proposed mitigation measures such that an acceptable level of amenity is ensured for the proposed development. Before any residential unit is occupied the measures agreed to mitigate noise shall be fully implemented as approved by the Planning Authority.
31. Any plant and equipment, such as air conditioning, mechanical extraction, air receivers etc., must be designed and installed so as to prevent noise disturbance to adjoining properties.
32. Prior to the commencement of development of each phase, an evaluation for the potential of the site to be affected by contamination by a previous use should be undertaken and as a minimum, a Preliminary Risk Assessment (Phase 1 Desk Study) will be submitted for consideration by the Council as Planning Authority. If after the preliminary risk assessment identifies the need for further assessment, an intrusive investigation should be undertaken to identify;
  - a) The nature, extent and type(s) of contamination on the site.
  - b) Measures to treat/remove contamination to ensure the site is fit for the use proposed.
  - c) Measures to deal with contamination during construction works.
  - d) Condition of the site on completion of decontamination measures.

33. Prior to the completion or bringing into use of any part of the development phase the agreed measures to decontaminate the site shall be fully implemented as approved by the Council as Planning Authority. Validation that the scheme has been fully implemented must also be submitted to the Council as Planning Authority before the phase of development is brought into use or occupied.
34. Prior to the commencement of development a Feasibility Study 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 any available sources of heat (either within the site or offsite) and other factors such as where land will be safeguarded for future district heating infrastructure. The accompanying Design and Access Statement or other document as agreed by the Council should show/demonstrate how the findings of the feasibility study has been incorporated into the finalised design and layout of the proposal.
35. The development shall be in accordance with the Council's Affordable Housing Policy approved in April 2016 which requires a 25% allocation of affordable units within the development all to the satisfaction of the Council as Planning Authority.

### **Justification**

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

### **Informatives**

1. Under Section 27A of the Town and Country Planning (Scotland) Act 1997 (as amended) the person undertaking the development is required to give the Planning Authority prior written notification of the date on which it is intended to commence the development. A failure to comply with this statutory requirement would constitute a breach of planning control under section 123(1) of that Act, which may result in enforcement action being taken.
2. As soon as practicable after the development is complete, the person who completes the development is obliged by Section 27B of the Town and Country Planning (Scotland) Act 1997 (as amended) to give the Planning Authority written notice of that position.
3. This development will require the 'Display of notice while development is carried out', under Section 27C (1) of the Town and Country Planning Act 1997, as amended, and Regulation 38 of the Development Management Procedure (Scotland) Regulations 2008. The form of the

notice is set out in Schedule 7 of the Regulations and a draft notice is included for your guidance. According to Regulation 38 the notice must be :

- Displayed in a prominent place at or in the vicinity of the site of the development.
  - Readily visible to the public.
  - Printed on durable material.
4. Applicants are advised that should their application for 'matters specified by condition' be refused and/or their appeal against such refusal dismissed outwith the three year time limit they are entitled to submit a revised application for '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.
  5. The applicant is advised that to enable some of the negative suspensive conditions to be fulfilled works which are operational development may have to be undertaken outwith the application site. These works themselves may require the submission of a planning application.
  6. The developer is advised to contact Mr David Strachan, Archaeologist, Perth and Kinross Heritage Trust to discuss terms of reference for work required Tel 01738 477080.
  7. The applicants are advised that they must apply to the Roads Authority, for construction consent to form a new street. Please contact The Construction and Maintenance Manager, The Environment Service, Perth and Kinross Council, The Atrium, Glover Street, Perth.
  8. The applicant is advised that in terms of Sections 21 of the Roads (Scotland) Act 1984 they must obtain from the Council as Roads Authority consent to construct a new road prior to the commencement of roadworks. Advice on the disposal of surface water must be sought at the initial stages of design from the Roads Authority, Scottish Water and the Scottish Environmental Protection Agency.
  9. Please consult the Street Naming and Numbering Officer, The Environment Service, Perth and Kinross Council, Pullar House, 35 Kinnoull Street, Perth PH1 5GD
  10. 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.
  11. No work shall be commenced until an application for building warrant has been submitted and approved.
  12. Ecologists shall be employed to undertake protected species surveys and provide advice and guidance where work is due to be undertaken close to sensitive areas,

- such as woodland, hedgerows and watercourses and waterbodies as agreed with planning authority.
13. Where works are within 50m of trees, woodland, hedgerows or waterbodies the ecologist shall undertake protected species surveys and identify any potential impacts, where appropriate protective fencing shall be erected prior to work commencing in such areas to the satisfaction of the planning authority.
  14. Where protected species have been identified the ecologist shall provide guidance and advice to site staff on how to avoid disturbance of protected species.
  15. Monitoring of the ecological interests identified on the site shall be undertaken by the ecologist where protected species have been identified and annual reports as described in BS42020:2013 shall be submitted to the planning authority to inform changes to abundance or locations of protected species.

**(iii) 15/01157/IPM – Residential development to provide 1,500 new homes, a primary school, community facilities, open space, landscaping and associated infrastructure (in principle) at land adjacent to Huntingtowerfield and Ruthvenfield, Perth – Report 16/97 - Mrs H C Pilkington's Trust & Stewart Milne Group Ltd**

Mr K Simpson, Chairman, Methven and District Community Council; Mr S Simpson, on behalf of Ruthvenfield Conservation Group, followed by Mr A Wood, Agent, Mr J Henson (Pilkington Trust), Mr S Loomes (Stewart Milne Group Ltd) and Mr M Stewart, all on behalf of the applicant, addressed the Committee, and, following their respective representations, withdrew to the public benches.

Motion (Councillors T Gray and J Kellas) – Grant, subject to the conditions and informatives as detailed in Report 16/97.

**Amendment (Councillors W Wilson and M Barnacle) – Refuse, as the proposed development is contrary to:**

- (i) The proposed scale of the development, in particular, the scale of the residential development, would be detrimental to both the amenity of the existing houses and to the proposed new housing and to the amenity of the surrounding countryside;**
- (ii) The proposed site extends beyond the boundaries of site H73 zoned in the Perth and Kinross Local Development Plan 2014 and it is therefore contrary to the prohibition of development in policy PM4;**
- (iii) The proposal is contrary to Policy EP2: New Development and Flooding of the Perth and Kinross**



**Local Development Plan 2014 as this is for built development which incorporates within the overall site an area of known flood risk.**

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

9 members voted for the Amendment as follows:

Councillors G Laing, M Barnacle, I Campbell, M Roberts, W Wilson, C Gillies, A Livingstone, M Lyle and G Walker.

4 members voted for the Motion as follows:

Councillors T Gray, B Band, E Maclachlan and J Kellas.

**Resolved:**

**Refuse**, in accordance with the Amendment.

FOLLOWING A SHORT ADJOURNMENT, THE COMMITTEE RECONVENED.

**(2) Local Applications**

- (i) 12/00546/FLL – Report on the updated Enforcement position regarding conditions on the planning application for the Formation of five permanent gypsy/traveller pitches (partly in retrospect) on land SE of Fossoway Garage (Crook Moss), Fossoway, approved at Development Management Committee 9 October 2013 & further reports to DM Committee 18 March 2015, 16 September 2015 and 13 January 2016 – Report 16/98 - Messrs J Johnston & M MacDonald**

N Brian, Development Quality Manager, reminded the Committee that, at the Development Management Committee meeting on 18 March 2016, the Committee had requested that an update be provided on the enforcement position regarding conditions on the planning application for the formation of five permanent gypsy/traveller pitches (partly in retrospect) on land South East of Fossoway Garage (Crook Moss), Fossoway (approved at Development Management Committee on 9 October 2013 and further reports to the Committee on 16 September 2015 and 18 March 2016).

N Brian and E Jordan, Enforcement Officer, answered Members' questions.

**Resolved:**

The Development Quality Manager is requested to:

- (i) investigate the possibility of renewing current protocol relating to the Loch Leven Catchment Area; and
- (ii) prepare an updated report on the enforcement of the conditions imposed on the planning application for the

formation of five permanent gypsy/traveller pitches (partly in retrospect) on land at Crookmoss, Crook of Devon, Kinross-shire, to be submitted to the Development Management Committee in 1 year's time.

**(ii) 16/00079/FLL – Engineering works to pond at land 60 Metres South West of Winterfell House, Donavoured – Report 16/99 - Mr W Frame**

Mr R Cranston, objector followed by Mr C Palmer, agent on behalf of the application, addressed the Committee, and, following their respective representations, withdrew to the public benches.

**Motion (Councillors I Campbell and M Lyle) – Refuse, on the grounds that the proposal is contrary to Policy PM1A of the Perth and Kinross Local Development Plan 2014 as, being a popular pond, it should not be re-deduced in scale as proposed.**

Amendment (Councillors J Kellas and T Gray) – Approve, subject to the conditions and informatives contained in Report 16/99.

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

6 members voted for the Amendment as follows:  
Councillors T Gray, B Band, M Roberts, E Maclachlan, J Kellas and G Walker.

6 members voted for the Motion as follows:  
Councillors G Laing, M Barnacle, I Campbell, W Wilson, C Gillies, A Livingstone and M Lyle.

**Resolved:**  
**Refuse**, in accordance with the Motion.

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

**Erection of residential units, commercial units (Classes 1, 2, 3 and 10),  
formation of allotments/open space, landscaping and associated  
infrastructure works on land at Bertha Park to the North West of Perth**

Ref. No: 15/01109/FLM

Ward No: 5 – Strathtay

**Summary**

This report recommends approval of this detailed application for residential development with commercial units, formation of allotments/open space, landscaping and associated infrastructure works on land at Bertha Park.

The development is considered to comply with the Strategic Development Plan TAYplan and the Perth and Kinross Local Development Plan 2014. These documents both see the Bertha Park as part of Perth's expansion to the north west. It is a strategic site and a key element in delivering the land requirement for the Perth Core Area.

Additionally the proposal complies with the Council's overarching economic, social and environmental objectives contained within the Community Plan, Corporate Plan, City Plan and the Economic Development Strategy. The application is recommended for approval, subject to conditional control and the satisfactory conclusion of a planning obligation.

**BACKGROUND AND DESCRIPTION**

- 1 The Bertha Park site is located to the north west of Perth covering a site area of 333 hectares consisting of agricultural land and woodland.
- 2 The site is located within the lowland river corridor landscape character unit. The developable land is elevated above the River Almond and contained by Bertha Wood and Bertha Loch to the north. The A9, the Perth to Inverness Railway line and the River Tay are to the east. Inveralmond Industrial Estate is to the south. The Gellyburn watercourse and the village of Almondbank are located to the west.
- 3 An in-principle application for the whole of the Bertha Park site was reported to Development Management Committee on the 11 May 2016 (Report 16/96 refers). The Report of Handling recommended approval subject to conditions and the satisfactory conclusion of a legal agreement which was endorsed by committee. The principal components of that application consisted of:-
  - Residential properties: 3000 homes comprising a range and choice of homes including affordable housing. A series of Character Areas ensuring a sense of identity and variety through the development are incorporated into the Masterplan.

- Employment land: 25ha of employment land. Employment will comprise a number of different uses associated with a new community. This includes Class 2 (Finance & Professional Services), Class 4 (Offices), Class 6 (Storage & Distribution) (Class 10) Retirement housing/care home and Park & Ride.
  - Village Core incorporating a range of uses including retailing, offices, places to eat and drink, medical facilities, leisure and community facilities.
  - Access to the site will be from the new Cross Tay Link Road (CTLR) linking to the new River Almond bridge crossing. The CTLR A9/A85 Crieff Road Junction and link into Bertha Park now has planning consent and will be delivered by Perth & Kinross Council, application 15/00036/FLL refers. Until such time as the link to the River Tay crossing and A9 alignment are completed, an emergency access will be provided via Ruthvenfield Road and the existing bridge over the River Almond.
  - New Park & Ride and compatible employment land associated with CTLR/A9 (T) realignment. (Note: CTLR/A9(T) realignment will be subject to a separate planning application by Perth and Kinross Council).
  - New secondary school provision (Phase 1) and a primary school; (Note: secondary school and potential primary school will be subject to separate detailed planning applications but area of land for school provision incorporated into masterplan).
  - Areas of open space, new woodland and landscaping including new water features and SUDs. Existing woodlands will be retained and managed appropriately.
  - Network of paths and cycle routes providing good active travel links to Perth and Almondbank.
- 4 This is the detailed application for the central phase of the Bertha Park Site (phase 1). It comprises circa 1061 houses and employment land encompassing various uses including community, retail, health services, food & drink, office, etc. It also includes an area of phase 2 which will allow the extraction of economically viable minerals to ensure they are not sterilised.
- 5 Phase 1 is envisioned to be delivered between 2017 and 2027. Springfield's vision for Bertha Park is to create a countryside community with 3000 homes and all the supporting infrastructure, facilities and amenities demanded by modern life. This detailed application is the first piece in the jigsaw and illustrates the design principles employed by Springfield in meeting their vision.

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

- 6 Directive 2011/92/EU requires the 'competent authority' (and in this case Perth and Kinross Council) when giving a planning consent for particular large scale 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 (ES) has been submitted in support of the application and is available in three volumes:
  - Volume 1 - Environmental Statement
  - Volume 2 – Appendices
  - Volume 3 - Non-Technical Summary
- 9 Supplementary Environmental Information (SEI) was submitted in March 2016 and includes further environmental information on how the scheme relates to Air Quality, Noise and Vibration, Nature Conservation and Ecology as well as ground conditions, drainage and flood risk.
- 10 This Supplementary Environmental Information (SEI) was subjected to further advertisement and consultation.
- 11 Part II, Schedule 4 of the Environmental Impact Assessment (Scotland) Regulations 2011 outlines the information required to be included in any EIA. In this case the information within the Environmental Statement is considered to meet the requirements of the regulations.

#### **FURTHER SUPPORTING MATERIAL PROVIDED BY THE APPLICANT**

- 12 In addition to the Environmental Statement, the applicant has also submitted the following documents in support of the application.
  - Pre-application Consultation Report
  - MasterPlan
  - Planning Statement
  - Design and Access Statement
  - Sustainability Statement

## **NATIONAL POLICY AND GUIDANCE**

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

### **The Scottish Planning Policy 2014**

- 14 The Scottish Planning Policy (SPP) was published on 23 June 2014. It sets out national planning policies which reflect Scottish Ministers' priorities for operation of the planning system and for the development and use of land. The SPP promotes consistency in the application of policy across Scotland whilst allowing sufficient flexibility to reflect local circumstances. It directly relates to:
- The preparation of development plans
  - The design of development, from initial concept through to delivery
  - The determination of planning applications and appeals.
- 15 Of relevance to this application are;
- Paragraphs 24 – 35: Sustainability
  - Paragraphs 36 – 57: Placemaking
- 16 A successful Sustainable Place
- Paragraphs 126 – 131 Affordable Housing
  - Paragraphs 135 – 151 Valuing the Historic Environment
- 17 A Natural, Resilient Place
- Paragraphs 219 – 233 Maximising the Benefits of Green Infrastructure
  - Paragraphs 254 – 268 Managing Flood Risk & Drainage
- 18 A Connected Place
- Paragraphs 286 – 291 Promoting Sustainable Transport and Active Travel

19 The following Scottish Government Planning Advice Notes (PAN) are also of interest:

- PAN 2/2010 Affordable Housing and Housing Land Audits
- PAN 1/2011 Planning and Noise
- PAN 40 Development Management
- PAN 51 Planning, Environmental Protection and Regulation
- PAN 58 Environmental Impact Assessment
- PAN 60 Planning for Natural Heritage
- PAN 61 Planning and Sustainable Urban Drainage Systems
- PAN 63 Waste Management Planning
- PAN 65 Planning and Open Space
- PAN 67 Housing Quality
- PAN 68 Design Statements
- PAN 69 Planning & Building Standards Advice on Flooding
- PAN 75 Planning for Transport
- PAN 79 Water and Drainage
- PAN 83 Masterplanning

### **Designing Places 2001**

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

### **Designing Streets 2010**

21 Designing Streets is the first policy statement in Scotland for street design and marks a change in the emphasis of guidance on street design towards place-making and away from a system focused upon the dominance of motor vehicles. It has been created to support the Scottish Government's place-making agenda and is intended to sit alongside the 2001 planning policy document Designing Places, which sets out Government aspirations for design and the role of the planning system in delivering these.

## **National Roads Development Guide 2014**

- 22 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.
- 23 The following documents from Historic Environment Scotland (HES) are also of importance in the determination of the application given the historic significance of sites within and surrounding the site:-
- Scottish Historic Environment Policy July 2009 (SHEP)
  - Managing Change in the Historic Environment Guidance Series

## **DEVELOPMENT PLAN**

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

## **TAYplan Strategic Development Plan 2012 – 2032 - Approved June 2012**

- 25 The overall vision of the Tay Plan states:  
*“By 2032 the TAYplan region will be sustainable, more attractive, competitive and vibrant without creating an unacceptable burden on our planet. The quality of life will make it a place of first choice, where more people choose to live, work and visit and where businesses choose to invest and create jobs.”*
- 26 West and North West Perth are identified as a Strategic Development Area in the proposed plan, including the site relating to this application.
- 27 The principle relevant policies are, in summary:

### **Policy 1: Location Priorities**

- 28 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**

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



### **Policy 3: Managing TAYplan's Assets**

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

### **Policy 4: Strategic Development Areas**

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

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

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

### **Policy 8 – Delivering the Strategic Development Plan**

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

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

- 34 The Local Development Plan (LDP) was adopted by Perth and Kinross Council on 3 February 2014. It is the most recent statement of Council policy and is augmented by Supplementary Guidance.

- 35 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.”*

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

### **Policy PM1A - Placemaking**

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

### **Policy PM1B - Placemaking**

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

### **Policy PM1C - Placemaking**

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

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

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

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

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

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

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

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

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

### **Policy RD4 - Affordable Housing**

- 44 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 RD6 - Particular Needs Housing Accommodation**

- 45 Support will be given to proposals for particular needs housing and accommodation for the frail, elderly or those with special needs where they are appropriately located and where they have minimum impact on the environment. Proposals for Houses of Multiple Occupation will be supported provided a need can be demonstrated and the residential amenity of an area is not affected.

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

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

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

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

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

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

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

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

### **Policy CF3 - Social and Community Facilities**

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

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

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

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

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

### **Policy HE2 - Listed Buildings**

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

### **Policy HE4 - Gardens and Designed Landscapes**

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

### **Policy NE1A - International Nature Conservation Sites**

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

### **Policy NE1B - National Designations**

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

### **Policy NE2A - Forestry, Woodland and Trees**

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

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

- 58 Where there are existing trees on a development site, any application should be accompanied by a tree survey. There is a presumption in favour of protecting woodland resources. In exceptional circumstances where the loss of

individual trees or woodland cover is unavoidable, mitigation measures will be required.

### **Policy NE3 - Biodiversity**

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

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

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

### **Policy ER3A - Minerals and Other Extractive Activities**

- 61 Development which would sterilise important economically workable mineral deposits will not be allowed unless there is an overriding need for the development and prior extraction of the mineral cannot reasonably be undertaken; or extraction of the mineral is unlikely to be practicable or environmentally acceptable.

### **Policy ER4A - Minerals and Other Extractive Activities**

- 62 Favourable consideration will be given to proposals for the extraction of minerals where they are in accordance with the criteria set out and where they do not have an adverse effect on local communities and the environment.

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

- 63 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**

- 64 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**

- 65 There is a general presumption against proposals for built development or land raising on a functional flood plain and in areas where there is a significant probability of flooding from any source, or where the proposal would increase the probability of flooding elsewhere. Built development should avoid areas at

significant risk from landslip, coastal erosion and storm surges. Development should comply with the criteria set out in the policy.

**Policy EP3A - Water, Environment and Drainage**

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

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

- 67 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**

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

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

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

**Policy EP8 - Noise Pollution**

- 70 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**

- 71 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**

- 72 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.

## **Policy EP15 - Development within the River Tay Catchment Area**

- 73 Nature conservation in the River Tay Catchment Area will be protected and enhanced.

## **OTHER POLICIES**

### **Perth & Kinross Community Plan (2006 – 2020)**

- 74 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**

- 75 Corporate Plan Vision includes – Promoting a prosperous, inclusive and sustainable economy. Creating safe and sustainable places for future generations.

### **Perth and Kinross Local Transport Strategy**

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

### **The Perth City Plan 2015 – 2035**

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

## **SITE HISTORY**

- 78 14/00001/PAN Proposed housing development, proposed public consultation activity agreed 10 February 2014.
- 79 14/01318/SCRN Residential development 4 August 2014. EIA screening request withdrawn.
- 80 14/01767/SCOP Bertha Park Housing development, content of environmental statement scoped on the 24 November 2014.

- 81 15/00036/FLL Alignment of the southern section of the CTRL the A9/A85 Crieff Road junction improvements, application approved by Development Management Committee, March 2015.
- 82 15/01079/SCRN Erection of primary and secondary school, associated road infrastructure and landscaping. EIA Screened on the 15 July 2015, not required.
- 83 15/01112/IPM Residential development with community facilities, employment land, open space, landscaping and associated infrastructure (in principle) on land at Bertha Park to the North West of Perth, approved at Development Management Committee May 2016 and now awaiting legal agreement to be concluded.

## **CONSULTATIONS**

### **EXTERNAL**

#### **The Scottish Government: Historic Environment Scotland**

- 84 Confirm that their remit on this application relates to scheduled monuments and their setting, category A listed buildings and their setting and gardens and designed landscapes and their respective inventories.
- 85 They advise that no significant effects occur at Scone Palace or Huntingtower Castle and note that there are no other significant effects on sites within their statutory remit.
- 86 Overall they agree with the findings of the Environmental Statement and offer no objection to the detailed application.

#### **The Scottish Government: Transport Scotland (Environmental Statement)**

- 87 Access to the development is predicated on the delivery of the Council's proposed infrastructure package identified under 'Perth Transport Futures Project'. The nearest trunk roads to the site are the A9(T), which is located immediately to the east of the site, and the A85(T) to the south which will provide access to the site through a newly constructed junction.
- 88 Phase 1 of the project will be taken from two new roundabouts on the first section of the Cross Tay Link Road (CTRL), which leads directly from the A9/A85 Crieff Road Interchange improvement. Subsequent phases of development will rely on the completion of the CTRL, which includes the formation of a new junction on the A9 to the north of Inveralmond.
- 89 The CTRL will not be part of the Trunk Road Network. Therefore Transport Scotland offer no comment on the actual access points to the site as they form part of the local road network.



- 90 Transport Scotland has previously been consulted on these infrastructure proposals, including the Environmental Assessment for the A9/A85 Junction, which has been designed specifically to accommodate the Local Development Plan proposals. On that basis the overall environmental effects of both development and infrastructure proposals in west Perth have already been considered in terms of the trunk road impacts and found to be acceptable.
- 91 In conclusion, they are satisfied with the submitted ES and no objection to the proposed development in terms of environmental impacts is offered.

**The Scottish Government, Transport Scotland (Planning Consultation)**

- 92 No objection. Recommend a series of mechanisms being put in place to ensure there is no adverse impact in the wider road network.

**Luncarty, Redgorton and Moneydie Community Council**

- 93 Raise concern as to the emergency access into Bertha Park via Inveralmond will be controlled along with the potential for construction traffic to access/egress onto the A9. The community council seek clarification on the extent of mineral to be extracted and whether this is to be retained for use on site. They question the generation of jobs associated with the development and the relationship of the delivery of employment land and note that no significant Class 4, Class 5 and Class 6 will be available until 2025. They also raise the potential cumulative impact on the Green Belt from Bertha Park, the CTRLR, the zoned Luncarty site H27 and sites that have been identified by third parties under the Strategic and Policy Team's new call for sites. They raise concern that some of the Bertha Park development zones have potential to flood and that flooding events at the Almond/A9 bridge underpass has implications for pedestrian and cycling access into Perth City as this may result in crossing the A9 during such events. Raise concern that the underpass at the Bertha Park Village core will not be in keeping with the village feel of the development and note that these areas can become undesirable. They also question the alignment of the southern section of the CTRLR the A9/A85 Crieff Road junction improvements that already has consent under application 15/00036/FLL.

**Scottish Water**

- 94 No response received.

**Scottish Environment Protection Agency (SEPA)**

- 95 No objection to the detailed application if conditional control is applied to deal with drainage including SUDS, ecology, pollution prevention and environmental management as well as waste.

**Scottish Natural Heritage (SNH)**

- 96 There are no likely significant effects upon the River Tay SAC. Conditional control can be applied to allow the development to proceed without committing

offences against protected species. They provide comments on the provision of green infrastructure and advice on where and how they believe it could be improved, including the use of buffer strips. Presently they consider as submitted the proposal does not adequately protect and mitigate impacts on ancient semi-natural woodland or provide sufficient information on proposed woodland.

**National Grid Plant Protection Team**

97 No response received.

**Methven Community Council**

98 No response received.

**Tay Salmon Fisheries Board**

99 No response received.

**R S P B**

100 No response received.

**Forestry Commission Scotland**

101 No response received.

**Sport Scotland**

102 No objection. Note that the detailed application for the school will progress under a separate planning application. They encourage reference and adherence to Sport Scotland's design guidance for schools.

**Perth and Kinross Area Archaeologist**

103 Recommend conditional control. From the desk based assessment, walkover survey and evaluation, a suite of archaeological features have been recorded. These range from features representing prehistoric occupation of the area to sites associated with post-medieval agricultural landuse.

104 Where known features and areas of potential cannot be preserved in situ, archaeological mitigation will be required and a detailed programme of archaeological works will need to be refined in discussion with Perth and Kinross Heritage Trust.

**INTERNAL**

**Environmental Health**

105 No objection but recommend conditions are included on any given consent.

## **Transport Planning**

- 106 No objection subject to conditional control and securing public transport provision by legal agreement.

## **Affordable Housing Officer**

- 107 No objection. The Affordable Housing Policy applies and a condition to reflect this should be attached to any planning application granted.

## **Contributions Officer**

- 108 No objection. Affordable Housing, Education and Transport Contributions are required in accordance with Supplementary guidance. Due to the scale of this proposal the contributions will be determined through discussions with the applicant.

## **Community Greenspace - Access Officers**

- 109 No objection. Paths for cyclists and pedestrians should be a minimum width of 2.5 m and ideally will be within a wider green corridor. These provide key connections both within the site and linking to the site so should be created at a standard suitable for cyclists and pedestrians and should be surfaced – not mown grass tracks as labelled which will prove difficult to maintain in the long term. Recommend that an updated colour coded plan is submitted of the path according to their function.

## **Public Space Management**

- 110 No objection. Public spaces as indicated are generally large enough to provide for useful functions and maintenance which is welcome. They note that the community would need to take on management and maintenance of community facilities.
- 111 More detail is required on the layout particularly of key open spaces such as the parks, pitches & play areas and areas which may be more challenging to maintain, such as the 'terraced' area near the roundabout shown on the east village plan. Play areas should be labelled as either equipped play areas or unequipped areas for informal play, ball games etc. PKC Play Area Standards should be secured.
- 112 Within the major park area play areas, sports pitch with associated changing and parking, and concrete skate park should sit comfortably within landscaped parkland. The sport pitch requirement within the park area is likely to be two full sized grass pitches with associated changing, parking and access paths. The formal sport and play facilities should not exceed approximately 60% of the landscaped park area. The current layout provides no detail on the park and associated facilities, pitches are currently shown near the school only.

- 113 The woodlands create a useful framework for the development; no detail is given in relation to new planting around residential areas or key open spaces. Native trees should be planted far enough away from gardens and paths to avoid future complaints when trees mature.
- 114 The landscape management plan provides some detail on the principles to be applied and includes species lists. The Tree & Woodland Office advises replacement of some species but acknowledges that the arboricultural report (appendix 10.8) is an accurate description of the tree and woodland cover within and surrounding the site and the broad brush recommendations are appropriate. It is recommended that a more detailed 20-year woodland management plan is produced for all the woodland areas with timescales for implementation.
- 115 The building stand-off distance is a welcome addition to the root protection area. The stand-off distance provides a more robust long term protection for woodland edge trees as well as reducing the risk to people and property.

#### **Bio-diversity Officer**

- 116 No objection. The development provides good wildlife corridors and linked habitats that will benefit biodiversity.
- 117 A series of biodiversity conditions are recommended.

#### **Community Waste Advisor**

- 118 No objection subject to conditional control.

#### **Flood Prevention Officer**

- 119 Following clarification through the provision of Supplementary Environmental Information conditional control is recommended.

#### **Strategy and Policy**

- 120 No objection. Bertha Park is allocated in the LDP for 3,000+ houses and in excess of 25ha employment land. As such it forms an important component of the Council's housing and employment land supply
- 121 The LDP indicates that the first phase of development is not to be more than 750 homes and the secondary school and this is not to commence until the first phase of the CTRL linking the site to the A9/A85 junction has been provided. Strategy and Policy are aware that the applicants have been in discussions with the Roads Infrastructure Team on the CTRL issue but the proposed first phase of 1061 houses is significantly in excess of the LDP requirement and no justification appears to have been given as to why this higher number of houses should be allowed in the first phase. There needs to be further discussion on the phasing and bringing forward of employment land in conjunction with the housing development.

## REPRESENTATIONS

122 Two letters of representation have been received that raise the following issues:-

- Raise concern as to the emergency access into Bertha Park via Inveralmond will be controlled along with the potential for construction traffic to access/egress onto the A9.
- clarification sought on the extent of mineral to be extracted.
- question the generation of jobs associated with the development and the relationship of the delivery of employment land and note that no significant Class 4, Class 5 and Class 6 will be available until 2025.
- Concern with the potential cumulative impact on the Green Belt from Bertha Park, the CTRL, the zoned Luncarty site H27 and sites that have been identified by third parties under the Strategic and Policy Team's new call for sites.
- Concern that some of the Bertha Park development zones have potential to flood and that flooding events at the Almond/A9 bridge underpass has implications for pedestrian and cycling access into Perth City as this may result in crossing the A9 during such events.
- concern that the underpass at the Bertha Park Village core will not be in keeping with the village feel of the development and note that these areas can become undesirable.
- The alignment of the southern section of the CTRL the A9/A85 Crieff Road junction improvements is also questioned, however, this already has consent under application 15/00036/FLL.
- Impact on woodland resource.
- Impact on bio-diversity resource.
- Developments relationship with the loch edge.
- Comments on connectivity to the path network.

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

## ADDITIONAL STATEMENTS

Environment Statement	Submitted
Screening Opinion	Scoping undertaken
Environmental Impact Assessment	Required
Appropriate Assessment	Not required
Design Statement / Design and Access Statement	Submitted
Reports on Impact or Potential Impact	Submitted

## APPRAISAL

## Policy Appraisal

- 123 Sections 25 and 37(2) of the Town & Country Planning (Scotland) Act 1997 (as amended) requires the determination of the proposal to be made in accordance with the provisions of the Development Plan, unless material considerations indicate otherwise. The determining issues here are whether the proposals comply with Development Plan policy or if there are other material considerations, which justify a departure from policy.

## Principle

- 124 The principle of the development has already been assessed against the Tayplan and the Perth and Kinross Local Development Plan 2104 (PLDP) and considered acceptable subject to conditional control and the conclusion of a legal agreement as detailed in the report of handling for application 15/01112/IPM.
- 125 In light of this the delivery of this detailed application for phase 1 does not conflict with TAYplan Policy 1 (Location Priorities) or TAYplan Policy 4 (Strategic Development Areas).
- 126 The PLDP allocates the Bertha Park site for 3000 plus houses and 25 hectares of employment land under reference H7. There are a number of site specific developer requirements associated with the allocation, while they have already been reviewed in the assessment of this in-principle application as this application is a separate and detailed application it is prudent to review the site specific requirements and how they sit with Springfield's detailed submission for phase 1.

Ref	Location	Size	Number
H7	Berthapark	178 ha (est)	3,000+ In excess of 25 ha employment land
<b>Site Specific Developer Requirements</b> <ul style="list-style-type: none"> <li>⇒ A masterplan will be required for the comprehensive development of this site setting out the phased release of both the housing, community and employment land.</li> <li>⇒ Flood Risk Assessment which should also investigate the risk of flooding from the Tay and Bertha Loch.</li> <li>⇒ The open space which abuts the River Almond must be defined by a Flood Risk Assessment and protected in perpetuity as a flood storage area.</li> <li>⇒ Construction Method Statement to be provided for all aspects of the development to protect the watercourse. Methodology should provide measures to protect the watercourse from the impact of pollution and sediment so as to ensure no adverse effects on the River Tay Special Area of Conservation.</li> <li>⇒ Where the development of the site is within 30 metres of a watercourse an Otter survey should be undertaken and a species protection plan provided, if required so as to ensure no adverse effects on the River Tay Special Area of Conservation.</li> <li>⇒ Development shall be phased with the delivery of the Cross Tay Link Road. The first phase of development (for not more than 750 homes and a secondary school) shall not commence until the first phase of the Cross Tay Link Road, linking the site to the A9/A85 junction, has been provided.</li> </ul>			

- ⇒ Facilities to enable the expansion area to be connected to Perth's bus network.
- ⇒ Network of paths and cycle routes providing good active travel links to Perth and Almondbank.
- ⇒ Green corridors in particular networks to link site with Perth and the wider countryside.
- ⇒ Protection and enhancement of biodiversity.
- ⇒ Integration of existing landscape framework into the development, the site and in particular the protection of ancient woodland so that it forms the backdrop to the development.
- ⇒ New secondary school with potential to provide an all-through school/campus.
- ⇒ Park and Ride site.
- ⇒ The extraction of any viable mineral resources prior to development.
- ⇒ Investigation of the provision of a district heating system and combined heat and power infrastructure utilising renewable resources.

## **SITE SPECIFIC REQUIREMENTS**

127 These requirements will be assessed in turn.

**A Masterplan will be required for the comprehensive development of this site setting out the phased release of both the housing, community and employment land.**

- 128 A Masterplan for the Bertha Park site has been submitted as part of the in principle application, this sets out the principal components of the development and identifies 3 principal phases or cores of development at Bertha Park which are defined by the structural landscape components taking account of existing and proposed landscape components.
- 129 This application is for the first phase and is located centrally in the site. It will be accessed from the first roundabout on the CTRL. To the east will be the new secondary school, potential business uses, eastern village core and higher density housing. To the west will be the high street, west village core, residential areas with associated landscape and open space. Note that the High Street and west village core will be subject to separate applications and will be progressed to accord with the delivery plan secured under the in-principle application.
- 130 It should be noted that this detailed application also includes part of the second phase area in the Masterplan however this is to allow extraction of minerals and proposed re-profiling.
- 131 The Masterplan has thoroughly analysed the sites assets and constraints while looking at its relationship with the City of Perth and the surrounding hinterland. As a consequence the master plan comprehensively sets out a vision and an identity for Bertha Park that is robust.
- 132 The high standard of work incorporated into the Masterplan has been translated into the Design Statement. The Design Statement has taken account of the landscape Masterplan Strategy and defined character areas within Phase 1 with development blocks within the Character Areas.

133 The character areas are as follows:-

- Loch Edge
- Wood Edge
- Pasture
- West village
- Meadows
- East Village
- Farmside

134 The west village core and the school site will be subject to separate applications.

135 The phased strategy sets out how these core phases of land are to be released and the provisional timescales. However, there are other key triggers associated with the delivery of off-site infrastructure and elements of the wider site as envisioned in the Masterplan that need to be taken into account in greater detail. These issues are to be secured by legal agreement for the wider site however it will also be necessary to secure a phasing or delivery plan using conditional control.

136 Some of the issues required to be covered in the phasing/delivery plan will be the scheme's relationship with the Cross Tay Link Road (discussed in greater detail below), the capacity of local schools including the proposed new secondary school at Bertha Park, the delivery of the Bertha village centre, the delivery of an underpass under the link road to connect the western section of Bertha Park, the delivery of business land as well as a Park and Ride, the removal of economically viable minerals, the formation of structural landscaping/green infrastructure between phases including paths as well as a subsidised public transport service at the developments outset.

**Flood Risk Assessment which should also investigate the risk of flooding from the Tay and Bertha Loch.**

137 PLDP policy EP2 confirms there will be 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. In addition, built development should avoid areas at significant risk from landslip, coastal erosion and storm surges.



- 138 A flood risk assessment (FRA) has been undertaken and is included in the technical appendices of the applicant's ES with the findings of the FRA discussed in chapter 12.
- 139 No significant risk of flooding from the River Tay was predicted.
- 140 Flooding from the River Almond was predicted at the southern part of the site where the CTRL crosses the Almond. This is discussed in greater detail under the next site specific requirement which relates to open space and flood storage protection.
- 141 Flood flows along the Gelly Burn and the unnamed stream on the site would generally be confined in bank; however there would be limited shallow flooding along both watercourses.
- 142 Bertha Loch is located to the north of the development zones. It has two overflows, one to the south and the other to the east. A detailed assessment of the consequences of a dam breach of the Loch has been carried out and is incorporated into the Technical Appendix 12.2. Dam breach scenarios were modelled to determine peak flows and a number of mitigation measures are proposed. This includes improvements to the eastern dam through lowering its height, setting finished floor levels of properties along the flow pathway above the flood level, provision of a flood flow pathway to the eastern part of the site as well as monitoring of the dam.
- 143 There is no flood risk from the un-named artificial pond in the centre of the site, this is to be infilled and a new pond created immediately to the east as a semi-natural suds pond.
- 144 Overland flows have been considered in the assessment and mitigation can be secured by conditional control to ensure there is no adverse flood risk from overland flows.
- 145 Overall, the proposal is considered to comply with the site specific requirement and development plan policy EP2 if the flood mitigation measures in the Environmental Statement are secured by condition for this detailed first phase.

**The open space which abuts the River Almond must be defined by a Flood Risk Assessment and protected in perpetuity as a flood storage area.**

- 146 The flood risk assessment has identified the flood storage areas that abut the River Almond. These areas are incorporated into the masterplan as recreational areas, paths and openspace (apart from the infrastructure associated with the Cross Tay Link Road that already has approval). Any change away from these areas of open space or recreational use or land raising would require a planning application. In light of this, I am content that the flood storage areas are sufficiently protected to meet this site specific requirement.

**Construction Method Statement to be provided for all aspects of the development to protect the watercourse. Methodology should provide measures to protect the watercourse from the impact of pollution and sediment so as to ensure no adverse effects on the River Tay Special Area of Conservation.**

- 147 Tay plan policy 3 seeks the protection of key assets. The River Almond part of the River Tay SAC is such an asset. LDP policy NE1A also seeks to protect the interest of protected species within this watercourse.
- 148 The ES has considered the potential impact on the SAC and it recognises that construction phases of the development could affect the designated features of the River Tay SAC through the release of sediment and pollutants from working areas including areas where substrate will be removed for re-profiling of the terrain. In the absence of mitigation, there could be a temporary negative effect on the River Tay during construction. During the operational phase the development could affect the designated features of the SAC through nutrient enrichment from foul drainage as well surface water runoff due to the increased hard-standing areas. In addition, the proposed SUDS discharge into the River Almond may lead to nutrient enrichment in the SAC. Pollution from traffic may also affect it.
- 149 The ES recognises the need to control construction practices to ensure sediments and pollutants are not released into the environment. A full suite of control measures are discussed in chapter 12 of the ES and these measures can be incorporated into a Construction Method Statement/ Construction Environmental Management Plan through conditional control.
- 150 This detailed application for phase 1 proposes to connect into the public sewer. This will avoid impacts upon the River Tay SAC and the foul connection can be conditioned.
- 151 The drainage strategy for the development is the deployment of a Sustainable Urban Drainage System (SUDS). Within this SUD system, external drainage from buildings will receive one level of treatment and roads will receive two levels of treatment. SEPA confirm they are happy with the SUDS principles for phase 1 which consists of a combination of source control, swales, infiltration trenches and ponds. However full details of the finalised surface water management scheme are required and conditional control is required to secure this.
- 152 The current overall SEPA classification for the Tay and Almond locally is 'good'. Any deterioration from this level as a result of sediment or other pollutants, has the potential to reduce the suitability of the SAC for designated species, in particular lamprey. As a result, SNH note that when detailed discharge plans are brought forward, they must be assessed against the conservation objectives of the River Tay SAC with the locations of outfalls from SUDS infrastructure, along with their construction being prescribed to ensure

they are in suitable locations so they do not damage habitats associated with lamprey and fish.

**Where the development of the site is within 30 metres of a watercourse an Otter survey should be undertaken and a species protection plan provided, if required so as to ensure no adverse effects on the River Tay Special Area of Conservation.**

- 153 Survey work undertaken for the ES has identified the likely species present on and across the proposed development site. SNH note that it will be necessary for repeat or more detailed surveys to be made in the period immediately prior to work taking place and if necessary species protection plans prepared with any disturbance licences sought from SNH.
- 154 The need for updated survey work and species protection plans due to the longevity of the site build-out can be secured through conditional control. It is considered this would achieve compliance with Local Plan Policy NE3 – Biodiversity and EP25 Development within the Tay Catchments.

**Development shall be phased with the delivery of the Cross Tay Link Road. The first phase of development (for not more than 750 homes and a secondary school) shall not commence until the first phase of the Cross Tay Link Road, linking the site to the A9/A85 junction, has been provided.**

- 155 As part of the site mobilisation and preliminary construction works the developer proposes that construction traffic will access the site via the existing priority junction on the A9(T), located to the north of the Inveralmond Roundabout. Consultation with Transport Scotland confirms that a Construction Traffic Management Plan to identify measures to control the use of any direct access onto the trunk road, including the existing priority access located on the northbound carriageway of the A9 north of Inveralmond Roundabout is required.
- 156 Upon completion of the CTRLR construction vehicle access will be provided via the first phase of the CTRLR to enable the main house building works to commence. It is particularly important to ensure that no residential unit be occupied until the A9/A85 Junction as proposed by Perth and Kinross Council as part of its 'Perth Transport Futures Project' transport strategy has been implemented. Additionally no more than 750 residential units are permitted to be occupied until the Cross Tay Link Road Improvement including the Tay Crossing, generally as proposed by Perth and Kinross Council as part of its 'Perth Transport Futures Project' transport strategy has been designed, approved and contract let.
- 157 Transport Scotland highlight that the proposed development will have an impact on the A9 Trunk Road. They note that mitigation is required and this shall either be physical improvements to junctions in the form of traffic signals and widening of approaches or a financial contribution in lieu of the said physical works. Transport Scotland require a negative suspensive condition,

also known as a 'Grampian' condition, to ensure this matter is appropriately controlled or another appropriate mechanism.

- 158 Members should note that PKC Transport Planning in partnership with Transport Scotland have commissioned work on the potential solutions for the Broxden and Inveralmond Roundabout. This work is advanced and should clarify how the strategic sites relate to these Trunk Road Network junctions. This work will inform future discussions between parties to provide certainty on how the Trunk Road issues at these junctions can be potentially resolved.

**Facilities to enable the expansion area to be connected to Perth's bus network.**

- 159 Public transport is required at an early stage to promote sustainable transport modes of travel. A funding mechanism to provide for a new public transport service during the build out of the development is required. This should be secured by legal agreement.

**Network of paths and cycle routes providing good active travel links to Perth and Almondbank.**

- 160 The Transport Assessment also assesses the proposed walking and cycling provision within the site with good potential for these modes to provide meaningful levels of trips.
- 161 Bertha Park is located adjacent to a network of existing core paths and cycle routes. The long-term Masterplan integrates with these paths to provide an off-road traffic free route to the centre of Perth. It also provides additional amenity routes within the existing woodland and aims to reinstate some of the historic routes. The retention of public access across the site during the build out of the development along with the phased implementation/delivery of access routes if controlled by conditions will comply with the site specific requirement and the active travel criterion incorporated into Local Plan Policy TA1B and CF2.

**Green corridors in particular networks to link site with Perth and the wider countryside.**

- 162 Green Corridors and networks of phase 1 are delineated and create a multi-functional landscape that serves habitat, visual amenity, drainage, play and path networks. Implementation/delivery and how this relates to the phasing of the development will be particularly important and requires to be integrated into the delivery plan.

**Protection and enhancement of biodiversity.**

- 163 The woodlands and existing watercourses have significant habitat value. The detailed phase 1 application retains, enhances and expands these habitats, through the establishment of an extensive green network within the masterplan. This will enhance biodiversity by connecting habitats, reducing fragmentation or isolation of protected species/wildlife.

- 164 The Bio-diversity officer notes that there are opportunities to further enhance biodiversity that can be incorporated into the detailed phases of development.
- 165 I have already taken account of SNH comments regarding the River Tay SAC (above) however, they have also note that the survey work undertaken to support the Environmental Statement has identified the likely species present on and across the proposed development site. However, it will be necessary for repeat or more detailed surveys to be made in the period immediately prior to work taking place and if necessary species protection plans prepared to support detailed planning applications and any disturbance licences sought from SNH.
- 166 SNH consider that a wider expanse of natural habitat between the loch and the loch edge housing area would better conserve the loch-side landscape character and create a habitat buffer. This is noted, however, this has to be balanced against wider design parameters and other local plan policies. In this case I do not consider that the offset constitutes a reason for refusal and I am satisfied with the high quality of design in this area. Landscaping will be conditioned and suitable boundary treatment that can be employed at the gardens that face onto the loch.
- 167 SEPA required further information on Groundwater Dependent Terrestrial Ecosystems (GWTDE) and works to the unnamed artificial pond. This has been provided in the SEI and following further clarification SEPA have recommended conditional control to allow the unnamed pond to be relocated to the SUDS pond location, thereby creating a double pond arrangement.
- 168 The Environmental Statement helpfully highlights a series of measures at Table15.3 Nature Conservation and Ecology Mitigation. I note that these can be incorporated into and secured by conditional control where required to protect and enhance biodiversity interests associated with this phase 1 detailed application.

**Integration of existing landscape framework into the development, the site and in particular the protection of ancient woodland so that it forms the backdrop to the development.**

- 169 SNH has concerns about the potential impact on how elements of the scheme relate to the ancient woodland in their consultation response. However these areas mainly fall out with this detailed phase 1 application. I note that the consultation from the Greenspace Team, which incorporates comments from the Tree Officer, confirms that the building stand-off distance from woodland is a welcome addition to the root protection area as the stand-off distance provides a more robust long term protection for woodland edge trees and reduces risk to people and property.
- 170 The Masterplan includes a number of core principles associated with woodland, parkland, water and wetlands. Clarification is required on how path network can be integrated into ancient woodland, in terms of construction and micro-siting to avoid loss of trees but this can be secured by condition. Overall

the approach complies with the site specific requirement as well as local plan policy ER6.

**New secondary school with potential to provide an all-through school/campus.**

- 171 The masterplan allocates land for educational facilities and this detailed application takes account of the land that has been secured for education. It should be noted that the development of the educational facilities will be subject to a separate planning application.

**Park and Ride site.**

- 172 This site specific requirement is not applicable to this detailed phase 1 application. However it should be noted that the masterplan associated with the in-principle applications allocates land for a park and ride which will be secured via a legal agreement.

**The extraction of any viable mineral resources prior to development.**

- 173 The proposed development requires the removal of minerals from the site to form the required finished ground levels. Ground Investigation work was partially undertaken for the site but the full potential of the mineral resource was not originally provided.
- 174 Policy ER3A - Minerals and Other Extractive Activities confirms that the development which would sterilise important economically workable mineral deposits will not be allowed unless there is an overriding need for the development and prior extraction of the mineral cannot reasonably be undertaken; or extraction of the mineral is unlikely to be practicable or environmentally acceptable.
- 175 The submission of SEI provides borehole logs from the ground investigation and an identified extraction area associated with the minerals is provided in phase 2. The extent of viable mineral resource extraction still needs to be fully quantified and the removal secured via conditional control.

**Investigation of the provision of a district heating system and combined heat and power infrastructure utilising renewable resources.**

- 176 Springfield's Sustainability Statement acknowledges that they are aware of proposals for a potential Biomass power plant to the south of Bertha Park adjacent to the Inveralmond Industrial Estate which would use wood fuel to generate electricity for 11,000 homes within the Perth area. A by-product of the electricity production would be heat in the form of hot water which can provide space heating and hot water to homes and businesses via a district heat main.
- 177 Springfield note that a planning application for the facility has not as yet been submitted but they are keen to investigate this further at the appropriate time as to how their proposals could fit into this and the proposed Perth CHP district

heating scheme. They note it is their intention to continue to investigate the application of this to buildings, particularly for apartments within the village core areas in order to optimise this potential. They are keen to continue to work with Perth & Kinross Council as to the feasibility of new renewable technologies and how this can be incorporated as the development progresses.

- 178 It is planning authority's understanding that the developer of the Biomass Power Plant is not intending to progress with an application. Having reviewed the extent of information submitted it is the Planning Authority's view that the site specific requirement has not been satisfactorily addressed.
- 179 Notwithstanding this, it is likely that Perth and Kinross Council will take forward and investigate the potential for district heating systems with the developers of strategic sites to the north and west of Perth. Taking this into account I consider this matter can be secured through conditional control with the outcomes of the study incorporated into the development if the study confirms that instillation is viable.

### **Sustainability**

- 180 Policy EP1 requires sustainable design and construction to 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 (Bronze, Silver, Gold or Platinum). Springfield through their Sustainability Statement and Sustainability Checklists confirm that they will build to the Silver Standard Efficiency Target (as a minimum) at the outset. Conditional control is required to achieve the sustainability requirements of Policy EP1

### **Cultural Heritage**

- 181 Section 59 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 is applicable due to the potential impact the development may have on the adjacent listed buildings. This legislation requires the Council to have special regard to the desirability of preserving the building or its setting or any features of special architectural historic interest which it possesses.
- 182 Historic Environment Scotland (HES) has confirmed that they agree with the findings of the Environmental Statement and note that there will not be significant effects on the setting of Scone Palace or Huntingtower Castle.
- 183 The Council's Conservation Officer has offered no objection to the proposed development and I am satisfied that the proposed housing development would not have a significant effect on the setting of listed buildings.
- 184 I note that HES also confirm the development will not have a significant effect on other assets that fall within their remit (scheduled monuments and their setting, battlefields and historic garden and designed landscapes).
- 185 Consequently, it is not considered that the proposal would contravene policies HE1A or HE2 of the LDP.

- 186 A suite of archaeological features have been recorded from the desk based assessment as well as a walkover survey and evaluation. These range from features representing prehistoric occupation of the area to sites associated with post-medieval agricultural land use. Significantly, the evaluation revealed the prehistoric archaeological features tended to be located on higher, well-drained ground.
- 187 Where known features and areas of potential cannot be preserved in situ, archaeological mitigation will be required. The ES suggests a combination of strip, map and record (to include excavation and subsequent post-excavation analysis) and archaeological monitoring. The detail of this programme of archaeological works will need to be refined in discussion with Perth and Kinross Heritage Trust and this can be secured by condition, this would ensure compliance with policy HE1B.
- 188 The LDP through Policy HE4 - Gardens and Designed Landscapes, requires the integrity of sites included on the Inventory of Gardens and Designated Landscapes to be protected and enhanced. In this case the visibility between the site and the Battleby HGDL, Methven Castle HGDL as well as the Scone Palace HGDL is limited by topography and intervening woodland, there is no conflict with Policy HE4.

### **Waste Collection**

- 189 The consultation response from the Council's Waste Services team seeks to ensure all properties have the required number and type of bins and adequate space within each property to accommodate the required bins. They also look for the road network to accommodate refuse vehicles to service the site. Conditional control and informatives can be applied to ensure the collection of waste will not be compromised.

### **Contaminated Land**

- 190 A site investigation partially covering the proposed development site has been carried out. The area was identified as being largely agricultural, however the report highlighted an area of possible slurry as well as an area which has been used as a sheepfold.
- 191 Conditional control is required to ensure the development complies with local plan policy EP12.

### **Air Quality**

- 192 The construction activities associated with the site are likely to result in dust and particulate matter being released. Wind blow from dried out exposures associated with cut and fill operations to extract the minerals from the site and to create development pads, are likely to be the main source of dust and particulates as well as construction vehicular movement distributing material within, to and off the site. Dust nuisance can be limited by deploying Best Practice Measures and this should be incorporated into the Construction



Environmental Management Plan (CEMP) to help reduce the impact of construction activities.

- 193 Perth and Kinross Council declared the whole of Perth and Kinross an Air Quality Management Area (AQMA) in May 2006 after a detailed assessment concluded that there would be areas of exceedances for NO<sub>2</sub> and PM<sub>10</sub> where relevant exposure occurred. A further assessment was completed in 2007 and confirmed the conclusions of the detailed assessment. It recommended that Perth and Kinross Council retain the city wide AQMA for NO<sub>2</sub> and PM<sub>10</sub>. An associated Air Quality Action Plan (AQAP) has been produced which incorporates aims and measures to reduce levels of NO<sub>2</sub> and PM<sub>10</sub> around Perth to below the National Standard, as such any developments which increase levels of the pollutants would be in conflict with the AQAP.
- 194 In support of the application an Air Quality Assessment has been undertaken to take account of the potential impacts in terms of air quality on current and future receptors in the vicinity and surroundings of the proposed development in respect of current and predicted traffic levels.
- 195 The Environmental Health Section initially had concerns with Air Quality Assessment, the accuracy of the model, road emissions, wood burning stoves and the cumulative assessment undertaken. The submission of SEI and clarification from the consultants has addressed the initial concerns and Environmental Health concerns have been alleviated and they no longer have concerns associated with the detailed phase 1 application.

### **Noise**

- 196 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.
- 197 Consultation with Environmental Health confirms that there are a number of noise issues arising from this development which have been discussed as part of this application in the Environmental Statement; they recommend the use of conditional control to protect residential amenity and neighbouring land uses to ensure the proposal complies with LDP Policy EP8 – Noise Pollution.

### **Light Pollution**

- 198 Light is likely to be emitted from within the residential units, commercial enterprises; lighting for the streets will also be required. Consultation from Environmental Health has sought lighting to be aligned to ensure there is no adverse impact on adjoin landuses and this can be secured by conditional control.

## Design and Layout

- 199 Through Designing Places (November 2001) Scottish Ministers have signalled the importance they attach to achieving improvements in the design and quality of new development, and bringing long-term benefits to the urban and rural environment. It should be noted that good design should be the aim of everyone in the planning and development process with it being important at all scales of development. Ill-conceived and poorly designed development is not in the public interest, as mistakes cannot be easily or cheaply rectified. An important outcome of the planning process is the quality of development on the ground.
- 200 Designing Streets, published by the Scottish Government, suggests that streets should be designed as social spaces, being well-connected at all levels. It aims to move away from vehicle dominated road layouts in favour of streets designed for people that achieve a sense of place, producing interesting and useable street layouts.
- 201 Permeability of places is a crucial component in good street design. Internal permeability is important, but any area should also be properly connected with adjacent street networks. A development with poor links to the surrounding area creates an enclave which encourages movement to and from it by car rather than by other mode. In this case there are a number of pedestrian and cycling links into the surrounding environs and the delivery of dwellings is controlled by condition to enable road connections into the wider transport network. I note concerns are expressed about the incorporation of an underpass to connect the east and west village character areas; however, I consider that this solution is acceptable.
- 202 When considering the layout of any new development, one of the most important issues to consider is creating the opportunity for natural surveillance. Buildings, spaces and pedestrian routes should be located to maximise natural observation from pedestrians and passing motorists. Active frontages should be encouraged wherever possible i.e. doors leading onto the street and windows overlooking all public areas. The proposed layout takes cognisance of Designing Streets and incorporates appropriate natural surveillance of open space and supervision of the main pedestrian routes in line with PAN 77 Designing Safer Places. In this case the Design Statement satisfactorily explains the developers approach in delivering the character areas associated with phase 1. The mixture of house types and the massing, scale, positioning within the plot and boundary definition are well thought out providing surveillance of the street, open spaces and paths. An appropriate density for each character area is achieved and the overall detailing of the buildings and palette of materials to be employed for each character area is well presented and provides clear definition to the character area.
- 203 Taking this into account the proposal is in line with Policy PM1A, Policy PM1B, Policy PM1C - Placemaking of the LDP as well as the Scottish Government's Designing Streets and Designing Safer Places.

### **Private Amenity Space**

- 204 The extent in which private amenity space is used relates specifically to the dwelling's occupants. It is therefore particularly difficult to forecast the extent of garden ground required and ultimately overtime this will change with any new occupants. Nevertheless it is important to seek an outside area that can perform the minimum to be expected of a garden i.e. clothes drying, dustbin storage and sitting out. The private garden ground incorporated into this layout is considered to cater for the occupants' needs both present and future.

### **Overlooking**

- 205 In this case I do not consider the proposed residential units will result in overlooking to neighbouring properties due to the separation distances between proposed and existing dwellings.

### **Overshadowing, loss of sunlight and daylight.**

- 206 The Building Research Establishment (BRE) document 'Site Layout Planning for Daylight and Sunlight - a guide to good practice 1991' sets out guidelines on how to assess the potential impact. It should be noted that the standards are not mandatory and should be interpreted flexibly. Taking cognisance of the BRE document I consider a reasonable level of daylight and sunlight is maintained to neighbouring properties and the extent of overshadowing of amenity ground does not warrant refusal due to the orientation and distances between properties.

### **Developer Contributions**

- 207 A legal agreement is required to secure infrastructure for Bertha Park, to ensure it complies with Policy PM3 Infrastructure Contributions.

### **Economic Impact**

- 208 The socio-economic assessment within the Environmental Statement has determined that the project will have a positive effect in terms of job creation in the area during the construction period and once the proposed employment land is developed and operational.
- 209 The Environmental Statement estimates that between 60-180 construction jobs will be created during this phase of the development.
- 210 During the operational stage, the population increases are not expected to cause a significant negative impact. For this Phase 1 detailed application an estimated 2616 additional residents are expected, the design has incorporated new community facilities, associated public infrastructure and transport services to accommodate the rise in population. In addition, a beneficial effect is expected as a result of the increase in jobs and economic activity. Job opportunities will be provided from the leisure and community facilities, primary

and secondary schools and increased demand to council services (i.e. public transport, waste collections and maintenance of utilities etc).

- 211 The Masterplan involves the creation of 25 hectares of employment land for new jobs and businesses. It is estimated that around 300 jobs will be created as a result of Phase 1, with around a further 2,000 jobs created as a result of Phase 3. While this is consistent with Policy 3 (Managing TAYplan's Assets) supports employment land within principal settlements the phasing of employment land should be controlled in a manner that allows this to come forward when required, as discussed in the assessment of the in-principle application for Berth a Park. This can be looked at and secured in the delivery plan and via the Legal Agreement.
- 212 Taking the above into account, the proposal would make a significant contribution towards delivering the visions contained within Perth and Kinross Council's Community Plan and Corporate Plan and the City Plan.

### **Content and Adequacy of the Environmental Statement**

- 213 The purpose of the EIA process is to examine the likely significant environmental effects from a proposed development having regard to the project and its nature, size or locality. Through the EIA process, a proper understanding of the interaction between the project and its location should be assessed to determine if the effects on the environment are likely to be significant and if there are associated mitigation measures which make this acceptable.
- 214 Part II, Schedule 4 of the Environmental Impact Assessment (Scotland) Regulations 2011 outlines the information required to be included in any EIA.
- 215 The content and the associated background information of the Environmental Statement are considered to meet the requirements of those regulations. In this case Council officers are satisfied with the findings of the Environmental Statement and how it relates to the detailed application for phase 1.

### **LEGAL AGREEMENTS**

- 216 A legal agreement is required to secure infrastructure for Bertha Park. The following heads of terms are still being discussed between the parties associated with the earlier in-principle application. They are still of relevance to this detailed application:-
- A Delivery Plan.
  - Servicing of Secondary School land.
  - Delivery of Primary School(s).
  - Transport and Transport Infrastructure.

- Delivery of Park and Ride site.
- Delivery of Public Transport.
- Delivery of Serviced Employment Land.
- Delivery of Affordable Housing.
- Delivery of Open Space, paths and associated maintenance.
- Delivery of Community Facilities and Healthcare.
- Contribution towards a Community Fund.
- Minerals.

## **DIRECTION BY SCOTTISH MINISTERS**

- 217 Under the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2008, regulations 30 – 32 there has 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**

- 218 In conclusion, the application must be determined in accordance with the adopted Development Plan unless material considerations indicate otherwise. In this respect, the phase 1 detailed application is part of the Strategic Development Area of West/North West Perth in TAYplan 2012 and an allocated site within the LDP, thus complies with the locational requirements of both development plans.
- 219 In the assessment of the in-principle application the submission of a high quality Masterplan successfully demonstrated Springfield's vision for Bertha Park. This detailed phase 1 application delivers the central phase of Bertha Park, the design statement and detailed plans further illustrates Springfield's vision for a high quality countryside community at Bertha Park with all the supporting infrastructure, facilities and amenities demanded by modern life.
- 220 The proposed phase 1 development is therefore considered to comply with the over-riding thrust of the development if appropriate mitigation is secured by conditional control and legal agreement.

## RECOMMENDATION

### Approve the application

#### A Conditions and Reasons for Recommendation

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

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

- 2 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 proceed in accordance with the approved delivery plan, to the satisfaction of the Planning Authority.

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

- 3 Prior to the commencement of development the extent of the economic mineral resource to be won on site, shall be quantified to ensure it is not sterilised. Details of which shall be submitted to and approved in writing by the Planning Authority.

*Reason: To ensure the economic mineral resource on the site is not sterilised.*

- 4 Prior to the commencement of development a mineral working programme and phasing plan for the economic mineral resource to be won on site shall be submitted to and approved in writing by the Planning Authority. This shall detail the method and working direction of the mineral resource along with temporary restoration to be deployed before receiving built development.

*Reason: To ensure the economic mineral resource on the site is not sterilised and to enable the Planning Authority to control the working programme to minimise its impact on rest of the Bertha Park development.*

- 5 No buildings shall be constructed on the identified economic mineral resource until a detailed survey plans, including levels to Ordnance Datum, to show that the economic mineral resource associated with that working phase has been extracted is submitted to and approved in writing by the Planning Authority.

*Reason: To ensure the economic mineral resource on the site is not sterilised and to enable the Planning Authority to control the working programme to minimise its impact on rest of the Bertha Park development.*

- 6 The foul drainage shall be drained to the mains sewerage system the details of which shall be submitted to and approved in writing by the planning authority prior to its instillation and in consultation with Scottish Water, Scottish Environment Protection Agency and Scottish Natural Heritage. The agreed foul drainage shall thereafter be implemented to coincide with the occupation of the development.

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

- 7 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 construction works. The temporary surface water treatment facility shall remain in place until the permanent surface water drainage scheme is implemented unless otherwise agreed in writing by the Planning Authority.

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

- 8 Development shall not commence until a detailed and permanent sustainable urban drainage system (SUDS) has been submitted for the further written approval of the 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. For the avoidance of any doubt the discharge of any surface water drainage shall be limited to the greenfield runoff rates as detailed in section 12.5.26 of the Environmental Statement. Thereafter, all works shall be carried out in accordance with the agreed details and be operational prior to the bringing the development phase into use.

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

- 9 Development shall not commence until the design of all new and existing culverts/bridges and associated features (such as screens) has been submitted to and approved in writing by the Planning Authority, in consultation with the Council's Flooding Team. Thereafter, all works shall be carried out in accordance with the agreed details and be operational prior to the bringing the development into use.

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

- 10 Prior to commencement of any works, full details of the finalised design of the replacement pond and SUDS pond within phase 1 of the development will be submitted for the written approval of the planning authority, in consultation with SEPA. Thereafter, all work shall be carried out in accordance with the approved scheme. The finalised design will include details of how the SUDS

and replacement pond will maintain hydrology, and how biodiversity from the old pond to the new pond will be translocated.

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

- 11 For the avoidance of any doubt the domestic and non-domestic buildings to be erected shall comply with Silver Active from 2016 and Gold Active from 2020 as per the 'Building Standards Technical Handbook Section 7 – Sustainability'. The sustainability label shall be provided for the written approval of the Planning Authority prior to the occupation of the domestic or non-domestic building.

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

- 12 Prior to the commencement of the development details of the play park (equipment, specification) shall be submitted to the Planning Authority for written approval. Thereafter play parks shall be installed to accord with the approved details to coincide with the phasing of character areas which shall be agreed in writing with the Planning Authority.

*Reason: To ensure the delivery of recreational facilities for the occupants of the development.*

- 13 Prior to the commencement of development a woodland management plan for a minimum of twenty years, including long term objectives, management responsibilities and maintenance schedules for all woodland areas within the site shall be submitted to and approved in writing by the Planning Authority. Thereafter the woodland management plan shall be carried out as approved on commencement of the development hereby permitted unless otherwise approved in writing by the Planning Authority.

*Reason: To ensure that the woodland areas are satisfactorily managed and maintained in the long term in the interests of the visual amenity of the area.*

- 14 Prior to the commencement of the development details of the proposed landscaping, planting, screening, open space and allotments scheme shall be submitted to the Local Planning Authority for approval. Details of the schemes 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 and 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 and any other means of enclosure.
  - g) An indication of existing trees, shrubs and hedges to be removed.
  - h) Details of areas of public open space.
  - i) Details of areas for allotments.
  - j) A programme for the completion and subsequent maintenance of the proposed landscaping, planting, screening, open space and allotments.
- 15 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.
- 16 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.*
- 17 Prior to the commencement of development a detailed plan of public access across the site (existing, during construction & upon completion) shall be provided for the written approval of the Council as Planning Authority and show:
- a) All existing paths, tracks & rights of way.
  - b) Any areas proposed for exclusion from statutory access rights, for reasons of privacy, disturbance or curtilage, in relation to proposed buildings or structures.
  - c) All paths & tracks proposed for construction, for use by walkers, riders, cyclists, all-abilities users, etc.
  - d) Any diversions of paths - temporary or permanent- proposed for the purposes of the development

- e) The detailed specification of the proposed paths and tracks, along with how they will be constructed to avoid impacts on trees.

*Reason: In the interest of sustainable transportation.*

- 18 No part of the approved development is permitted to be occupied until the A9/A85 Junction Improvement, generally as proposed by Perth and Kinross Council as part of its 'Perth Transport Futures Project' transport strategy to support the Local Development Plan, has been designed, approved and implemented to the satisfaction of the Planning Authority in consultation with Transport Scotland.

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

- 19 No more than 750 residential units are permitted to be occupied until the Cross Tay Link Road Improvement including the Tay Crossing, generally as proposed by Perth and Kinross Council as part of its 'Perth Transport Futures Project' transport strategy to support the Local Development Plan, have been designed, approved and contract let to the satisfaction of the Planning Authority in consultation with Transport Scotland.

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

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

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

- 21 No development shall commence until a Construction Traffic Management Plan has been approved in writing by the Planning Authority in consultation with Transport Scotland. In particular the CTMP shall identify measures to control the use of any direct access onto the trunk road, including the existing priority access located on the northbound carriageway of the A9 north of Inveralmond Roundabout. Thereafter, all construction traffic associated with the development shall conform to the requirements of the agreed plan.

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

- 22 No development shall commence until a detailed specification for the emergency access arrangements to be put in place between the Inveralmond Bridge and Bertha Lodge along with implementation timescales has been submitted to and approved in writing by the Planning Authority. Thereafter the approved emergency access arrangements to accord with the agreed timescales shall be installed and thereafter maintained to the satisfaction of the Planning Authority.

*Reason: to ensure that the development proposals will not have a significant detrimental impact on the operation of the local road network.*

- 23 Prior to the completion of the development, all watercourses on the site as referred to in the FRA dated 18 June 2015) shall be inspected and cleared of any impediments likely to create any obstruction to the free flow of water within the development and for 300m (or length otherwise agreed with the Planning Authority) upstream and downstream of the development phase; an inspection report along with details of works undertaken shall be submitted to the Planning Authority for written approval in consultation with the Roads Authority.

*Reason: In the interests of visual amenity; to ensure a satisfactory standard of local environmental quality and in accordance with the adopted development plan.*

- 24 The Finished Floor Level of all properties shall be a minimum of 600mm above the 200 year flood level including 20% for Climate Change.

*Reason: To reduce flood risk.*

- 25 The overland flood routes of the dam breach analysis shall be maintained as open space to prevent any future development of the land, a minimum of a 5m Maintenance strip either side of the watercourse must be provided along all watercourses as referred to in the FRA dated 18 June 2015) within the extents of the proposed development.

*Reason: To allow suitable access to the watercourse for maintenance purposes and to reduce floodrisk.*

- 26 Prior to the commencement of development a Construction Environment Management Plan (CEMP), incorporating a Construction Method Statement (CMS), a Site Waste Management Plan (SWMP), a Drainage Management Plan (DMP) and Environmental Management Plan (EMP) detailing pollution prevention and control measures for all felling, construction and operation programmes will be submitted to and be approved in writing by the Planning Authority, in consultation with Scottish Environment Protection Agency and Scottish Natural Heritage. 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 interest of protecting environmental quality and of bio-diversity*

- 27 Two months prior to the commencement of the development, an independent and suitably qualified ecologist shall be appointed as the 'Ecological Clerk of Works' (ECOW) for the site, by the developer and at the developer's expense. This appointment shall be subject to the prior written approval of the Planning Authority and detail the extent of inspections to be undertaken by the ECOW and how this relates to the delivery of the development. The ECOW shall oversee, on behalf of the Planning Authority, in consultation with Scottish Natural Heritage, the implementation of all ecology related planning conditions and how this relates to the development being constructed. The ECOW shall undertake a watching brief throughout the construction of the development and shall have the authority to stop operations or to alter construction methods should there be any works occurring which are having an adverse impact on the natural heritage.
- 28 The ECOW shall have responsibility for the following:
- a) Monitoring compliance with the mitigation works related to the development as set out in the Construction Environment Management Plan.
  - b) Advising the developer on adequate protection of nature conservation interest on the site, including altering construction practices if existing practices are having an adverse impact on the natural heritage of the site.
  - c) If any protected species are found on site, the Ecological Clerk of Works will ensure that work is suspended at that location and that a protected species protection plan is implemented.
- 29 The ECOW is required to notify the Planning Authority:-
- a) If there has been a requirement to stop or alter works in relation to this condition.
  - b) They are required to submit a report on their inspection for the review of the Planning Authority in consultation with Scottish Environment Protection Agency and Scottish Natural Heritage during construction operations.
  - c) They will have the power to amend the Construction Method Statement, where required, with any amendments and measures to mitigate submitted to the Planning Authority.

*Reason: In order to ensure that the appointed ECOW is suitably qualified and has a suitable job description and powers.*

- 30 No development shall take place until details of checking surveys for protected species or the nests of any breeding birds on the site has been submitted to and approved in writing by the Planning Authority, in consultation with SNH. The surveys shall be undertaken by a qualified ecologist, in accordance with the approved specification, in the last 6 months preceding site preparation and construction work commencing. A programme of any mitigation measures required as a consequence of the survey results, and a timetable for any such mitigation measures shall have been submitted to and approved in writing by the Planning Authority prior to any works associated with the development taking place. The programme of mitigation work shall be implemented as approved under the supervision of a qualified ecologist all to the satisfaction of the Planning Authority.

*Reason: In the interests of protecting the natural heritage, to minimise the environmental impact of construction and operational activities resulting from the proposed development.*

- 31 No development shall take place, including demolition, ground works and vegetation clearance, until a biodiversity monitoring strategy has been submitted to, and approved in writing by, the local planning authority. The purpose of the strategy shall be to monitor the abundance and distribution of protected species over the period of the development. The content of the Strategy shall include the following.
- a) Aims and objectives of monitoring to match the stated purpose.
  - b) Identification of adequate baseline conditions prior to the start of development.
  - c) Appropriate success criteria, thresholds, triggers and targets against which the effectiveness of the various conservation measures being monitored can be judged.
  - d) Methods for data gathering and analysis.
  - e) Location of monitoring.
  - f) Timing and duration of monitoring.
  - g) Responsible persons and lines of communication.
  - h) Review, and where appropriate, publication of results and outcomes.
- 32 A report describing the results of monitoring shall be submitted to the local planning authority at intervals identified in the strategy. The report shall also set out (where the results from monitoring show that conservation aims and objectives are not being met) how contingencies and/or remedial action will be identified, agreed with the local planning authority, and then implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme.

- 33 The monitoring strategy will be implemented in accordance with the approved details.

*Reason: In the interests of protecting the natural heritage, to minimise the environmental impact of construction and operational activities resulting from the proposed development.*

- 34 No development shall take place until 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. No materials, supplies, plant, machinery, soil heaps, changes in ground levels or construction activities shall be permitted within the protected areas without the written consent of the Planning Authority and no fire shall be lit in the position where the flames could extend to within 5 metres of foliage, branches or trunks.

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

- 35 No development shall commence until a detailed specification and planting scheme for the structural landscaping works between Phase 1 and 2 and Phase 1 and 3 along with implementation timescales has been submitted to and approved in writing by the Planning Authority. Thereafter the approved structural landscaping works between Phase 1 and 2 and Phase 1 and 3 shall be installed to accord with the agreed timescales and thereafter maintained to the satisfaction of the Planning Authority.

*Reason: In order to ensure a responsive and robust landscape framework is created between the phases of the site.*

- 36 No works in connection with the development hereby approved shall take place until such time as a mechanism has been agreed and concluded to the satisfaction of and the Planning Authority to ensure that the structural landscaping works between Phase 1 and 2 and Phase 1 and 3 have been completed in full.

*Reason: to ensure the completion of the agreed structural landscaping scheme at an early stage in the interests of the visual amenity of the area and to provide a buffer between the mineral extraction and Phase 1 of the MasterPlan.*

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

within the development site is undertaken to the satisfaction of the Planning Authority in agreement with Perth and Kinross Heritage Trust.

*Reason: To safeguard any archaeological interest of the site.*

- 38 Prior to the commencement of the development, a site specific plan, detailing bin storage areas, kerbside collection locations and recycling facilities shall be submitted to and approved in writing by the Planning Authority and thereafter undertaken in accordance with the approved details. All domestic properties require an appropriate storage area for a minimum of 3 x 240 litre bins (1 for general waste, 1 for garden & food waste and 1 for dry mixed recyclates/paper) and suitable access/surface to wheel the bins from the storage area to the kerbside where they must be presented for collection.

#### Bin Dimensions

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

*Reason: in the interests of the sustainable disposal of waste.*

- 39 Prior to the commencement of development, a strategy to ensure noise levels are reasonable internally utilizing dwelling layouts and appropriate double glazing with trickle vents shall be submitted to the satisfaction of the planning authority and thereafter implemented. The strategy shall focus on the relationship of dwellings on either side of the Cross Tay Link Road (CTLR) within the site and to the sites southern boundary beside the Inveralmond Industrial Estate.

*Reason: To prevent disturbance from noise.*

- 40 For any commercial kitchen, an effective ventilation system commensurate with the nature and scale of cooking to be undertaken shall be installed, operated and maintained, within the commercial areas, such that cooking odours are not exhausted into or escape into any neighbouring dwellings.

*Reason: To prevent disturbance from noise and odour.*

- 41 All plant or equipment including any ventilation system associated with operation of the commercial areas shall be so enclosed, attenuated and/or maintained such that any noise therefrom shall not exceed Noise Rating 35 between 0700 and 2300 hours daily, or Noise Rating 20 between 2300 and 0700 hours daily, within any neighbouring residential premises, with all windows slightly open, when measured and/ or calculated and plotted on a rating curve chart.

*Reason: To prevent disturbance from noise.*

- 42 Commercial and Industrial deliveries shall be limited to Monday to Sunday 07.00 to 19.00

*Reason: To prevent disturbance from noise.*

- 43 Noise from any air source heat pump or other external residential plant equipment shall be so enclosed, attenuated and/or maintained such that any noise therefrom shall not exceed Noise Rating 35 between 0700 and 2300 hours daily, or Noise Rating 20 between 2300 and 0700 hours daily, within any neighbouring residential premises, with all windows slightly open, when measured and/ or calculated and plotted on a rating curve chart.

*Reason: To prevent disturbance from noise.*

- 44 For commercial and industrial areas all external lighting to be installed shall be sufficiently screened and aligned so as to ensure that there is no direct illumination of neighbouring land and that light spillage beyond the boundaries of the site is minimised.

*Reason: To prevent disturbance from lighting.*

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

- a) The nature, extent and type(s) of contamination on the site.
- b) Measures to treat/remove contamination to ensure the site is fit for the use proposed.
- c) Measures to deal with contamination during construction works.
- d) Condition of the site on completion of decontamination measures.

*Reason: To ensure the development is ready to receive development, to protect future users of the site and to protect the amenity of the environment.*

- 46 Prior to the completion or bringing into use any part of the development the agreed measures to decontaminate the site shall be fully implemented as approved by the Council as Planning Authority. Validation that the scheme has been fully implemented must also be submitted to the Council as Planning Authority before the development is brought into use or occupied.

*Reason: To prevent harm to human health and pollution of the environment in accordance with the aims and objectives of the development plan.*



- 47 Prior to the commencement of development a Feasibility Study 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 any available sources of heat (either within the site or offsite) and other factors such as where land will be safeguarded for future district heating infrastructure. The accompanying Design and Access Statement or other document as agreed by the Council should show/demonstrate how the findings of the feasibility study has been incorporated into the finalised design and layout of the proposal.

*Reason: To identify future district heating opportunities for the development.*

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

*Reason: To comply with the Council's approved policy on affordable housing.*

## **B JUSTIFICATION**

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

## **C PROCEDURAL NOTES**

Consent shall not to be issued until a Section 75 Agreement relating to planning contributions set out below has been completed and signed to reflect the current planning reference 15/01109/FLM. The legal agreement should be concluded and completed within 4 months of the date of any Committee approval. Failure to conclude a legal agreement within 4 months will result in the planning application being re-assessed through failing to comply with the associated developer contributions policy and will be ultimately recommended for refusal under delegated powers.

- A Delivery Plan.
- Servicing of Secondary School land.
- Delivery of Primary School(s).
- Transport and Transport Infrastructure.
- Delivery of Park and Ride site.
- Delivery of Public Transport.
- Delivery of Serviced Employment Land.

- Delivery of Affordable Housing.
- Delivery of Open Space, paths and associated maintenance.
- Delivery of Community Facilities and Healthcare.
- Contribution towards a Community Fund.
- Minerals.

## **D INFORMATIVES**

- 1 This planning permission will last only for three years from the date of this decision notice, unless the development has been started within that period. (See section 58(1) of the Town and Country Planning (Scotland) Act 1997 (as amended).
- 2 Under Section 27A of the Town and Country Planning (Scotland) Act 1997 (as amended) the person undertaking the development is required to give the Planning Authority prior written notification of the date on which it is intended to commence the development. A failure to comply with this statutory requirement would constitute a breach of planning control under section 123(1) of that Act, which may result in enforcement action being taken.
- 3 As soon as practicable after the development is complete, the person who completes the development is obliged by Section 27B of the Town and Country Planning (Scotland) Act 1997 (as amended) to give the Planning Authority written notice of that position.
- 4 This development will require the 'Display of notice while development is carried out', under Section 27C (1) of the Town and Country Planning Act 1997, as amended, and Regulation 38 of the Development Management Procedure (Scotland) Regulations 2008. The form of the notice is set out in Schedule 7 of the Regulations and a draft notice is included for your guidance. According to Regulation 38 the notice must be:
  - Displayed in a prominent place at or in the vicinity of the site of the development.
  - Readily visible to the public.
  - Printed on durable material.
- 5 The applicant is advised that to enable some of the negative suspensive conditions to be fulfilled works which are operational development may have to be undertaken out with the application site. These works themselves may require the submission of a planning application.

- 6 The developer is advised to contact Mr David Strachan, Archaeologist, Perth and Kinross Heritage Trust to discuss terms of reference for work required Tel 01738 477080.
- 7 The applicants are advised that they must apply to the Roads Authority, for construction consent to form a new street. Please contact The Construction and Maintenance Manager, The Environment Service, Perth and Kinross Council, The Atrium, Glover Street, Perth.
- 8 The applicant is advised that in terms of Sections 21 of the Roads (Scotland) Act 1984 they must obtain from the Council as Roads Authority consent to construct a new road prior to the commencement of roadworks. Advice on the disposal of surface water must be sought at the initial stages of design from the Roads Authority, Scottish Water and the Scottish Environmental Protection Agency.
- 9 Please consult the Street Naming and Numbering Officer, The Environment Service, Perth and Kinross Council, Pullar House, 35 Kinnoull Street, Perth PH1 5GD
- 10 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.
- 11 No work shall be commenced until an application for building warrant has been submitted and approved.
- 12 Ecologists shall be employed to undertake protected species surveys and provide advice and guidance where work is due to be undertaken close to sensitive areas, such as woodland, hedgerows and watercourses and waterbodies as agreed with planning authority.
- 13 Where works are within 50m of trees, woodland, hedgerows or waterbodies the ecologist shall undertake protected species surveys and identify any potential impacts, where appropriate protective fencing shall be erected prior to work commencing in such areas to the satisfaction of the planning authority.
- 14 Where protected species have been identified the ecologist shall provide guidance and advice to site staff on how to avoid disturbance of protected species.
- 15 Monitoring of the ecological interests identified on the site shall be undertaken by the ecologist where protected species have been identified and annual reports as described in BS42020:2013 shall be submitted to the planning authority to inform changes to abundance or locations of protected species.

Background Papers: Two letters of representation  
Contact Officer: John Russel – Ext 75346  
Date: 25 May 2016

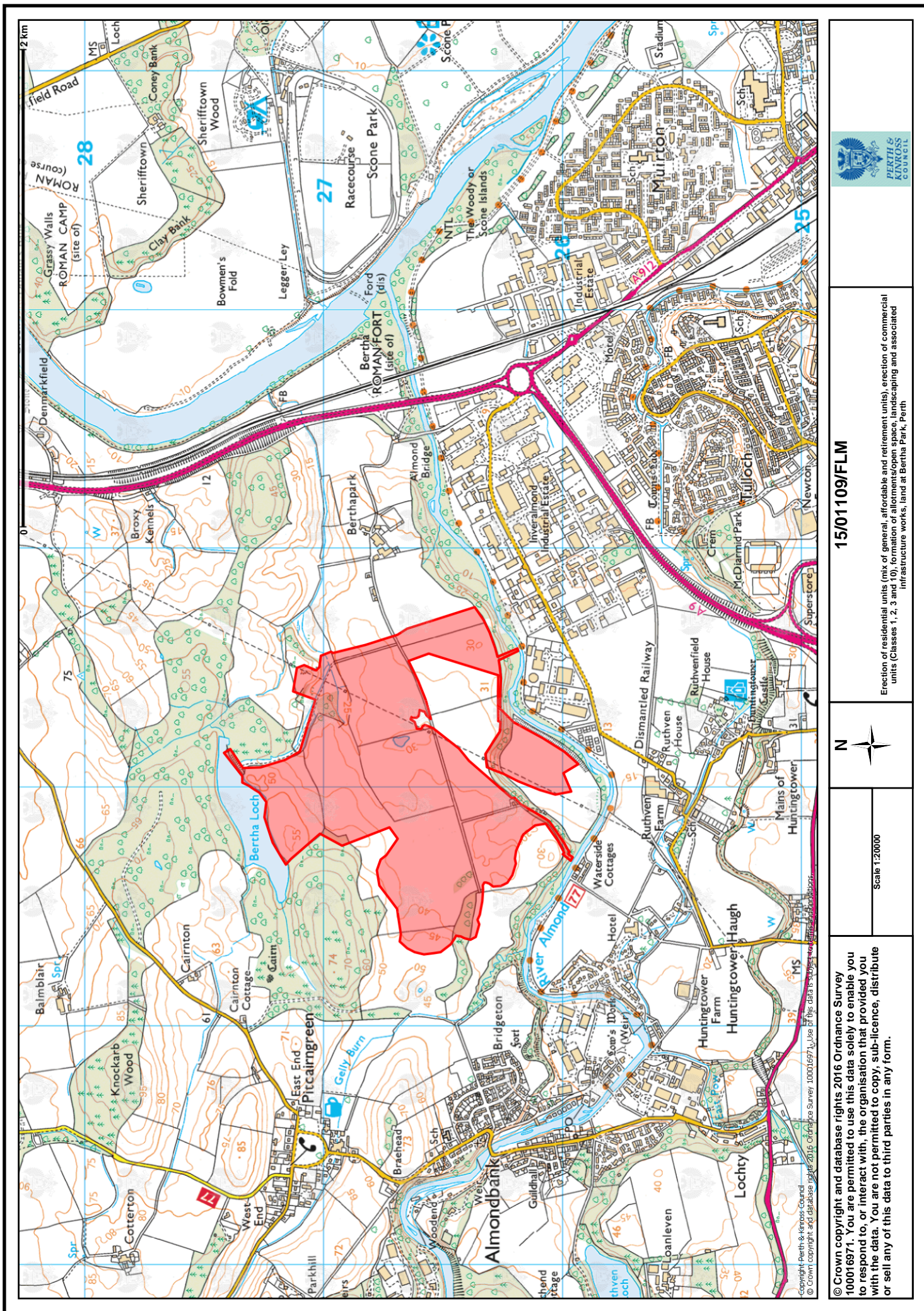
**NICK BRIAN**  
**DEVELOPMENT QUALITY MANAGER**

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15/01109/FLM



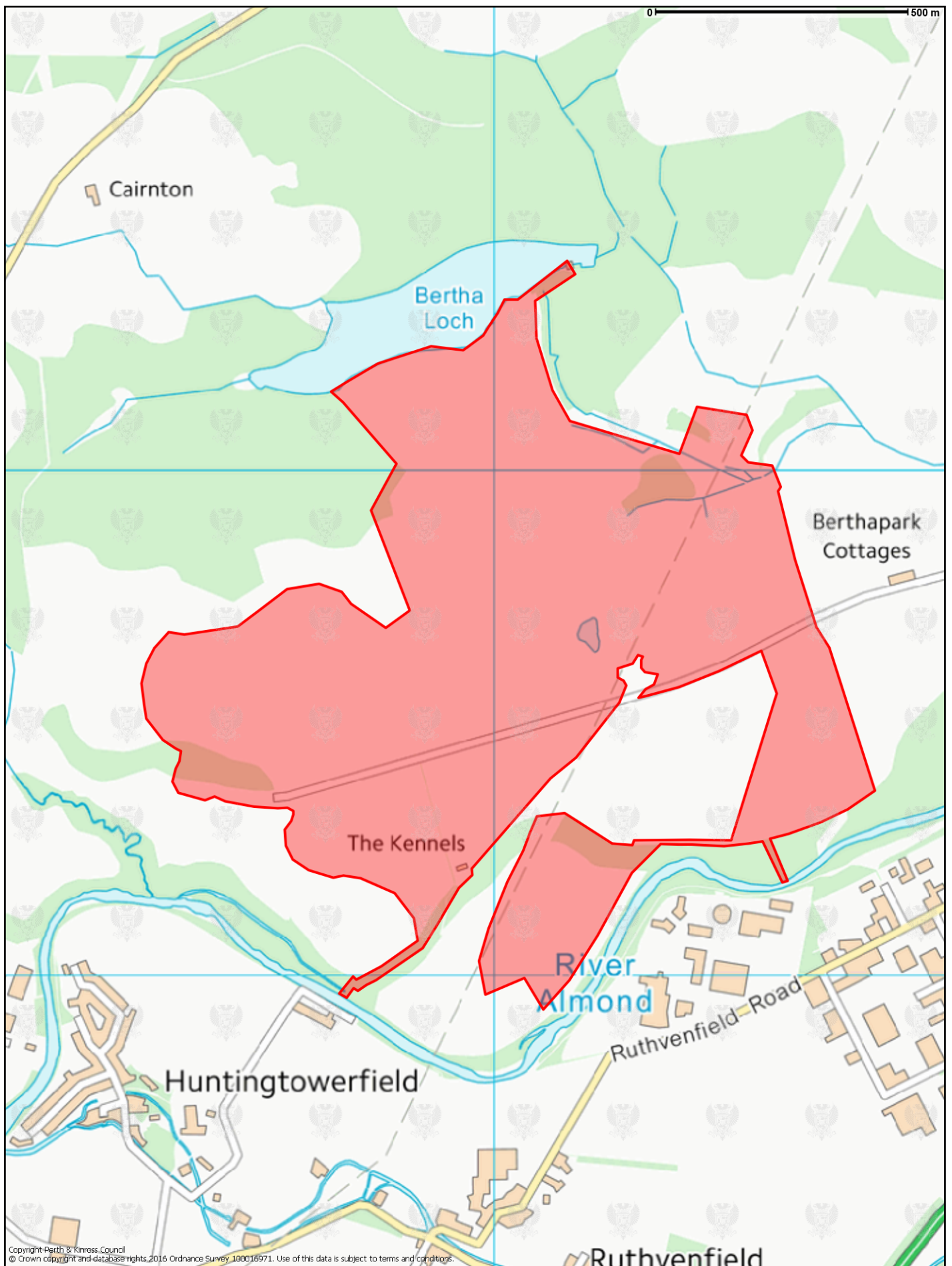
Scale 1:20000

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Erection of residential units (mix of general, affordable and retirement units), erection of commercial units (Classes 1, 2, 3 and 10), formation of allotments/open space, landscaping and associated infrastructure works, land at Bertha Park, Perth







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15/01109/FLM

Erection of residential units (mix of general, affordable and retirement units), erection of commercial units (Classes 1, 2, 3 and 10), formation of allotments/open space, landscaping and associated infrastructure works, land at Bertha Park, Perth







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

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

Ref. No: 15/02176/FLM

Ward No: N9 Almond and Earn

**Summary**

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

**BACKGROUND AND PROPOSAL**

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

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

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

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

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

### **PRE-APPLICATION PROCESS**

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

### **NATIONAL POLICY AND GUIDANCE**

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

#### **National Planning Framework**

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

#### **The Scottish Planning Policy 2014**

- 10 The SPP is a statement of Scottish Government policy on land use planning. The following sections of the SPP will be of particular importance in the assessment of this proposal:-

- Sustainability : paragraphs 24 – 35
  - Placemaking : paragraphs 36 – 57
  - Valuing the Natural Environment : paragraphs 193 – 218
  - Maximising the Benefits of Green Infrastructure: paragraphs 219 – 233
  - Managing Flood Risk and Drainage: paragraphs 254 – 268
  - Promoting Sustainable Transport and Active Travel: paragraph 269 - 291
- 11 The following Scottish Government Planning Advice Notes (PAN are likely to be of relevance to the proposal,
- PAN 3/2010 Community Engagement
  - PAN 1/2011 Planning and Noise
  - PAN 40 Development Management
  - PAN 51 Planning, Environmental Protection and Regulation
  - PAN 61 Planning and Sustainable Urban Drainage Systems
  - PAN 75 Planning for Transport

### **Designing Places 2001**

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

### **Designing Streets 2010**

- 13 Designing Streets is the first policy statement in Scotland for street design and marks a change in the emphasis of guidance on street design towards place-making and away from a system focused upon the dominance of motor vehicles. It has been created to support the Scottish Government's place-making agenda and is intended to sit alongside the 2001 planning policy document Designing Places, which sets out Government aspirations for design and the role of the planning system in delivering these.

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

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

## **DEVELOPMENT PLAN**

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

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

- 16 TAYPlan sets out a vision for how the region will be in 2032 and what must occur to bring about change to achieve this vision. The vision for the area as set out in the plans states that:

*“By 2032 the TAYplan region will be sustainable, more attractive, competitive and vibrant without creating an unacceptable burden on our planet. The quality of life will make it a place of first choice where more people choose to live, work, study and visit, and where businesses choose to invest and create jobs”*

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

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

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

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

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

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

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

### **Policy 5 - Housing**

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

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

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

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

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

## **Policy PM1A - Placemaking**

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

## **Policy PM1B - Placemaking**

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

## **Policy PM2 - Design Statements**

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

## **Policy PM3 - Infrastructure Contributions**

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

## **Policy RD1 - Residential Areas**

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

#### **Policy RD4 - Affordable Housing**

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

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

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

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

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

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

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

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

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

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

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

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

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

### **Policy NE3 - Biodiversity**

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

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

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

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

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

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

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

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

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

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

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

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

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



## **Policy EP8 - Noise Pollution**

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

## **Policy EP12 - Contaminated Land**

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

## **OTHER POLICIES**

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

## **PLANNING SITE HISTORY**

- 48 The following history is of particular importance.

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

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

## **CONSULTATIONS**

### **EXTERNAL**

#### **SEPA**

- 49 No objection to the proposal.

#### **Scottish Water**

- 50 No response received.

### **Transport Scotland**

- 51 No objection to the proposal

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

- 52 No objection to the proposal.

### **Earn Community Council**

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

## **INTERNAL**

### **Environmental Health**

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

### **Land Quality Officer**

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

### **Biodiversity Officer**

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

### **Strategic Planning and Policy**

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

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

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

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

### **Community Greenspace**

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

### **Transport Planning**

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

### **Structures and Flooding**

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

### **Community Waste Advisor**

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

### **REPRESENTATIONS**

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

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

#### **Response to issues**

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

## ADDITIONAL STATEMENTS

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

## APPRAISAL

### Policy Appraisal

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

### LDP Allocation and Site Density

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

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

### **Design and Layout**

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

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

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

## **Residential Amenity**

### Overlooking

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

### Overshadowing, loss of sunlight and daylight.



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

### **Transport Issues**

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

### **Drainage and Flooding**

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

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

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

### **Landscape Buffer**

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

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

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

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

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

### **Ecology**

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

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

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

### **Ground Conditions**

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

### **Archaeology**

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

### **Affordable Housing**

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

### **Education Provision**

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

### **Transport Contribution**

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

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

### **Pre application consultation**

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

### **ECONOMIC IMPACT**

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

### **LEGAL AGREEMENTS**

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

### **DIRECTION BY SCOTTISH MINISTERS**

- 113 Under the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013, regulations 30 – 32 there have been no directions by the Scottish Government in respect of an Environmental Impact Assessment screening opinion, call in or notification relating to this application.

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

- 114 Section 25 of the Act requires that the application must be determined in accordance with the adopted Development Plan unless material considerations indicate otherwise.
- 115 In this respect, the proposal is considered to satisfactorily comply with the adopted Perth and Kinross Local Development Plan 2014 and TAYplan 2012. I have taken account of material considerations and consider that while the proposed landscape buffer will involve departure from the Development Plan it will provide a better planning, landscape and connectively outcome for this part of Bridge of Earn. On that basis the application is recommended for approval subject to conditions and completion of a Section 75 legal agreement.

### **RECOMMENDATION**

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

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

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

- 2 Prior to the occupation of any residential plot, all matters regarding access, car parking, road layout, design and specification, including the disposal of surface water, shall be in accordance with the standards required by the Council as Roads Authority and to the satisfaction of the Planning Authority.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

- 9 Prior to the commencement of development a detailed layout of the proposed children's play area indicated in the site layout plan shall be submitted for the further approval of the Planning Authority. The play area(s) shall be designed, laid out and equipped in accordance with the Planning Authority's current criteria for play area provision within six months of the occupation on the site. The play area and its facilities/equipment shall thereafter be maintained.

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

- 10 Storm water drainage from all paved surfaces shall be disposed of by means of suitable Sustainable Urban Drainage Systems to meet the requirements of best management practices

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

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

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

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

- 12 The developer shall ensure that during the construction of the development that all surface water is controlled, treated and discharged under the principles of SUDS, as contained in the SUDS Manual (C697) and Site Handbook for the Construction of SUDS (C698) published by CIRIA, all to the satisfaction of the Council as Flood Authority.

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

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

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

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

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

- 15 All existing trees and hedgerows shall be retained and protected by suitable fencing in accordance with BS5837 2012 (Trees in Relation to Construction), unless otherwise agreed in writing by the Planning Authority. The details of the protective fencing and its location shall be first submitted to and agreed in writing by the Planning Authority. No materials, supplies, plant, machinery, soil heaps, changes in ground levels or construction activities shall be permitted within the protected areas without the written consent of the Planning Authority and no fire shall be lit in the position where the flames could extend to within 5 metres of foliage, branches or trunks.

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

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



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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

**Bin Dimensions**

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

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

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

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

**B JUSTIFICATION**

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

**C PROCEDURAL NOTES**

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

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

## **D INFORMATIVES**

- 1 This planning permission will last only for three years from the date of this decision notice, unless the development has been started within that period. (See section 58(1) of the Town and Country Planning (Scotland) Act 1997 (as amended).
- 2 Under Section 27A of the Town and Country Planning (Scotland) Act 1997 (as amended) the person undertaking the development is required to give the Planning Authority prior written notification of the date on which it is intended to commence the development. A failure to comply with this statutory requirement would constitute a breach of planning control under section 123(1) of that Act, which may result in enforcement action being taken.
- 3 As soon as practicable after the development is complete, the person who completes the development is obliged by Section 27B of the Town and Country Planning (Scotland) Act 1997 (as amended) to give the Planning Authority written notice of that position.
- 4 This development will require the 'Display of notice while development is carried out', under Section 27C (1) of the Town and Country Planning Act 1997, as amended, and Regulation 38 of the Development Management Procedure (Scotland) Regulations 2008. The form of the notice is set out in Schedule 7 of the Regulations and a draft notice is included for your guidance. According to Regulation 38 the notice must be:
  - Displayed in a prominent place at or in the vicinity of the site of the development.
  - Readily visible to the public.
  - Printed on durable material.
- 5 The applicant is advised that to enable some of the negative suspensive conditions to be fulfilled works which are operational development may have to be undertaken out with the application site. These works themselves may require the submission of a planning application.
- 6 Should any archaeology be present the developer is advised to contact Perth and Kinross Heritage Trust to discuss terms of reference for work required Tel 01738 477080.
- 7 The applicants are advised that they must apply to the Roads Authority, for construction consent to form a new street. Please contact The Construction and Maintenance Manager, The Environment Service, Perth and Kinross Council, The Atrium, Glover Street, Perth.

- 8 Please consult the Street Naming and Numbering Officer, The Environment Service, Perth and Kinross Council, Pullar House, 35 Kinnoull Street, Perth PH1 5GD
- 9 The applicant is advised that the granting of planning consent does not guarantee a connection to Scottish Water's assets. The applicant must make a separate application to Scottish Water Planning & Development Services team for permission to connect to the public wastewater system and/or water network and all their requirements must be fully adhered to.
- 10 No work shall be commenced until an application for building warrant has been submitted and approved.
- 11 The delivery timescale of the new primary school at Oudenarde will be determined by the Councils Education and Children's Services Department to ensure there is sufficient local primary education capacity for the proposed development.
- 12 The applicant is reminded that, under the Wildlife and Countryside Act 1981, as amended, it is an offence to remove, damage or destroy the nest of any wild birds while that nest is in use or being built. Planning permission for a development does not provide a defence against prosecution under this act.
- 13 The Council shall be immediately notified in writing if any ground contamination is found during construction of the development, and thereafter a scheme to deal with the contamination shall be submitted to and agreed in writing by the Council as Planning Authority.

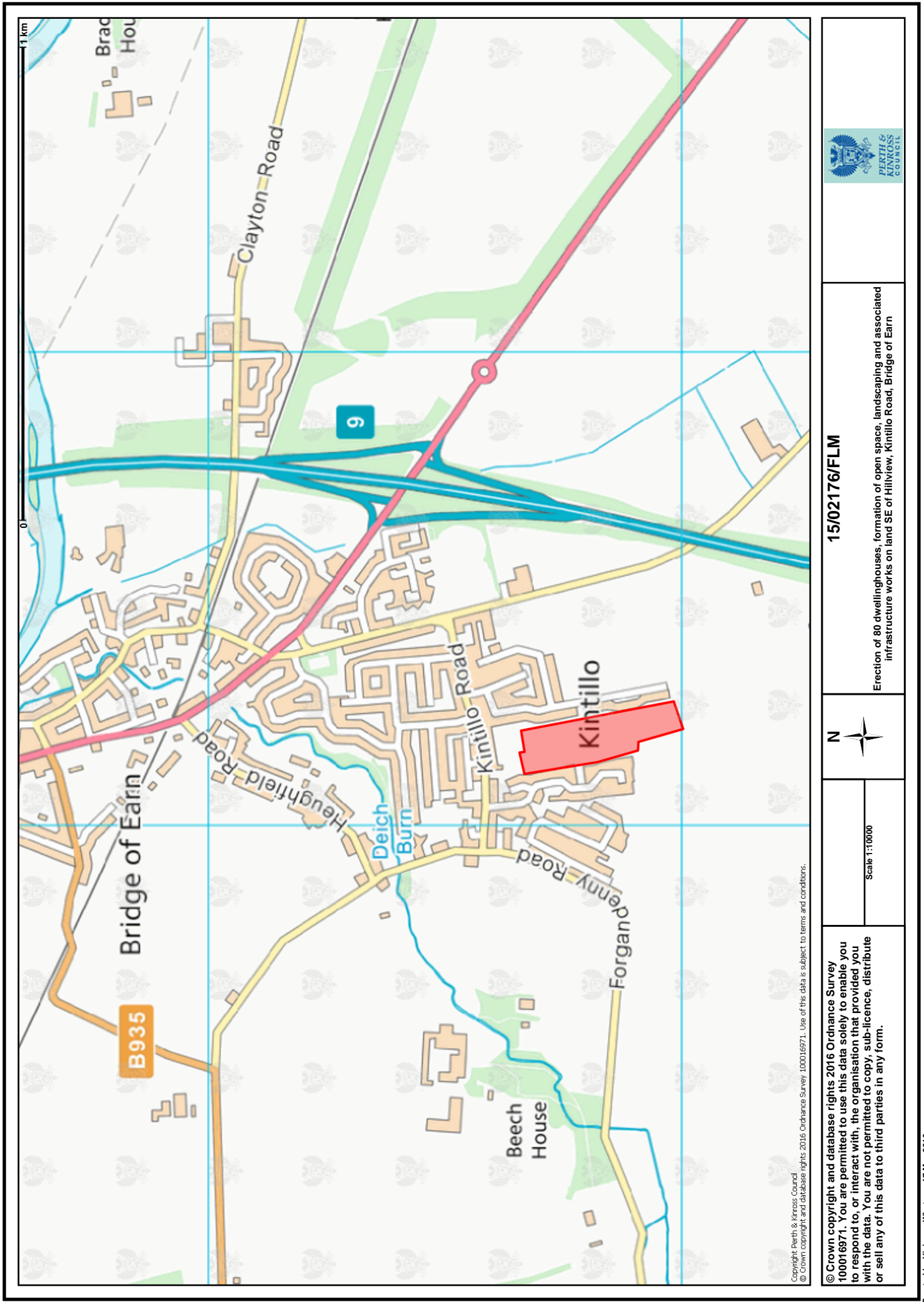
Background Papers: 37 letters of representation  
 Contact Officer: Steve Callan Ext 75337  
 Date: 23 May 2016

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

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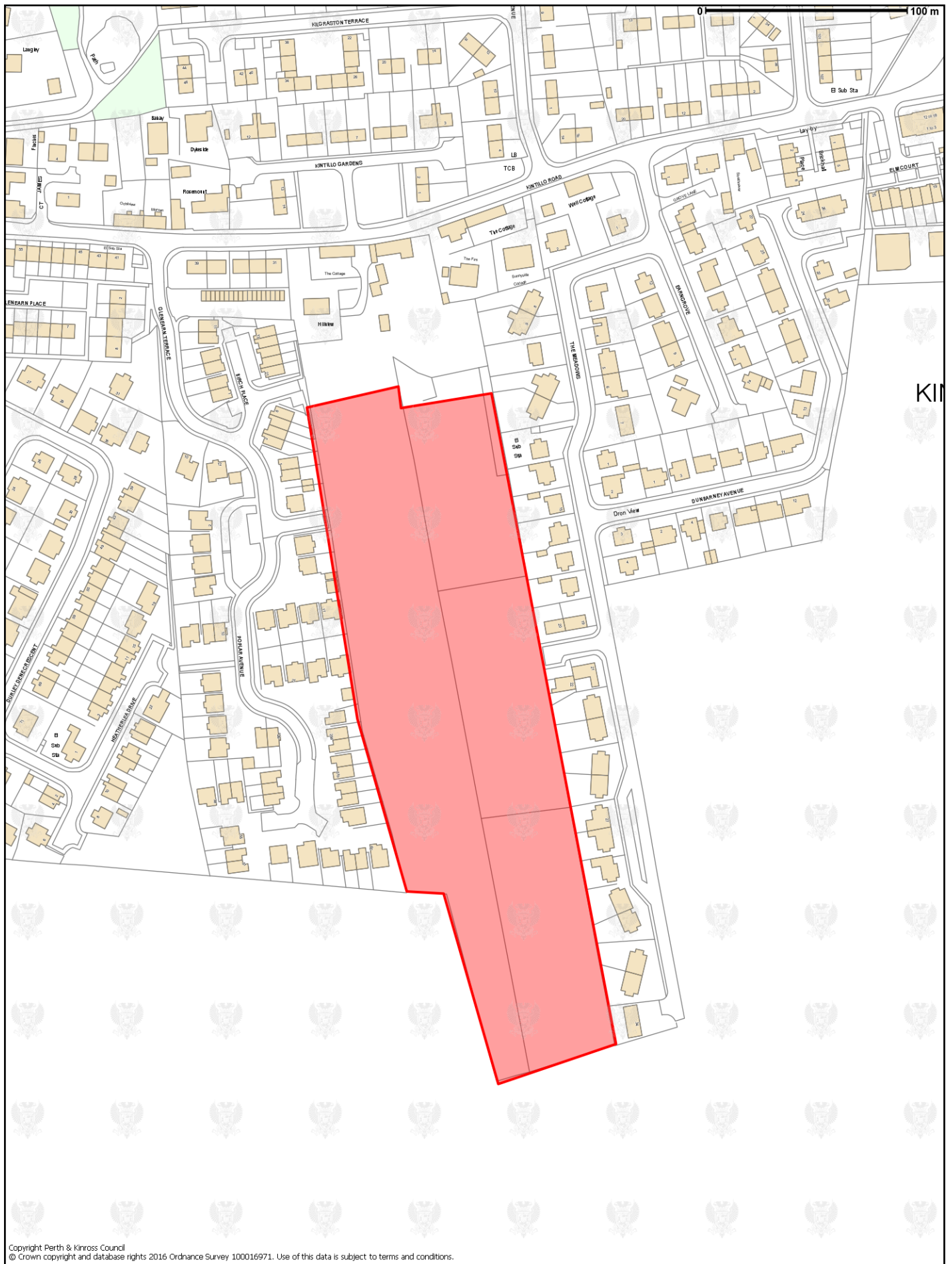
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15/02176/FLM  
Erection of 80 dwellinghouses, formation of open space, landscaping and associated infrastructure works on land SE of Hillview, Kintillo Road, Bridge of Earn







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Scale 1:2500







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

**Residential development consisting of 91 units, access road, open space and associated works at former Kinross High School, High Street, Kinross**

Ref. No: 16/00255/FLM  
Ward No: N8–Kinross-shire

**Summary**

This report recommends approval of the application for the erection of residential development on land of the former Kinross High School as the proposal complies with the Development Plan for the area if made subject to a legal agreement and conditional control.

**BACKGROUND AND PROPOSAL**

- 1 The planning application site extends to 2.91 hectares and is located immediately north west of Kinross town centre. The site is located centrally within Kinross and is within the towns Conservation Area. The main entrance to the site fronts onto High Street and the surrounding uses comprises mainly of residential and commercial. The site is surrounded by residential and commercial uses.
- 2 The site was used as a secondary school from 1906 until the new Loch Leven Community Campus opened in 2010 at the northern edge of Kinross. Since its closure the front area of hardstanding has been used as car parking and the blaes sports pitch has also been used, in part, by visitors to Kinross Parish Church for car parking.
- 3 The buildings are a mix of a traditional stone built structure at the High Street elevation with a large amount of more modern structures extending further back into the site. Some of the buildings have been subject to neglect and vandalism since the schools closure.
- 4 The southern third of the site is slightly elevated and consists of the former blaes sports pitch and grassed areas that were used for recreation purposes while the school was in use.
- 5 The site is allocated for residential use within the Adopted Perth and Kinross Local Development Plan (LDP) February 2014. A previous application for 102 dwellings was refused by Development Management Committee in April 2014.
- 6 There is an associated Conservation Area Consent Application (16/00259/CON) for the demolition of the existing modern school buildings on the site, also under consideration by this committee.

- 7 The proposal includes the following elements:

Housing – 87 new build residential units are proposed which consist of detached, semi-detached and terraced housing types. The range consists of two (24), three (30), four (30) and five (5) bedroom properties and are all mixed throughout the site. All the proposed dwellings are two storeys in height. A standard palette of exterior wall materials is proposed to be used throughout the site. There is a mix of dark tiles and red pantiles proposed for the roofs.

- 8 The original 'Edwardian' school building is proposed to be retained and converted into four bespoke dwellings with garden ground and car parking to the rear.
- 9 Vehicular access – The proposal includes the relocation of the existing access off High Street to form the main access and egress to and from the site. A secondary access will be created from Green Road at the northern end of the site.
- 10 Pedestrian/Cycle Access - A series of pedestrian/cycle routes are to be integrated into the site. Pedestrian access is included at the two vehicular access points. A further connection to the site is proposed at the southern boundary off Station Road and two more along the western boundary off Alexander Drive.
- 11 Car Parking – Seventeen (17) car parking spaces are proposed to be created at the southern end of the site that can be accessed via Station Road. These spaces are being provided for the users of Kinross Parish Church.
- 12 Open space and landscaping – The layout includes tree and shrub planting within an area of open space at the east the proposed conversion and will front onto High Street. The proposal also includes the retention of the existing stone wall and iron railings along High Street. An additional area of open space is proposed adjacent to Kinross Parish Church to provide a buffer between the proposed dwellings and the Church which is Category B Listed.
- 13 Other associated infrastructure – Drainage infrastructure is in the form of sustainable urban drainage system (SuDs) and is located under the area of green space at the eastern side of the site.

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

- 14 Directive 2011/92/EU requires the 'competent authority' (Perth and Kinross Council) when giving planning consent for particular large scale projects to do so in the knowledge of any likely significant effects on the environment. This Directive therefore sets out a procedure that must be followed for certain types of project before 'development consent' can be given.
- 15 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.

A screening exercise in accordance with the EIA (Scotland) Regulations 2011 (as amended) was undertaken by the Planning Authority and in this case due to the projects size, nature and location an Environmental Statement was not required.

## **PRE-APPLICATION CONSULTATION**

- 16 The proposed development is classed as a major development under class 9 of 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 were subsequently agreed by the Council under 13/00003/PAN.
- 17 The pre-application consultation (PAC) report submitted confirms the extent of consultation activity undertaken since the refusal of the 2013 application in April 2014 and in this case it has met the standards and complies with the content of the measures agreed through the Proposal of Application Notice. Since this PAN and the previous application for the site the applicant has carried out a further public consultation event and two presentations to the Community Council to outline their proposed changes to the proposal.

## **NATIONAL POLICY AND GUIDANCE**

- 18 The Scottish Government expresses its planning policies through the National Planning Framework 3, Scottish Planning Policy (SPP) and Planning Advice Notes (PAN).

### **National Planning Framework 3**

- 19 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 (SPP) 2014**

- 20 The Scottish Planning Policy (SPP) was published on 23 June 2014. It sets out national planning policies which reflect Scottish Ministers' priorities for operation of the planning system and for the development and use of land. The SPP promotes consistency in the application of policy across Scotland whilst allowing sufficient flexibility to reflect local circumstances. It directly relates to:
- The preparation of development plans.
  - The design of development, from initial concept through to delivery.
  - The determination of planning applications and appeals.
- 21 Of relevance to this application are;
- Paragraphs 24 – 35: Sustainability
  - Paragraphs 36 – 57: Placemaking
- 22 A successful Sustainable Place
- Paragraphs 126 – 131 Affordable Housing
  - Paragraphs 135 – 151 Valuing the Historic Environment
- 23 A Natural, Resilient Place.
- Paragraphs 219 – 233 Maximising the Benefits of Green Infrastructure
  - Paragraphs 254 – 268 Managing Flood Risk & Drainage
- 24 A Connected Place
- Paragraphs 286 – 291 Promoting Sustainable Transport and Active Travel
- 25 The following Scottish Government Planning Advice Notes (PAN) are also of interest:
- PAN 2/2010 Affordable Housing and Housing Land Audits
  - PAN 1/2011 Planning and Noise
  - PAN 3/2010 Community Engagement
  - PAN 33 Development of Contaminated Land
  - PAN 40 Development Management

- PAN 51 Planning, Environmental Protection and Regulation
- PAN 60 Planning for Natural Heritage
- PAN 61 Planning and Sustainable Urban Drainage Systems
- PAN 65 Planning and Open Space
- PAN 67 Housing Quality
- PAN 68 Design Statements
- PAN 71 Conservation Area Management
- PAN 75 Planning for Transport
- PAN 79 Water and Drainage

### **Designing Places (2001)**

- 26 This is a policy statement by the Scottish Government to raise the standards of urban and rural development.

### **Designing Streets (2010)**

- 27 Designing Streets is the first policy statement in Scotland for street design and marks a change in the emphasis of guidance on street design towards place-making and away from a system focused upon the dominance of motor vehicles. It has been created to support the Scottish Government's place-making agenda and is intended to sit alongside the 2001 planning policy document Designing Places, which sets out Government aspirations for design and the role of the planning system in delivering these.

### **National Roads Development Guide (2014)**

- 28 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.

### **Scottish Historic Environment Policy (2011)**

- 29 This document sets out Scottish Ministers' policies for the historic environment, provides greater policy direction for Historic Environment Scotland (HES) and provides a framework that informs the day-to-day work of a range of organisations that have a role and interest in managing the historic environment.

## **DEVELOPMENT PLAN**

- 30 The Development Plan for the area consists of TAYplan Strategic Development Plan 2012-2032 (Approved June 2012) and the Perth and Kinross Local Development Plan 2014 (Approved February 2014)

### **TAY plan Strategic Development Plan 2012**

- 31 TAYPlan sets out a vision for how the region will be in 2032 and what must occur to bring about change to achieve this vision. The vision for the area as set out in the plans states that:

*“By 2032 the TAYplan region will be sustainable, more attractive, competitive and vibrant without creating an unacceptable burden on our planet. The quality of life will make it a place of first choice where more people choose to live, work, study and visit, and where businesses choose to invest and create jobs”*

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

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

- 33 Seeks to focus the majority of development in the region’s principal settlements. Kinross is identified as a Tier 2 Settlement with the potential to make a major contribution to the region’s economy.

### **Policy 2: Shaping Better Quality Places**

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

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

- 35 This recognises the importance of historic buildings and townscapes and identifies the importance of only allowing development where it does not adversely impact upon or preferably enhances these assets.

### **Policy 5: Housing**

- 36 States that Local Development Plans shall, *“Allocate land which is effective or capable of becoming effective to meet the housing land requirement up to year 10 from the predicted date of adoption, ensuring a minimum of 5 years effective land supply at all times, and work towards the provision of a 7 year supply of effective housing land by 2015 to support economic growth.”*

## **Policy 8: Delivering the Strategic Development Plan**

37 States:

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

### **PERTH & KINROSS LOCAL DEVELOPMENT PLAN FEBRUARY 2014**

38 The principle relevant policies are in summary:

#### **PM1: Placemaking**

39 PM1A: Development must contribute positively to the quality of the surrounding built and natural environment, respecting the character and amenity of the place.

40 PM1B: All proposals should meet the placemaking criteria set out.

#### **PM2: Design Statements**

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

#### **PM3: Infrastructure Contributions**

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

#### **RD1: Residential Areas**

43 In identified areas, residential amenity will be protected and, where possible, improved. Proposals will be encouraged where they satisfy the criteria set out and are compatible with the amenity and character of an area.

#### **RD4: Affordable Housing**

- 44 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

### **TA1: Transport Standards and Accessibility Requirements**

- 45 TA1A: Encouragement will be given to the retention and improvement of transport infrastructure identified in the plan.
- 46 TA1B: 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.

### **CF1: Open Space Retention and Provision**

- 47 CF1A: Development proposals resulting in the loss of Sports Pitches, Parks and Open Space will not be permitted, except in circumstances where one or more of the criteria set out apply.
- 48 CF1B: 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.

### **CF3: Social and Community Facilities**

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

### **HE2 Listed Buildings**

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

### **HE3 Conservation Areas**

- 51 HE3A: Development within a Conservation Area must preserve or enhance its character or appearance. The design, materials, scale and siting of 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.
- 52 HE3B: There is a presumption against demolition of buildings within a Conservation Area and in favour of retention and restoration. Proposals for



demolition should be accompanied by a detailed application for the replacement development.

**NE1: Environment and Conservation Policies**

- 53 National, local and European protected species should be considered in development proposals.

### **NE3: Biodiversity**

- 54 All wildlife and wildlife habitats, whether formally designated or not should be protected and enhanced in accordance with the criteria set out.

### **EP1: Climate Change, Carbon Reduction and Sustainable Construction**

- 55 Sustainable design and construction will be integral to new development within Perth & Kinross.

### **EP2: New Development and Flooding**

- 56 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.

### **EP3: Water Environment and Drainage**

- 57 EP3B: 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.
- 58 EP3C: All new development will be required to employ Sustainable Urban Drainage Systems (SUDS) measures.

### **EP7: Drainage within the Loch Leven Catchment Area**

- 59 EP7A: Total phosphorus from development must not exceed the current level permitted by the discharge consents for Kinross and Milnathort waste water treatment works together with the current contribution from built development within the rural area of the catchment.
- 60 EP7B: Developments within the Loch Leven catchment area will be required to connect to a publicly maintained drainage system incorporating phosphorus reduction measures. Exceptions will only be permitted where they are in accordance with criteria set out.

### **OTHER POLICIES**

#### **Developer Contributions and Affordable Housing Supplementary Guidance April 2016**

- 61 This Guidance concentrates on the delivery of developer contributions to provide a means to enable required infrastructure and services associated with a new development by securing contributions towards their provision. This

Guidance also provides advice and information on the application of the affordable housing policy and seeks a 25% allocation of affordable housing; preferably on site.

### **Kinross Conservation Area Appraisal July 2010**

- 62 The Kinross Conservation Area Appraisal has been produced to identify what makes the designated area of Kinross special and worthy of protection. In particular the Appraisal identifies one of the buildings within the site, the Edwardian element of Kinross High School as a building of interest even though it is not listed.

### **Public Open Space in New Residential Developments – Standards and Adoption May 2001**

- 63 This guidance sets up the current position with regard to the Council's Standards for Public Open Space on new development sites and includes the most appropriate way to arrange for the long-term management of these areas.

### **SITE HISTORY**

- 64 01/00792/NID Erection of 2 new classrooms. Approved under delegated powers 2001.
- 65 02/01618/NID Erection of 2 storey 8 classroom block and 2 storey toilet block. Approved under delegated powers March 2003.
- 66 13/00003/PAN Residential Development. Content of PAN approved March 2013.
- 67 13/02314/CON Demolition of existing school buildings. Refused at Development Management Committee April 2014
- 68 13/02328/FLM Erection of 102 dwellings and associated infrastructure. Refused at Development Management Committee April 2014
- 69 16/00259/CON Partial demolition of buildings within conservation area (To be determined in tandem with current application)

### **CONSULTATIONS**

#### **EXTERNAL**

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

- 70 No objection to the proposal.

#### **Scottish Water**

- 71 No response received.

**Sport Scotland**

- 72 No objection to the proposal as the loss of the blaes pitch has been provided at the community campus.

**Transport Scotland**

- 73 No objection to the proposal

**Perth and Kinross Heritage Trust**

- 74 No objection to the proposal.

**Kinross Community Council**

- 75 Objects to the proposal as the density is too high and there is insufficient information on the materials for the proposed conversion and new builds. They have also expressed road safety concerns regarding Green Road and the appropriateness of two storey properties in certain locations.

**INTERNAL**

**Environmental Health**

- 76 Conditional control recommended to deal with any potential ground contamination due to sites historic use as a school.

**Waste Services**

- 77 Due to the scale of housing proposed the development should incorporate suitable locations for the provision of waste and recycling facilities to complement the kerbside waste and recycling services offered in the area.

**Flood Prevention**

- 78 No objection to the proposal.

**Developer Contributions including Affordable Housing Officer**

- 79 No objection provided 23 affordable housing units will be delivered on site and a financial contribution towards primary education is paid.

**Conservation Planning**

- 80 The retention of the Edwardian frontage to the High Street is welcomed; as is the thorough Heritage Impact Assessment (HIA) accompanying the application. The mitigation measures set out in the HIA are shown on the submitted plans

and includes the retention of the pump house at the Green Road boundary of the site.

**Biodiversity Officer**

- 81 Following submission of a bat survey and a bat protection plan there is no objection to the proposal provided certain conditions are applied to any permission.

**Community Greenspace**

- 82 No objections provided the proposed areas of open space are planted out as per the submitted landscape plan. A financial contribution towards maintenance of open space and a financial contribution is required to upgrade the nearby existing play area on Green Road.

**REPRESENTATIONS**

- 83 The application has attracted 12 letters of representation objecting to the proposal (from separate addresses) including Kinross-shire Civic Trust.
- 84 The representations have raised the following relevant issues:
- Contrary to allocation in Local Development Plan
  - Adverse impact on conservation area
  - Adverse impact on neighbouring properties including overshadowing and overlooking
  - Adverse impact on surrounding listed properties
  - Inappropriate land use
  - Excessive density.
  - Lack of open space
  - Loss of public parking (at front of school and blaes pitch)
  - Excessive height
  - Road safety issues especially the proposed Green Road entrance
  - Road congestion
  - Adverse impact on drainage

- Adverse impact on services such as primary school, medical centre, dentists etc.
- Short consultation period.

#### **ADDITIONAL STATEMENTS**

Environment Statement	Not required
Screening Opinion	Undertaken
Environmental Impact Assessment	Not required
Appropriate Assessment	Not required
Design Statement / Design and Access Statement	Submitted
Report on Impact or Potential Impact	Transport Assessment; Heritage Impact Assessment; Building Condition Survey; Bat Survey, Demolition Statement

#### **APPRAISAL**

##### **Policy Appraisal**

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

##### **Difference between 2013 and 2016 application**

- 88 The previous proposal was refused at Development Management Committee in April 2014 as it was considered to be contrary to LDP Policy PM1A - Placemaking in that it will be detrimental to the character and amenity of the area; LDP Policy RD1 - Residential Areas in that it is incompatible with the amenity and

character of the immediate residential area; LDP Policy HE3A - Conservation Areas in that the proposal fails to preserve or enhance the character or appearance of the Conservation Area, and its scale and siting will have an adverse impact on the special qualities of the area and are not appropriate to its character and setting. Following this refusal the applicant has taken on board the reasons for refusal and feedback and have submitted a revised scheme with the following main changes.

- There has been a reduction in the number of units proposed from 102 to 91 units of which 87 are new build units.
- The 'Edwardian' school building at the front entrance to the site is to be retained and converted into 4 dwellings.
- Because of the proposed conversion a smaller area of open space at the site entrance is now proposed.
- Another area of open space has been proposed at the southern end of the site to provide a buffer between the dwellings and the B Listed Kinross Parish Church.
- An area of car parking for up to 17 vehicles is proposed at the southern end of the site that can be accessed off Station Road. These spaces are being provided mainly for users of Kinross Parish Church.
- An additional internal loop road proposed to avoid any cul-de-sacs.

### **LDP Allocation and Site Density**

- 89 Of the representations received most referred to the site being allocated for 70 units and anything above this number is contrary to its allocation in the LDP. Following examination of the LDP by the DPEA, the Reporter recommended that the site be allocated for residential use and suggested a figure of 70 dwellings. As with other sites in the LDP, this figure is considered to be indicative and is not a barrier to developments looking at higher or lower densities.
- 90 The Reporter acknowledged that the recommended densities were not prescriptive and that planning applications for higher densities may be considered acceptable and that each application should be determined on its own merits and there may be circumstances where a higher or lower figure could be acceptable.
- 91 Paragraph 46 of SPP recommends higher density development in central and accessible locations that will reduce the reliance on private cars and prioritising sustainable and active travel choices, such as walking, cycling and public transport. Through good design it is considered possible to achieve higher density living environments without overcrowding or loss of amenity.

- 92 The proposed site is an urban brownfield site and its development is in a central and accessible location as it is immediately adjacent to the recently regenerated town centre, close to the public transport network and the current and future primary school. The proposed density of 87 new build and 4 converted units is lower than the previous application and this density is considered to be acceptable. 56 of the proposed dwellings will be 2-3 bedrooms which will help meet current market demand for smaller sized easy to maintain dwellings especially for first time buyers or those downsizing. All properties will have an acceptable amount of garden ground to enjoy and will not have an adverse impact (overlooking or overshadowing) on any of the surrounding properties.
- 93 The proposed development accords with SPP 2014, TAYplan Policy 8 and LDP Policies PM1 and RD1 as it is considered that the proposed density of development represents an efficient use of a central site whilst still respecting the surrounding environment and neighbouring properties. The proposed conversion and new build dwellings will provide a positive contribution to the quality of the surrounding built and natural environment.

### **Design and Layout**

- 94 Through Designing Places (2001) the Scottish Government signalled the importance they attach to achieving improvements in the design and quality of new development, and bringing long-term benefits to the urban and rural environment. It should be noted that good design should be the aim of everyone in the planning and development process with it being important at all scales of development.
- 95 Designing Streets (2010) published by the Scottish Government suggests that streets should be designed as social spaces, being well-connected at all levels. It aims to move away from vehicle dominated road layouts in favour of streets designed for people that achieve a sense of place, producing interesting and useable street layouts.
- 96 Permeability of places is a crucial component in good street design. Internal permeability is important, but any area should also be properly connected with adjacent street networks. A development with poor links to the surrounding area creates an enclave which encourages movement to and from it by car rather than by other modes. In this case the proposal includes two vehicular and four pedestrian/cyclist access points and is thereby considered to be a permeable and well connected site that accords with the National Roads Development Guide 2014 and LDP Policy TA1 Transport Standards and Accessibility Requirements.
- 97 When considering the layout of any new development, one of the most important issues to consider is creating the opportunity for natural surveillance. Buildings, spaces and pedestrian routes should be located to maximise natural observation from pedestrians and passing motorists. Active frontages should be encouraged wherever possible i.e. doors leading onto the street and



windows overlooking all public areas. The proposed layout takes cognisance of Designing Streets and incorporates appropriate natural surveillance of all areas of space and the main pedestrian routes. The proposal is in line with PAN 77 - Designing Safer Places and LDP Policy PM1 Placemaking

- 98 The proposal consists of two storey detached, semi-detached and terraced properties with a mixture of house types. Much of the site contains shared surfaces that help achieve a sense of place. The street layout shows a clear hierarchy and is considered to be easily usable by all users and helps ensure the proposal complies with Designing Streets (2010). The proposed lay out and linkages ensure the site is extremely permeable for all modes of transport especially pedestrians and cyclists with several footpaths to the town centre, public transport connections, the current primary school and the surrounding neighbourhood.
- 99 As mentioned above, the massing and scale of the dwellings can be accommodated within the plots without having an adverse impact on the amenity of neighbouring properties. Because of the sites close proximity to the town centre, transport connections and current primary school, it is considered that the proposed density is therefore considered to be acceptable.
- 100 Some representations submitted make reference to the proposal all being two storey and for a number of years there was a restriction on height of dwellings in the surrounding area and that only single storey was allowed. There is no such restriction in place today and there is a mixture of dwelling heights in the area and as will be discussed later in this report overlooking and overshadowing is assessed.
- 101 In terms of house design, whilst it is of a standard palette it has been influenced by the surrounding area, where there is a mixture of building styles and materials. The majority of properties off High Street feature cream coloured rendered walls with either dark roof tiles or red pantiles. The proposed dwellings are to be either a buff or cream render with either dark tiles or red pantiles. It is considered that the overall detailing of the proposed new build dwellings is acceptable.
- 102 What does help significantly preserve and enhance the Conservation Area is the retention and conversion of the original 'Edwardian' school building which matches many of the existing properties on the High Street. In addition to this it is considered reasonable that the proposed new build dwellings most visible from the High Street should contain slate roofs to match the existing properties along High Street. Slate can be re-used from the original demolished school buildings to achieve this. To ensure the Conservation Area is preserved samples of all the exterior building materials should be submitted for agreement with the Planning Authority and this can be secured through conditional control.

### **Residential Amenity**

### Overlooking

- 103 A number of representations submitted raised concern about overlooking of their properties especially garden areas and bedrooms. Boundary distances have been measured for every dwelling and I do not consider the proposed residential units will result in overlooking to neighbouring properties due to acceptable separation distances between proposed and existing dwellings. Every proposed dwelling directly facing onto an existing dwelling will be over 18 metres from the exterior wall of a neighbouring property. For dwellings at angles to each other this distance can be shortened.
- 104 The site levels of the current blaes pitch and grassed area will be reduced and finished floor levels of the proposed dwellings will be marginally higher than the neighbouring properties. This marginal difference in levels will not result in any significant overlooking issues.

### Overshadowing, loss of sunlight and daylight.

- 105 As well as the issue of overlooking some representations argued that the proposed dwellings at 2 storey height will block daylight. The Building Research Establishment (BRE) document 'Site Layout Planning for Daylight and Sunlight- a guide to good practice 1991' sets out guidelines on how to assess the potential impact, it should be noted that the standards are not mandatory and should be interpreted flexibly.
- 106 Taking cognisance of the BRE document, the proposed dwellings will be of lower height than many of the existing buildings, the distances between new and existing properties and lowered site levels at the southern end of the site, I consider an acceptable level of daylight and sunlight will be maintained to each neighbouring property. The extent of overshadowing of amenity ground does not warrant either refusal or amendment of the application.
- 107 Overall, in terms of residential amenity the proposal complies with LDP Policy PM1 as the design and siting respects the character and amenity of the surrounding properties.

### **Conservation Area**

- 108 A separate application (16/00259/CON) for Conservation Area Consent for the demolition of the all the modern buildings within the site has also been assessed in conjunction with this planning application. The Planning Authority has a duty to ensure the retention of buildings of historic or architectural interest unless there has been a sufficiently robust justification provided to support its demolition. This Conservation Area Consent application includes a statement to justify the demolition of the building.
- 109 Section 63 - 66 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 places a duty on the planning authority, in considering whether to grant consent for any works and is pertinent in that it requires the

Planning Authority to pay special attention to the desirability of preserving or enhancing the character or appearance of the Conservation Area.

110 In line with National Policy, Historic Environment Scotland Guidance states that demolition of an unlisted building in a Conservation Area should be assessed against the following criteria:

- The importance of the building
- Condition of the building
- Economic viability of reusing the building
- Wider public benefits

### **The importance of the building**

111 In comparison to the 2013 applications refused at committee in April 2014, it is worth noting that the façade of the original Kinross High School building built in 1906, is now proposed to be retained as part of a conversion into 4 dwellings as part of the accompanying 16/00255FLM planning application for the development of 91 dwellings (87 new build). Therefore what is being applied for demolition now is the large array of modern buildings added over the decades since the original school building was constructed.

112 The Kinross Conservation Area Appraisal 2010 describes the immediate surrounding area as being characterised by large, well-spaced villas set back from the street in often generous garden grounds with stone boundary walls, gate piers and decorative cast iron gates.

113 Following the relocation of the High School to the Loch Leven Community Campus in 2010, the site has been identified as a key development opportunity with the Conservation Area. The Conservation Area Appraisal 2010 states consideration should be given to the re-use and adaption of the buildings and provides a positive contribution to the conservation area. LDP Policy HE3 highlights that any development proposal for the site is required to preserve and enhance the area.

114 It is considered that the demolition of the majority of the school buildings, that is, those dating from the 1930s through to the 1990s, that none of these are of sufficient architectural merit or importance and do not present a case for their retention either in the interest of the Conservation Area or the setting of neighbouring properties including some listed buildings. They do not add to the character or quality of the area as defined in the Conservation Area Appraisal or contribute positively to the setting of the listed buildings. The rapid deterioration of these buildings since 2010 has worsened their impact on the Conservation Area.

- 115 It is considered that their demolition will actually result in an enhancement with the replacement development of 87 new build dwellings and the retention and conversion of the original school building into 4 units and therefore comply with the SHEP test and LDP Policy HE3.

### **Condition of the buildings proposed for demolition**

- 116 The building has not been in use since the High School moved to Loch Leven Community Campus in 2010. A Building Conditions Survey was carried out in October 2015 which recorded that since the 2013 application the property was continuing to fall into a state of disrepair. Lead flashing, roof coverings and gutters are now missing, allowing extensive water penetration to various areas. This has resulted in a number of areas of dry rot affecting large sections of the fabric of the building, together with excessively damp walls.
- 117 Whilst the buildings have suffered further neglect and vandalism it is not incapable of repair. However given the original 'Edwardian' school building is to be retained and converted and the modern additions provide little architectural or cultural merit and continuing to fall into disrepair their demolition is considered to be a positive action in terms of the setting of the Conservation Area. The deterioration of these buildings since 2010 has worsened their impact on the Conservation Area.

### **Economic viability of repairing and reusing the building**

- 118 A balance is required between the viability of retaining the modern elements of the former High School building and the economic benefits the wider redevelopment of the site could bring. A case has been made by the applicant for the retention and conversion of the 'Edwardian' school building and demolition of the existing buildings and this has to be taken into consideration against the context of the overall developments viability and benefits.
- 119 The applicant has submitted Supporting Information; in addition to a Heritage Impact Assessment and Building Conditions Survey on the development viability which sets out retain the traditional building fronting High Street. As the retention of this 'Edwardian' building a the key requirement of this site coming forward, it is considered that the retention of the remaining moderns buildings would limit the ability to maximise the market value of the site and therefore result in a development which would have a lower economic viability.
- 120 Because of the sites close proximity to the town centre it is expected that the proposed demolition will deliver the greatest benefit from an economic impact point of view. The proposed replacement development will increase the likely expenditure levels within Kinross and the town centre in particular. The impact of increased expenditure on the town centres vitality and viability could be significant.

### **Wider public benefits**

- 121 Historic Environment Scotland's Managing Change in the Historic Environment guidance note on demolition refers to 'Wider Public Benefits' which acknowledges that:

*"in exceptional circumstances the retention of a building may prevent wider public benefits flowing from the redevelopment of a site. Typically these cases would involve developments of national or regional significance and applicants will need to demonstrate that there is no practical way of realising the benefits without demolishing the building".*

- 122 The later 20<sup>th</sup> century buildings do little to preserve and enhance Kinross's Conservation Area status. Since its closure in 2010 the impact on the Conservation Area has become more significant as a result of vandalism, neglect and deterioration in addition to being used for car parking.
- 123 Overall it is considered that the proposed demolition will allow for a development that will provide a significant improvement to the whole site and introduce new qualities that are considered appropriate for the Conservation Area. The site will be significantly improved and therefore have a positive impact on the Conservation Area and complies with LDP Policy HE3A.

### **Listed Buildings**

- 124 Numerous representations to the previous planning application made reference to the impact the proposed development will have on the adjacent listed properties and in particular the 'B' Listed Kinross Parish Church at the southern end of the site.
- 125 With the introduction of a large area of open space and car parking at the southern end of the site it is considered that the proposal will have a minimal impact on the character and status of the listed church. Because the proposed development is to the rear of other listed properties and are set back an acceptable distance the impact on their status is also considered to be minimal.
- 126 It is considered that the revised layout will not affect Kinross Parish Church, its listed status or its setting and therefore complies with LDP Policy HE2.

### **Transport Issues**

- 127 A Transport Assessment (TA) has been submitted and audited by Transport Planning. While the development will generate extra traffic, the trip generation figures in the TA were prepared using the industry standard TRICS trip rate generation database. This showed that in the AM peak there would be a total of 51 vehicle movements in and out of the site and 55 vehicle movements in the PM peak. This would result in a minimal increase from the current baseline levels of traffic and can easily be absorbed by the local transport network. The Transport Assessment also examined the capacity of the mini-roundabout at

the High Street-Station Road junction and it showed, even allowing for population growth, the junction would continue to operate satisfactorily.

#### Green Road access

- 128 Some representations expressed concern about Green Road becoming a 'rat run' and a road safety issue. The primary vehicular access route in and out of the site will be from the High Street. The proposed Green Road access junction has been designed as a secondary access point and the Transport Assessment predicts that the majority of car borne traffic will use the High Street access to drive to M9 and beyond. Transport Planning have agreed with this prediction and that existing parking along Green Road will provide an element of traffic calming.

### Parking

- 129 A number of representations made reference to parking issues in Kinross and that the proposed development will cause the loss of car parking off High Street and the loss of the blaes pitch off Station Road for users of Kinross Parish Church. It is also important to point out that prior to the school closing in 2010, it was not possible for the public to use the school grounds or the blaes pitch for car parking. The applicant has offered to provide 17 parking spaces at the southern end of the site. It is expected that they will be mainly used by visitors to Kinross Parish Church but could also be used by the public.
- 130 Previous parking surveys were carried out by the Council examined the capacity of all car parks in Kinross and showed that the vast majority of the car parks never reached their capacity. It is considered that parking problems in Kinross are more of a perceived issue.

### Pedestrian/Cyclist Access

- 131 Pedestrian access will be available from both the High Street and Green Road access points. A pedestrian /cyclist path is provided at the southern end of the site linking onto Station Road. A pedestrian/cyclist path is proposed along the western boundary off Alexander Drive. From a site permeability and sustainability perspective the proposal offers excellent links for pedestrians and cyclists to access the town centre, current and future primary school, public transport and the surrounding area.
- 132 Consequently both Transport Scotland and Transport Planning offers no objection to the proposal. The proposal complies with LDP Policy TA1 because the transport network can accommodate the proposed level traffic generation with minimal impact and because of its central location it should provide a realistic choice of more sustainable modes of transport and thereby help reduce travel demand by car.

### **Drainage and Flooding**

- 133 The site is not located within a flood risk area. However due to development reducing surface permeability by replacing the sports pitch and grassed area with roofs, roads reduced, increases in surface run-off will occur. The alteration of natural flow patterns (in both total quantity and in peak flow) can lead to problems elsewhere within the river catchment, particularly flooding downstream. It is therefore important to ensure that surface water is managed in an appropriate manner.
- 134 Scottish Environment Protection Agency (SEPA) offers no objection provided the submitted drainage plan is delivered. The Council's Flooding Engineer also seeks the delivery of a SUDS scheme with design calculations to support the attenuation. Conditions will ensure that foul flows are connected to the public drainage network.

- 135 SEPA and the Councils Flood Team have all concluded that the submitted information including drainage plan will not have an adverse impact on flooding or drainage capacity in the area. Because the proposal will be connecting to the public systems there should be no impact on Loch Leven or its protected status. The proposal therefore complies with LDP Policies EP2, EP3 and EP7.

### **Landscape, Open Space and Play Area**

- 136 Preserving and enhancing the Conservation Area is an important planning objective. Some of this objective can be achieved by enhancing the landscape character of the proposal. It is considered that potential long term visual effects of the scheme can be preserved through both the retention and conversion of the 'Edwardian' school building and creation of soft and hard landscaping at the proposed area of open space adjacent to the High Street access.
- 137 The conversion of the original school building, retention of the stone boundary wall and iron railings and the proposed open space area will provide a more attractive frontage to the site than at present.
- 138 It is also important to consider that at this location heading out of the town, the character of the frontages along High Street changes considerably. The Kinross Conservation Area Appraisal 2010 acknowledges that the immediate area to the north is characterised by large, well-spaced villas set back from the street in often generous garden grounds with stone boundary walls, gate piers and decorative cast iron gates. The proposal with stone wall, attractive iron railings and extensive planting will resemble a number of properties at the northern end of the High Street and the tree lined area of The Muirs.
- 139 In terms of a play area, Community Greenspace requires a Local Equipped Area for Play (LEAP). It is considered that the proposed open space area is not the most appropriate location for the play area as it could compromise the open space requirements, the visual impact and the conservation area. The current play area on Green Road is in need of an upgrade and this will provide a benefit to the both the development and the surrounding community. Community Greenspace have considered this to be acceptable and an agreed commuted sum is required from the developer to finance the upgrade. This will be dealt with through the Section 75 Legal Agreement.

### **Protected Species**

- 140 When determining applications the Planning Authority is required to have regard to the Habitats Directive and the Habitats Regulations. Consideration of how 'European Protected Species' (EPS) are affected must be included as part of the consent process, not as an issue to be dealt with at a later stage. Three tests must be satisfied before the Scottish Government can issue a license under regulation 44(2) of the Habitats Regulations so as to permit otherwise prohibited acts. To enable an assessment against the three tests the applicant was advised that a bat survey should be undertaken.



- 141 A bat survey was undertaken In April 2014 and September 2015 and the latter one identified a total of seven bat roost in the school buildings and an eights roost in an adjacent house.
- 142 Roosting bats are an ecological constraint for the proposed demolition and redevelopment of the site. It will now be necessary to apply for a license from SNH to allow legal disturbance and destruction of the roosts before any area of the buildings within 30 metres of each bat roost can be demolished.
- 143 A Bat Protection Plan has also been submitted and details the proposed methodology to minimise roost disturbance and what is required for successful roost destruction, while minimising the potential for harm to the bats. Short-term mitigation will be in the form of at least seven clusters of bat boxes erected in advance of works to compensate for disturbance and loss of the roosts, with some erected on the front of the school building will be retained, and others erected on poles within 100m of the roost locations if suitable trees cannot be found to erect them on. Long-term mitigation will involve roost replacement on a “like-for-like” basis, with roost provision either built into the fabric of at least six of the new residential houses, and at four locations on the retained school frontage section of the building. The boxes will be suitable for multi-season use and include for maternity use, summer and transitional roosting, and at least six boxes suitable for hibernation purposes.
- 144 The Council’s Biodiversity Officer has examined the Bat Survey and Bat Protection Plan and confirms he has no objection but recommends certain mitigation measures contained in the Bat Survey report become conditions with any planning permission.

### **Ground Conditions**

- 145 An inspection of the proposed development site by Environmental Health did not raise any real concerns, although there is a record of an underground petroleum tank adjacent to the site, from which there may have been leaks or spills. They recommend conditional control of a watching brief during redevelopment is required.

### **Affordable Housing**

- 146 The Councils Affordable Housing officer has confirmed that 25% (23 units) will be required for affordable housing. The delivery of this will be dealt with via the Section 75 Legal Agreement.

### **Education**

- 147 The proposed development will result in the current primary school being over capacity. As a result a financial contribution (£436,458.75) is required for 68 dwellings (91-23 affordable units). This contribution will be dealt with via the Section 75 Legal Agreement.



## **Short Consultation Period**

- 148 One representation made reference to the short consultation period for the application. The statutory public consultation period for major applications of 28 days was applied to this application. As the Planning Authority's performance is measured by its determination timescales of planning applications it is considered that the statutory timescale is appropriate.

## **ECONOMIC IMPACT**

- 149 The economic impact of 91 dwellings immediately adjacent to Kinross town centre is considered to be significant. Employment opportunities will obviously exist during the construction phase and afterwards the increased available expenditure should have a positive impact on the town centre which has benefited greatly from recent environmental improvements. Based on the Perth and Kinross Retail Study (2014) the average spend by each adult within Kinross on convenience goods in 2018 will be £2,047 per annum. If each of the new dwellings contains two adults there could be in the region of £372,554 available to spend on groceries etc. In terms of comparison goods the potential available expenditure of £3,532 per adult could result in £642,824 being spent per annum in 2018.

## **PLANNING AUTHORITY WITH AN INTEREST IN THE LAND**

- 150 The Town and Country Planning (Notification of Applications) (Scotland) Direction 2009 advises on the procedure for notification of planning applications to the Scottish Ministers for developments in which planning authorities have an interest in. The Direction states that notification to the Ministers is only required where the proposal involves a significant departure from the authority's own Development Plan. As the recommendation of approval for a site allocated for residential use is not a significant departure from the Development Plan, a notification to the Ministers is not required.

## **LEGAL AGREEMENTS**

- 151 A Section 75 Legal Agreement has been drafted and is required to secure the following:
- Affordable Housing provision (23 units);
  - Commuted sum for primary school provision (£436,458.75);
  - Long term maintenance of the open space areas (£33,670) and
  - Upgrade of Green Road play area (£45,000).

## **DIRECTION BY SCOTTISH MINISTERS**

- 152 Under the Town and Country Planning (Development Management Procedure) (Scotland)

- 153 Regulations 2008, regulations 30 – 32 there have been no directions by the Scottish Government in respect of an Environmental Impact Assessment screening opinion, call in or notification relating to this application.

## **CONCLUSION AND REASONS FOR RECOMMENDATION**

- 154 Section 25 of the Act requires that determination of the proposal should be made in accordance with the provisions of the Development Plan, unless material considerations indicate otherwise.
- 155 In this case it is considered that the application is in accordance with the adopted Development Plan. The site is allocated for housing in the LDP and the proposed density, layout, siting and design are considered to be acceptable with minimal impact on the surrounding area.
- 156 The proposed development of 91 dwellings on an urban brownfield site so close to the town centre represents a sustainable opportunity to revitalise this important site. With the proposed conversion of the original school building it is considered it will preserve and enhance the town's conservation area. The economic impact of the development on Kinross and in particular the town centre is significant.
- 157 Overall the development will lead to an improvement of the site and consequently the Conservation Area. I have taken account of material considerations and find none that would justify refusing the application. The application is therefore recommended for approval subject to conditions and the conclusion of a legal agreement.

## **RECOMMENDATION**

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

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

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

- 2 No demolition of the existing buildings shall take place until the Council as Planning Authority has been satisfied that a contract is in place for the construction of the replacement development.

*Reason: In the interests of visual amenity and to avoid the creation of a gap site in the Conservation Area.*

- 3 Prior to the occupation and use of the approved development all matters regarding access, car parking, road layout, design and specification, including

the disposal of surface water, shall be in accordance with the standards required by the Council as Roads Authority and to the satisfaction of the Planning Authority.

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

- 4 No development shall commence until a connection to the public foul sewer infrastructure has been secured to cater for the foul flows associated with the development. Documentation confirming a connection is available shall be submitted to the Local Planning Authority for written approval. Thereafter the development shall be undertaken in accordance with the approved details to the satisfaction of the Local Planning Authority.

*Reason: To ensure the provision of an acceptable foul drainage system in the interests of the amenity of the area and for the protection of the water environment.*

- 5 Prior to the commencement of development, a Construction Management Plan (CMP) detailing the proposed phasing of the development, environmental mitigation measures and construction method statements, including specific measures to control dust arising from demolition and construction work shall be submitted to and approved in writing by the Planning Authority in consultation with Perth and Kinross Council's Environmental Health Section, thereafter the development shall be undertaken in accordance with the approved CMP.

*Reason: To minimise pollution risks arising from construction activities.*

- 6 Details of the exact specification and colour of the proposed external finishing materials to be used shall be submitted for the approval of the Planning Authority prior to the commencement of the development. The scheme as approved shall be implemented prior to the occupation and/or use of the development.

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

- 7 The roof material of dwelling numbers marked 73 to 75 inclusive on the Approved Site Layout Plan (Drawing Number: KIN-02-01 REV D) shall be natural slate and maintained in perpetuity. The slate should be reused from the demolition of the existing school building, unless otherwise agreed in writing by the Planning Authority.

*Reason: To ensure the development re-uses existing surface materials where appropriate.*

- 8 Prior to the commencement of development details of salvage and the re-use of existing building materials shall be submitted to and approved in writing by the Local Planning Authority, thereafter the scheme shall be implemented all to the satisfaction of the Local Planning Authority.

*Reason: To ensure the development re-uses existing surface materials where appropriate.*

- 9 Prior to the commencement of the development, full details of all boundary treatment shall be submitted to the Planning Authority for written approval. The development shall be carried out in accordance with the approved scheme and shall be completed prior to the occupation of the development.

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

- 10 The area(s) of public open space indicated on the approved Landscape Plan (Drawing Number: 143.74.01e) shall be planted in accordance with the open space standards of the Planning Authority and completed to phase with the adjacent dwellinghouses in accordance with a programme to be submitted to and agreed in writing with the Planning Authority prior to the commencement of the development. The scheme shall thereafter be maintained.

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

- 11 Prior to the commencement of development a detailed layout of the proposed upgrade of Green Road children's play area indicated in the site layout plan shall be submitted for the further approval of the Planning Authority. The play area(s) shall be designed, laid out and equipped in accordance with the Planning Authority's current criteria for play area provision within six months of the occupation on the site. The play area and its facilities/equipment shall thereafter be maintained.

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

- 12 No development shall take place until full details of earthworks at the southern half of the site has been submitted to and approved in writing by Planning Authority thereafter the development shall be carried out in accordance with the approved details.

*Reason: To ensure that the proposed development does not prejudice the appearance of the locality.*

- 13 Prior to the commencement of the development hereby permitted, details of the final planting scheme shall be submitted to the Planning Authority for written approval. The landscaping and planting shall be carried out in accordance with the approved scheme within twelve months of the commencement of the development, or such longer period as the Planning Authority shall specify in writing. The landscaping and planting shall be

maintained for a period of five years from the date of the commencement of the development, such maintenance shall include the replacement of any trees or shrubs that die or are removed.

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

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

- 14 Prior to the commencement of demolition work a total of 7 clusters of 3 bat boxes shall be provided as recommended on Page 54 of the submitted Bat Survey Report.

*Reason:* To minimise risk of disturbing a protected species.

- 15 Prior to the commencement of demolition work on the demolition a total of 4 bat slates will be fitted during reroofing of the retained section of building as recommended on Page 54 of the submitted Bat Survey Report.

*Reason:* To minimise risk of disturbing a protected species.

- 16 All works to buildings or structures that may be used by bats (such as demolition, roof stripping, excavations or building works or associated operations) shall only be carried out under the direction of a licensed bat ecologist to ensure that an offence is not committed.

*Reason:* To minimise risk of disturbing a protected species.

- 17 Demolition works shall only take place between 1 December and 31 March to reduce the risk of disturbing any bats present, unless otherwise agreed in writing by the Planning Authority.

*Reason:* To minimise risk of disturbing a protected species.

- 18 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 Planning Authority. The scheme shall include a full timetable for the reclamation measures proposed. Verification shall be provided by the applicant, on completion, that reclamation has been undertaken in accordance with, and to the standard specified in, the agreed reclamation scheme.

*Reason:* In the interest of personal safety and environmental health.

- 19 No development or extensions, whether or not permitted by virtue of Schedule 1, Part 1, Class 1 and 3 of the Town and Country Planning (General Permitted Development) (Scotland) Order, 1992 or any Order revoking and re-enacting

that Order shall be erected in the curtilage of any 2 bedroom or terrace dwellings shown on the Approved Site Layout Plan (Drawing Number KIN-02-01 REV D)

*Reason: In the interests of visual and residential amenity; to ensure a satisfactory standard of local environmental quality and to avoid over-intensive development of the site.*

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

*Reason: in the interests of the sustainable disposal of waste.*

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

#### Bin Dimensions

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

*Reason: in the interests of the sustainable disposal of waste.*

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

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

- 23 Prior to the commencement of development a detailed sustainable urban drainage system (SUDS) has been submitted for the further written agreement of the Council as Planning Authority, in consultation with SEPA where necessary. The scheme shall be developed in accordance with the technical guidance contained in The SUDS Manual (C753) and the Council's Flood Risk and Flood Risk Assessments Developer Guidance, and shall incorporate source control. All works shall be carried out in accordance with the agreed scheme and be operational prior to the bringing into use of the development.

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



- 24 Concurrent with the development hereby approved and for the duration of construction, a temporary surface water treatment facility shall be implemented on site and maintained for the duration of the approved development works. The temporary surface water treatment facility shall remain in place until the permanent surface water drainage scheme is implemented unless otherwise agreed in writing by the Council as Planning Authority.  
*Reason: In the interests of best practise surface water management; to avoid undue risk to public safety and flood risk.*
- 25 The Finished Floor Level of all properties shall be a minimum of 600mm above the 200year flood level including 20% for climate Change.  
*Reason: To reduce flood risk.*
- 26 Storm water drainage from all paved surfaces shall be disposed of by means of suitable sustainable urban drainage systems to meet the requirements of best management practices.  
*Reason: In the interest of vehicle and pedestrian safety and in accordance with the policies of the adopted development plan.*
- 27 The discharge rate of the sustainable urban drainage system (SUDS) shall be limited to the amount specified in drawing E9834/2001 – Rev G.  
*Reason: To reduce flood risk.*
- 28 Prior to the commencement of the development, full details of the proposed refurbishment of the pump house on Green Road shall be submitted to the Planning Authority for written approval. The refurbishment shall be carried out in accordance with the approved scheme within twelve months of the commencement of the development, or such longer period as the Planning Authority shall specify in writing.  
*Reason: In the interests of visual amenity; to ensure a satisfactory standard of local environmental quality; to protect the Conservation Area.*
- 29 Prior to the commencement of the development, full details of the proposed car park off Station Road shall be submitted to the Planning Authority for written approval. The development shall be carried out in accordance with the approved scheme within twelve months of the commencement of the development, or such longer period as the Planning Authority shall specify in writing.  
*Reason: In the interests of visual amenity; to ensure a satisfactory standard of local environmental quality.*

## **B JUSTIFICATION**

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

## **C PROCEDURAL NOTES**

Consent shall not to be issued until a Section 75 Agreement relating to planning contributions has been completed and signed to reflect the current planning reference 16/00255/FLM. The legal agreement should be concluded and completed within 4 months of the date of any Committee approval. Failure to conclude a legal agreement within 4 months will result in the planning application being re-assessed through failing to comply with the associated developer contributions policy and will be ultimately recommended for refusal under delegated powers.

- Affordable housing
- Education contribution
- Open space provision /maintenance
- Green Road play area upgrade.

## **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 This development will require the 'Display of notice while development is carried out', under Section 27C (1) of the Town and Country Planning Act 1997, as amended, and Regulation 38 of the Development Management Procedure (Scotland) Regulations 2008. The form of the notice is set out in Schedule 7 of the Regulations and a draft notice is included for your guidance. According to Regulation 38 the notice must be:
  - Displayed in a prominent place at or in the vicinity of the site of the development
  - Readily visible to the public

- Printed on durable material.
- 4 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.
  - 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 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 No work shall be commenced until an application for building warrant has been submitted and approved.
  - 7 The applicant is reminded that, under the Wildlife and Countryside Act 1981, as amended, it is an offence to remove, damage or destroy the nest of any wild birds while that nest is in use or being built. Planning consent for a development does not provide a defence against prosecution under this act
  - 8 The Council's Community Waste Adviser in the Environment Service should be contacted to clarify the bin storage requirements for the development.

Background Papers: 12 letters of representation  
 Contact Officer: Steve Callan Ext 75337  
 Date: 25 May 2016

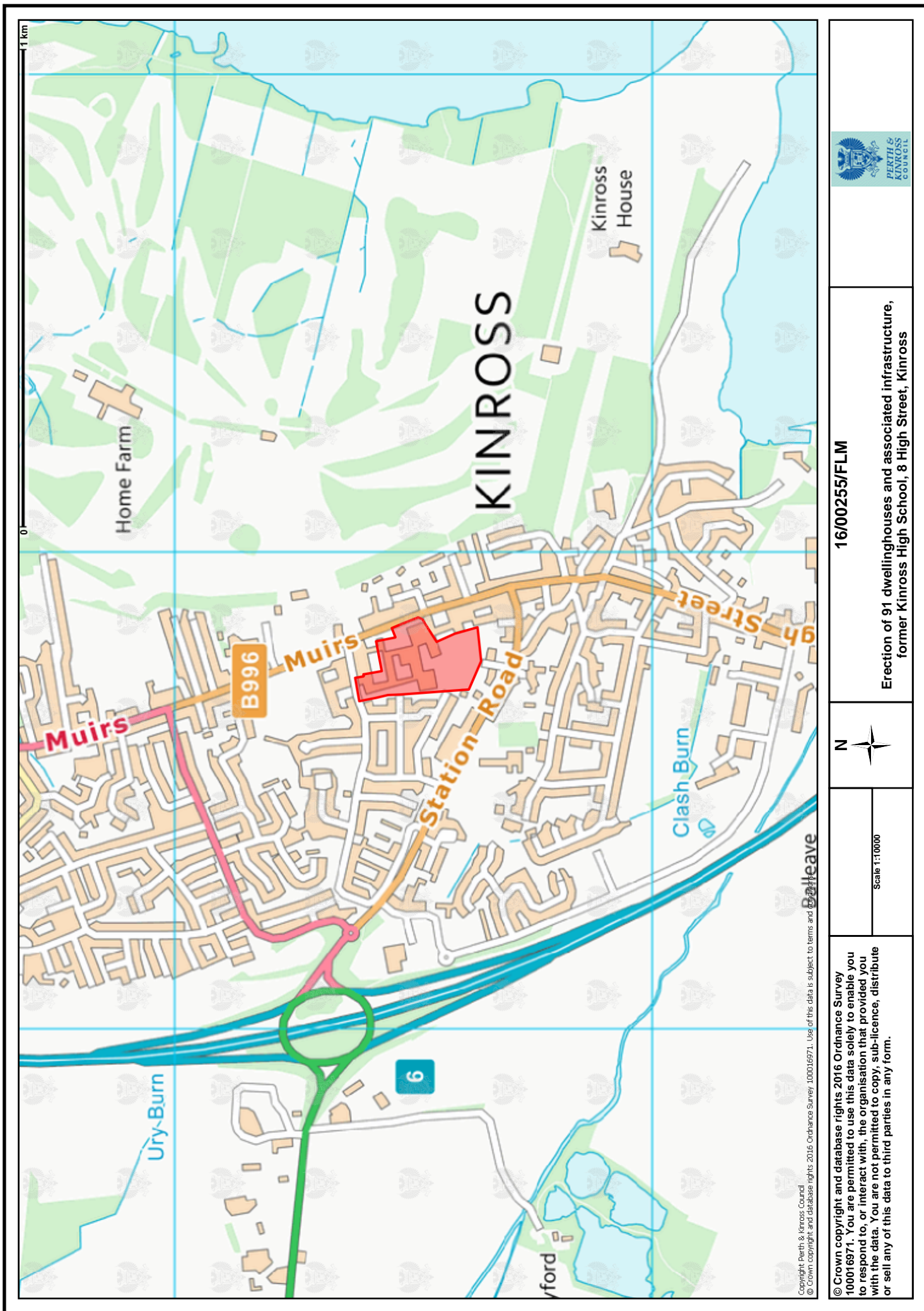
**Nick Brian**  
**Development Quality Manager**

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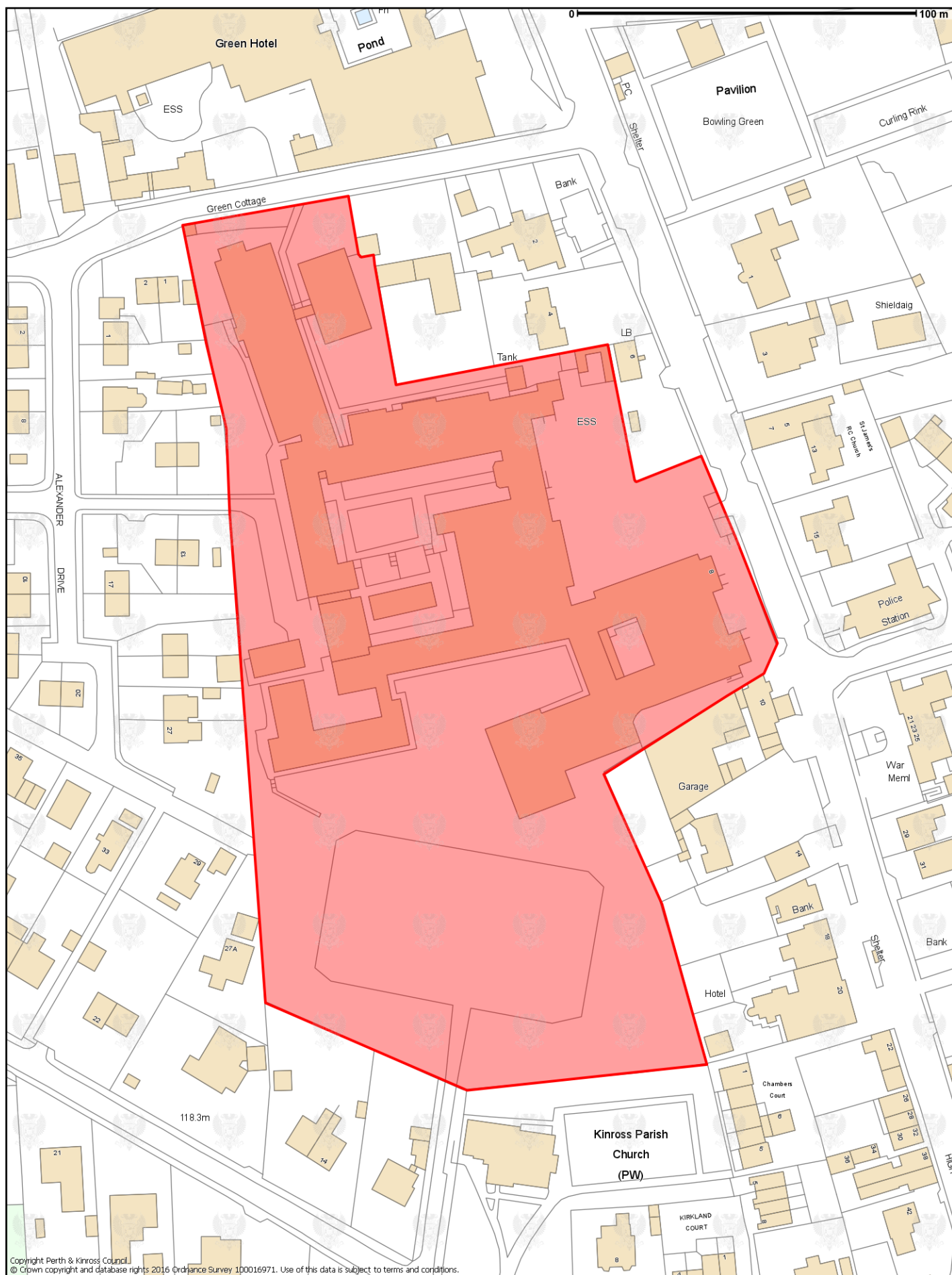
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Scale 1:1500

16/00255/FLM

Erection of 91 dwellinghouses and associated infrastructure, former Kinross High School, 8 High Street, Kinross







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

**Partial demolition of existing buildings at former Kinross High School, High Street, Kinross**

Ref. No: 16/00259/CON  
Ward No: N8–Kinross-shire

**Summary**

This report recommends approval of the application for the partial demolition of the former Kinross High School as the proposal complies with both Development Plan and National Guidance.

**BACKGROUND AND PROPOSAL**

- 1 This 2.91 hectare site is located centrally within Kinross immediately north west of the town centre. The entire site is within the towns Conservation Area but none of the buildings are listed. The main entrance to the site fronts onto High Street and surrounding uses comprise mainly of residential and commercial.
- 2 The site was used as a secondary school from 1906 until the new community campus at the northern edge of Kinross opened in 2010. Since its closure the front area of hardstanding has been used as car parking and the blaes sports pitch has also been used by visitors to Kinross Parish Church for car parking.
- 3 The buildings are a mix of a traditional stone built structure at the High Street elevation with a large amount of more modern structures further back into the site. Some of the buildings have been subject to neglect and vandalism following the schools closure.
- 4 The applicant seeks partial demolition of the modern collection of the buildings within the site. The traditional school building at the front of the site is proposed to be retained and converted into four dwellings and forms part of the associated 16/00255/FLM application for the erection of 91 dwellings also under consideration at this committee.
- 5 The site is allocated for residential use within the Adopted Perth and Kinross Local Development Plan (LDP) February 2014.

**NATIONAL POLICY AND GUIDANCE**

- 6 The Scottish Government expresses its planning policies through the National Planning Framework 3, Scottish Planning Policy (SPP) and Planning Advice Notes (PAN).

### **National Planning Framework 3**

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

### **Scottish Planning Policy 2014**

- 8 The Scottish Planning Policy (SPP) was published on 23 June 2014. It sets out national planning policies which reflect Scottish Ministers' priorities for operation of the planning system and for the development and use of land. The SPP promotes consistency in the application of policy across Scotland whilst allowing sufficient flexibility to reflect local circumstances. It directly relates to:
- The preparation of development plans.
  - The design of development, from initial concept through to delivery.
  - The determination of planning applications and appeals.
- 9 Of relevance to this application are;
- Paragraphs 24 – 35: Sustainability
  - Paragraphs 36 – 57: Placemaking
  - Paragraphs 135 – 151 Valuing the Historic Environment
- 10 Paragraph 143 in particular relates to Conservation Areas where the demolition of an unlisted building is proposed. Consideration should be given to the contribution the building makes to the character and appearance of the Conservation Area. Where a building makes a positive contribution the presumption should be to retain it
- 11 The following Scottish Government Planning Advice Notes (PAN) are also of interest:
- PAN 2/2011 Planning and Archaeology
  - PAN 40 Development Management
  - PAN 60 Planning for Natural Heritage
  - PAN 68 Design Statements

- PAN 71 Conservation Area Management
- 12 The following document from Historic Environment Scotland is also of crucial importance in the determination of the application:-

### **Scottish Historic Environment Policy (SHEP) 2011**

- 13 This document sets out Scottish Ministers' policies for the historic environment, provides greater policy direction for Historic Environment Scotland and provides a framework that informs the day-to-day work of a range of organisations that have a role and interest in managing the historic environment.

- 14 Paragraph 3.58 of SHEP advises that;

*'The demolition of even a single building and the construction of a new building or buildings in its place could result in harm to the character or appearance of a conservation area, or part of it. In deciding whether conservation area consent should be granted, planning authorities should therefore take account of the importance of the building to the character or appearance of any part of the conservation area, and of proposals for the future of the cleared site.'*

### **DEVELOPMENT PLAN**

- 15 The Development Plan for the area consist of TAYplan Strategic Development Plan 2012-2032 (Approved June 2012) and the Perth and Kinross Local Development Plan 2014 (Approved February 2014)

### **TAY plan Strategic Development Plan 2012**

- 16 The principle relevant policy is in summary:

#### **Policy 3: Managing TAYplan's Assets**

- 17 This recognises the importance of historic buildings and townscapes and identifies the importance of only allowing development where it does not adversely impact upon or preferably enhances these assets.

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

- 18 The principle relevant policies are in summary:

#### **PM2: Design Statements**

- 19 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.



### **HE3 Conservation Areas**

- 20 HE3A: Development within a Conservation Area must preserve or enhance its character or appearance. The design, materials, scale and siting of 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.
- 21 HE3B: There is a presumption against demolition of buildings within a Conservation Area and in favour of retention and restoration. Proposals for demolition should be accompanied by a detailed application for the replacement development.

### **OTHER POLICIES**

#### **Kinross Conservation Area Appraisal July 2010**

- 22 The Kinross Conservation Area Appraisal has been produced to identify what makes the designated area of Kinross special and worthy of protection. In particular the Appraisal identifies one of the buildings within the site, the Edwardian element of Kinross High School as a building of interest even though it is not listed.

### **SITE HISTORY**

- 23 01/00792/NID Erection of 2 new classrooms. Approved under delegated powers 2001.
- 24 02/01618/NID Erection of 2 storey 8 classroom block and 2 storey toilet block. Approved under delegated powers March 2003.
- 25 13/00003/PAN Residential Development March 2013. Content of PAN Approved March 2013
- 26 13/02314/CON Demolition of existing school buildings. Refused at Development Management Committee April 2014
- 27 13/02328/FLM Erection of 102 dwellings and associated infrastructure. Refused at Development Management Committee April 2014
- 28 16/00255/FLM Erection of 91 dwellings and associated infrastructure. (To be determined in tandem with current application

## **CONSULTATIONS**

### **EXTERNAL**

#### **Historic Environment Scotland**

- 29 No objection to the proposal as it does not raise issues of national significance. They welcome the revised scheme as it retains the principal part of the historic school building and its retention is confirmed in the accompanying proposal. They also recommend the retention of the historic pump house at the north western corner of the site and its incorporation into the development. It has not been included in 'as existing' drawings but is an integral part of the history and fabric of the conservation area as well as a distinctive feature.

#### **Kinross Community Council**

- 30 Welcomes the retention of the traditional Edwardian building fronting onto High Street but objects to the associated 16/00255/FLM application for 91 dwellings.

### **INTERNAL**

#### **Conservation Planning**

- 31 The retention of the Edwardian frontage to the High Street is welcomed; as is the thorough Heritage Impact Assessment (HIA) accompanying the application. The mitigation measures set out on page 25 of the HIA are not, however, fully evident in the submitted plans and additional supporting information. The HIA specifies the retention of the pump house at the Green Road boundary of the site. This is not, however, apparent on the proposed site plan. Clarification is therefore required that this historic structure is to be retained, along with the ashlar gate piers at the existing Green Road entrance. Additional information is required to ensure that the proposed work is appropriate to preserve and enhance the conservation area.

## **REPRESENTATIONS**

- 32 One letter of representation was submitted by Kinross-shire Civic Trust in relation to the proposed demolition. They do not object to the proposed demolition provided the Pump House at the north western corner of the site is retained. In addition the application for the proposed development of 91 dwellings has attracted 12 letters of representation. Many of the representations do not oppose the demolition of the former school buildings.

## ADDITIONAL STATEMENTS

Environment Statement	Not required
Screening Opinion	Not required
Environmental Impact Assessment	Not required
Appropriate Assessment	Not required
Design and Access Statement	Submitted
Report on Impact or Potential Impact	Building Condition Survey; Heritage Impact Assessment, Bat Survey, Demolition Statement

## APPRAISAL

### Policy Appraisal

- 33 The determining issues in this case are: the statutory requirement under Section 14 and 59 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 which requires the planning authority to have special regard to the desirability of preserving the building or its setting or any features of special architectural historic interest which it possesses; how the proposal sits with National Policy; how the proposal relates to the adopted development plan and whether other considerations outweigh the desirability of retaining the buildings.

### Legislative and Policy Context for the Demolition of Unlisted Properties in Conservation Areas

- 34 The Planning Authority has a duty to ensure the retention of buildings of historic or architectural interest unless there has been a sufficiently robust justification provided to support the demolition of the modern school buildings. This submission includes a Supporting Statement, a Building Conditions Survey and a Heritage Impact Assessment to justify the demolition of the buildings.
- 35 Section 63 - 66 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 places a duty on the Planning Authority, in considering whether to grant consent for any works and is pertinent in that it requires the Planning Authority to pay special attention to the desirability of preserving or enhancing the character or appearance of the Conservation Area.
- 36 In line with National Policy, Historic Environment Scotland Guidance states that demolition of an unlisted building in a Conservation Area should be assessed against the following criteria:
- The importance of the building
  - Condition of the building

- Economic viability of reusing the building
- Wider public benefits

### **The importance of the building**

- 37 In comparison to the 2013 applications refused at committee in April 2014, it is worth noting that the façade of the original Kinross High School building built in 1906, is now proposed to be retained and converted into 4 dwellings as part of the accompanying 16/00255FLM planning application for the development of 91 dwellings (87 new build). Therefore what is being applied for now is demolition of the large array of modern buildings added over the decades since the original school building was constructed.
- 38 The Kinross Conservation Area Appraisal 2010 describes the immediate surrounding area as being characterised by large, well-spaced villas set back from the street in often generous garden grounds with stone boundary walls, gate piers and decorative cast iron gates.
- 39 Following the relocation of the High School to the Loch Leven Community Campus in 2010, the site has been identified as a key development opportunity with the Conservation Area. The Conservation Area Appraisal 2010 states consideration should be given to the re-use and adaption of the buildings and provides a positive contribution to the conservation area. LDP Policy HE3 highlights that any development proposal for the site is required to preserve and enhance the area.
- 40 It is considered that the demolition of the majority of the school buildings, that is, those dating from the 1930s through to the 1990s that none of these are of sufficient architectural merit or importance and do not present a case for their retention either in the interest of the Conservation Area or the setting of neighbouring properties including some listed buildings. They do not add to the character or quality of the area as defined in the Conservation Area Appraisal or contribute positively to the setting of the listed buildings. The rapid deterioration of these buildings since 2010 has worsened their impact on the Conservation Area.
- 41 It is considered that their demolition will result in an enhancement with the replacement development of 87 new build dwellings and the retention and conversion of the original school building into 4 units and therefore comply with the SHEP test and LDP Policy HE3.

### **Condition of the buildings proposed for demolition**

- 42 The building has not been in use since the High School moved to Loch Leven Community Campus in 2010. A Building Conditions Survey was carried out in October 2015 which recorded that since the 2013 application the property has continued to fall into a state of disrepair. Lead flashing, roof coverings and gutters are now missing, allowing extensive water penetration to various areas.



This has resulted in a number of areas of dry rot affecting large sections of the fabric of the building, together with excessively damp walls.

- 43 Whilst the buildings have suffered neglect and vandalism it is not incapable of repair. However with the original 'Edwardian' school building proposed to be retained and converted and the modern additions provide little architectural or cultural merit their demolition is considered to be a positive action in terms of the setting of the Conservation Area. The deterioration of these buildings since 2010 has worsened their impact on the Conservation Area.

### **Economic viability of repairing and reusing the building**

- 44 A balance is required between the viability of retaining the modern elements of the former High School building and the economic benefits the wider redevelopment of the site could bring. A case has been made by the applicant for the retention and conversion of the 'Edwardian' school building and demolition of the existing buildings and this has to be taken into consideration against the context of the overall developments viability and benefits.
- 45 The applicant has submitted Supporting Information, in addition to a Heritage Impact Assessment and Building Conditions Survey on the development viability which sets out to retain the traditional building fronting High Street. As the retention of this 'Edwardian' building is a the key requirement of this site coming forward, it is considered that the retention of the remaining moderns buildings would severely limit the ability to maximise the market value of the site and result in a development which would have a lower economic viability.
- 46 Because of the sites close proximity to the town centre it is expected that the proposed partial demolition and redevelopment will deliver the greatest benefit from an economic impact point of view. The proposed replacement development will increase the likely expenditure levels within Kinross and the town centre in particular. The impact of increased expenditure on the town centres vitality and viability could be significant.

### **Wider public benefits**

- 47 Historic Environment Scotland's Managing Change in the Historic Environment guidance note on demolition refers to 'Wider Public Benefits' which acknowledges that:

*"in exceptional circumstances the retention of a building may prevent wider public benefits flowing from the redevelopment of a site. Typically these cases would involve developments of national or regional significance and applicants will need to demonstrate that there is no practical way of realising the benefits without demolishing the building".*

- 48 The later 20<sup>th</sup> century buildings do little to preserve and enhance Kinross's Conservation Area status. Since its closure in 2010 the impact on the

Conservation Area has become more significant as a result of vandalism, neglect and deterioration in addition to being used for car parking.

- 49 Overall it is considered that the proposed demolition will allow for a development that will provide a significant improvement to the whole site and introduce new qualities that are considered appropriate for the Conservation Area. The site will be significantly improved and therefore have a positive impact on the Conservation Area and complies with LDP Policy HE3A.

### **Design and Layout**

- 50 Through Designing Places (2001) the Scottish Government signalled the importance they attach to achieving improvements in the design and quality of new development, and bringing long-term benefits to the urban and rural environment. It should be noted that good design should be the aim of everyone in the planning and development process with it being important at all scales of development.
- 51 Designing Streets (2010) published by the Scottish Government suggests that streets should be designed as social spaces, being well-connected at all levels. It aims to move away from vehicle dominated road layouts in favour of streets designed for people that achieve a sense of place, producing interesting and useable street layouts.
- 52 Permeability of places is a crucial component in good street design. Internal permeability is important, but any area should also be properly connected with adjacent street networks. A development with poor links to the surrounding area creates an enclave which encourages movement to and from it by car rather than by other modes. In this case the proposal includes two vehicular and four pedestrian/cyclist access points and is thereby considered to be a permeable and well connected site that accords with the National Roads Development Guide 2014 and LDP Policy TA1 Transport Standards and Accessibility Requirements.
- 53 When considering the layout of any new development, one of the most important issues to consider is creating the opportunity for natural surveillance. Buildings, spaces and pedestrian routes should be located to maximise natural observation from pedestrians and passing motorists. Active frontages should be encouraged wherever possible i.e. doors leading onto the street and windows overlooking all public areas. The proposed layout takes cognisance of Designing Streets and incorporates appropriate natural surveillance of all areas of space and the main pedestrian routes. The proposal is in line with PAN 77 - Designing Safer Places and LDP Policy PM1 Placemaking
- 54 The proposal consists of two storey detached, semi-detached and terraced properties with a mixture of house types. Much of the site contains shared surfaces that help achieve a sense of place. The street layout shows a clear hierarchy and is considered to be easily usable by all users and helps ensure the proposal complies with Designing Streets (2010). The proposed lay out and linkages ensure the site is extremely permeable for all modes of transport

especially pedestrians and cyclists with several footpaths to the town centre, public transport connections, the current primary school and the surrounding neighbourhood.

- 56 As mentioned above, the massing and scale of the dwellings can be accommodated within the plots without having an adverse impact on the amenity of neighbouring properties. Because of the sites close proximity to the town centre, transport connections and current primary school, it is considered that the proposed density is therefore considered to be acceptable.
- 57 Some representations submitted to the accompanying detailed planning application make reference to the proposal all being two storey and for a number of years there was a restriction on height of dwellings in the surrounding area and that only single storey was allowed. There is no such restriction in place today and there is a mixture of dwelling heights in the area and as will be discussed later in this report overlooking and overshadowing is assessed.
- 58 In terms of house design, whilst it is of a standard palette it has been influenced by the surrounding area, where there is a mixture of building styles and materials. The majority of properties off High Street feature cream coloured rendered walls with either dark roof tiles or red pantiles. The proposed dwellings are to be either a buff or cream render with either dark tiles or red pantiles. It is considered that the overall detailing of the proposed new build dwellings is acceptable and appropriate for Kinross Conservation Area.
- 59 What does help significantly preserve and enhance the Conservation Area is the retention and conversion of the original 'Edwardian' school building which matches many of the existing properties on the High Street. In addition to this it is considered reasonable that the proposed new build dwellings most visible from the High Street should contain slate roofs to match the existing properties along High Street. Slate can be re-used from the original demolished school buildings to achieve this. To ensure the Conservation Area is preserved samples of all the exterior building materials should be submitted for agreement with the Planning Authority and this can be secured through conditional control.

### **Landscape and Open Space**

- 60 Preserving and enhancing the Conservation Area is an important planning objective. Some of this objective can be achieved by enhancing the landscape character of the proposal. It is considered that potential long term visual effects of the scheme can be preserved through both the retention and conversion of the 'Edwardian' school building and creation of soft and hard landscaping at the proposed area of open space adjacent to the High Street access.
- 61 The conversion of the original school building, retention of the stone boundary wall and iron railings and the proposed open space area will provide a more attractive frontage to the site than at present.

- 62 It is also important to consider that at this location heading out of the town, the character of the frontages along High Street changes considerably. The Kinross Conservation Area Appraisal 2010 acknowledges that the immediate area to the north is characterised by large, well-spaced villas set back from the street in often generous garden grounds with stone boundary walls, gate piers and decorative cast iron gates. The proposal with stone wall, attractive iron railings and extensive planting will resemble a number of properties at the northern end of the High Street and the tree lined area of The Muirs.

### **Protected Species**

- 63 When determining applications the Planning Authority is required to have regard to the Habitats Directive and the Habitats Regulations. Consideration of how 'European Protected Species' (EPS) are affected must be included as part of the consent process, not as an issue to be dealt with at a later stage. Three tests must be satisfied before the Scottish Government can issue a license under regulation 44(2) of the Habitats Regulations so as to permit otherwise prohibited acts. To enable an assessment against the three tests the applicant was advised that a bat survey should be undertaken.
- 64 A bat survey was undertaken In April 2014 and September 2015 and the latter one identified a total of seven bat roost in the school buildings and an eights roost in an adjacent house.
- 65 Roosting bats are an ecological constraint for the proposed demolition and redevelopment of the site. It will now be necessary to apply for a license from SNH to allow legal disturbance and destruction of the roosts before any area of the buildings within 30 metres of each bat roost can be demolished.
- 66 A Bat Protection Plan has also been submitted and details the proposed methodology to minimise roost disturbance and what is required for successful roost destruction, while minimising the potential for harm to the bats. Short-term mitigation will be in the form of at least seven clusters of bat boxes erected in advance of works to compensate for disturbance and loss of the roosts, with some erected on the front of the school building will be retained, and others erected on poles within 100m of the roost locations if suitable trees cannot be found to erect them on. Long-term mitigation will involve roost replacement on a "like-for-like" basis, with roost provision either built into the fabric of at least six of the new residential houses, and at four locations on the retained school frontage section of the building. The boxes will be suitable for multi-season use and include for maternity use, summer and transitional roosting, and at least six boxes suitable for hibernation purposes.
- 67 The Council's Biodiversity Officer has examined the Bat Survey and Bat Protection Plan and confirms he has no objection but recommends certain mitigation measures contained in the Bat Survey report become conditions with any permission.

### **Planning Authority with an Interest in the Land**

- 68 The Town and Country Planning (Notification of Applications) (Scotland) Direction 2009 advises on the procedure for notification of planning applications to the Scottish Ministers for developments in which planning authorities have an interest in. The Direction states that notification to the Ministers is only required where the proposal involves a significant departure from the authority's own Development Plan. As the recommendation of approval for a site allocated for residential use is not a significant departure from the Development Plan, a notification to the Ministers is not required.

### **Legal Agreements**

- 69 None required with this application.

### **Direction by Scottish Ministers**

- 70 Under the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2008, regulations 30 – 32 there have been no directions by the Scottish Government in respect of an Environmental Impact Assessment screening opinion, call in or notification relating to this application.

### **Conclusion and Reasons for Recommendation**

- 71 Section 25 of the Act requires that determination of the proposal should be made in accordance with the provisions of the Development Plan, unless material considerations indicate otherwise.
- 72 The proposals represent a significant development in a central location in Kinross and within the Conservation Area. All of the buildings within the site proposed for demolition have no architectural merit and crucially involves the retention of the original 'Edwardian' school building fronting onto High Street.
- 73 The site at present is not being fully utilised or contributing sufficiently to the towns Conservation Area as it should be. The loss of the modern buildings and the replacement development will provide a significant improvement from both a visual and economic perspective.
- 74 The proposed development of 91 dwellings so close to the town centre represents a sustainable opportunity to revitalise this important site and overall it is considered it would preserve and enhance the town's conservation area. The economic impact of the replacement development on the town and in particular the town centre is considerable.
- 75 In this case it is considered that the application is in accordance with the adopted Development Plan, I have taken account of material considerations and find none that would justify refusing the application. The application is therefore recommended for approval subject to conditions.

### **RECOMMENDATION**

**A Approve subject to the following conditions**

- 1 No demolition of the existing building shall take place until the Council as Planning Authority has been satisfied that a contract is in place for the construction of the replacement development.

Reason: In the interests of visual amenity and to avoid the creation of a gap site in the Conservation Area.

- 2 Prior to the commencement of demolition work a total of 7 clusters of 3 bat boxes shall be provided as recommended on Page 54 of the submitted Bat Survey Report.

Reason: To minimise risk of disturbing a protected species.

- 3 Prior to the commencement of demolition work on the demolition a total of 4 bat slates will be fitted during reroofing of the retained section of building as recommended on Page 54 of the submitted Bat Survey Report.

Reason: To minimise risk of disturbing a protected species.

- 4 All works to buildings or structures that may be used by bats (such as demolition, roof stripping, excavations or building works or associated operations) shall only be carried out under the direction of a licensed bat ecologist to ensure that an offence is not committed.

Reason: To minimise risk of disturbing a protected species.

- 5 Demolition works shall only take place between 1 December and 31 March to reduce the risk of disturbing any bats present, unless otherwise agreed in writing by the Planning Authority.

Reason: To minimise risk of disturbing a protected species.

- 6 Prior to the commencement of development details of salvage and the re-use of existing building materials shall be submitted to and approved in writing by the Local Planning Authority, thereafter the scheme shall be implemented all to the satisfaction of the Local Planning Authority.

Reasons: To ensure the development re-uses existing surface materials where appropriate.

## **B JUSTIFICATION**

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

## **C PROCEDURAL NOTES**

None required.

## **D INFORMATIVES**

- 1 This Conservation Area Consent will last only for three years from the date of this decision notice, unless the development has been started within that period. (See Section 16 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997, as amended by Section 20 of the Planning etc. (Scotland) Act 2006.)
- 2 No work shall be commenced until an application for building warrant has been submitted and approved.
- 3 The 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.

Background Papers: 1 letter of representation  
Contact Officer: Steve Callan Ext 75337  
Date: 23 May 2016

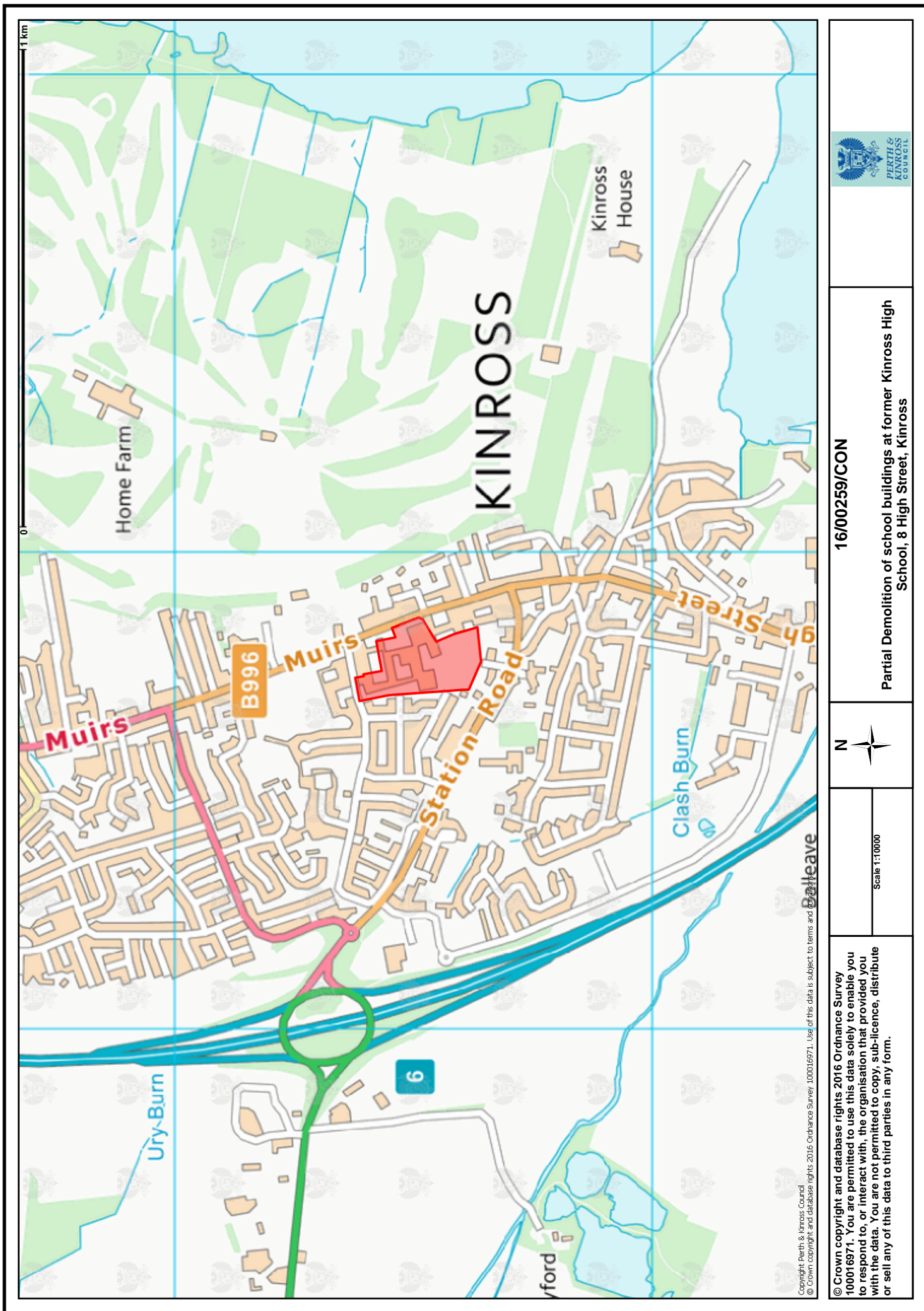
**Nick Brian**  
**Development Quality Manager**

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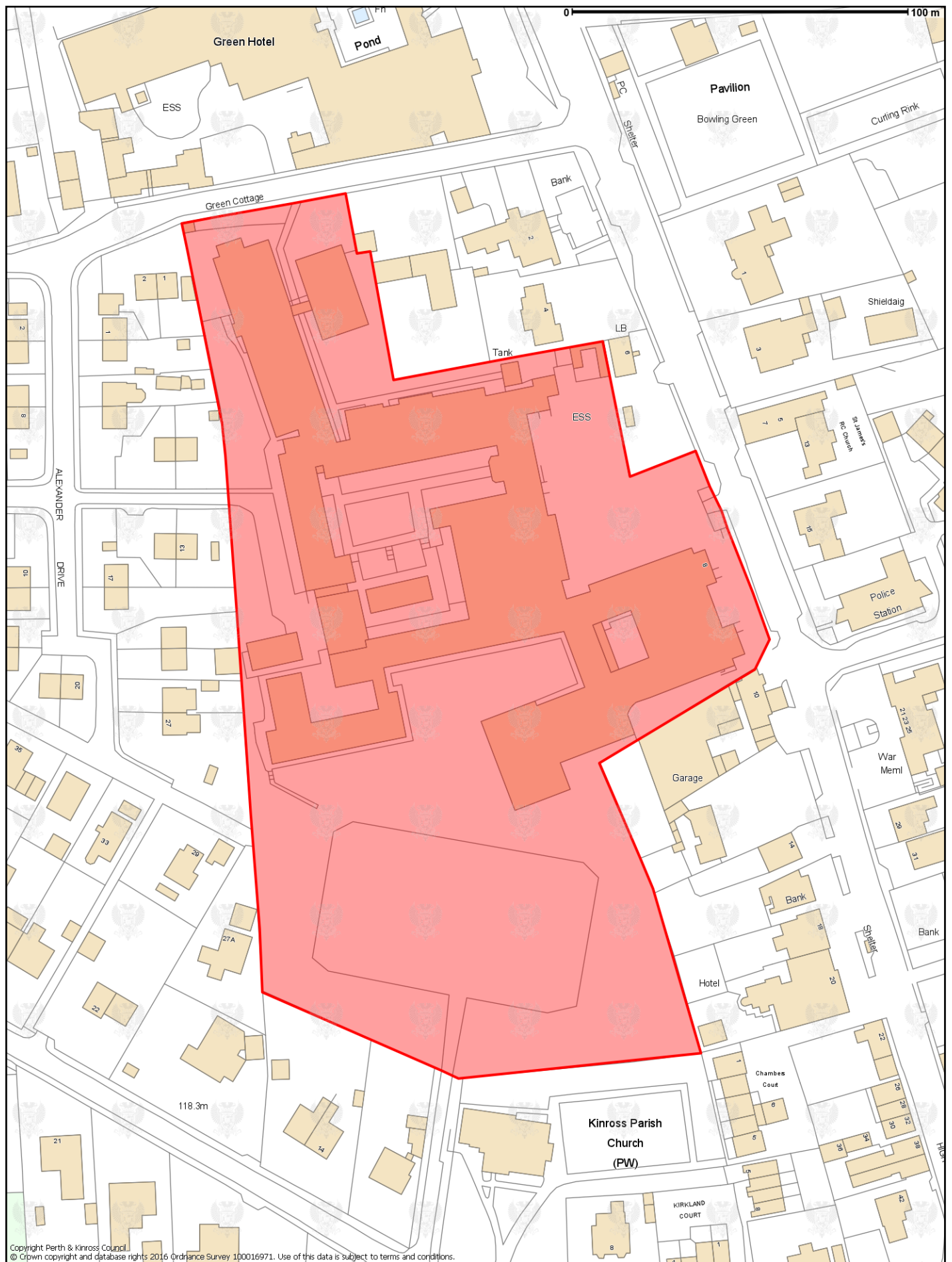
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Scale 1:1500

**16/00259/CON**

**Partial Demolition of school buildings at  
 former Kinross High School, 8 High Street,  
 Kinross**





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

**Erection of a telecommunications mast and ancillary equipment**

Ref. No: 16/00268/FLL  
Ward No: N4– Highland

**Summary**

This report recommends approval of the application for erection of a telecommunications mast and ancillary equipment as the development is considered to comply with the relevant provisions of the Development Plan.

**BACKGROUND AND DESCRIPTION**

- 1 Full planning consent is sought for the erection of a telecommunications mast at Errichel Farm, Crieff Road, Aberfeldy. The site is located on farmland to the south west of the grouping of buildings at Errichel Farm and to the west of the A826.
- 2 The proposed apparatus of the base station consists of a 14m high lattice tower on a 1m concrete base with 2 antennae and 2 dishes with 2 green equipment cabinets at the base of the mast.
- 3 The site is required to provide replacement coverage for an existing Vodafone site at Mains of Murthly Farm which is to be decommissioned.
- 4 Access to the mast will be via a field and the private driveway to Errichel which is connected to the A826 public road.

**NATIONAL POLICY AND GUIDANCE**

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

**Scottish Planning Policy 2014**

- 6 The Scottish Planning Policy (SPP) was published on June 23 2014. It sets out national planning policies which reflect Scottish Ministers' priorities for operation of the planning system and for the development and use of land. The SPP promotes consistency in the application of policy across Scotland whilst allowing sufficient flexibility to reflect local circumstances. It directly relates to:
  - The preparation of development plans
  - The design of development, from initial concept through to delivery
  - The determination of planning applications and appeals.

## **DEVELOPMENT PLAN**

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

### **TAYplan: Strategic Development Plan 2012-2032**

- 8 The principal relevant policies are in summary: -

#### **Policy 3: Managing TAYplan's Assets**

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

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

- 10 The Local Development Plan (LDP) was adopted by Perth and Kinross Council on 3 February 2014. It is the most recent statement of Council policy and is augmented by Supplementary Guidance
- 11 The principal policies are, in summary:

#### **Policy PM1A - Placemaking**

- 12 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**

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

## **Policy ED2 – Communications Infrastructure**

- 14 The council will be supportive of the expansion of the communications network provided it can be achieved without a detrimental impact on the natural and built environment.

## **Policy NE3 - Biodiversity**

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

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

## **OTHER POLICIES**

- 17 None

## **SITE HISTORY**

- 18 No recent site history

## **CONSULTATIONS**

### **EXTERNAL**

- 19 No external consultations required

### **INTERNAL**

### **Environmental Health**

- 20 No objection, noise condition required.

## **REPRESENTATIONS**

- 21 A total of 6 letters of representation were received and raised the following relevant issues: -

- Visual Amenity
- Contrary to local and national policy
- Impact on tourism
- Presence of 2 masts



- 22 These issues are all raised in the Appraisal section of this report.

## **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
Report on Impact or Potential Impact	None submitted

## **APPRAISAL**

- 23 Sections 25 and 37(2) of the Town and Country Planning (Scotland) Act 1997 as amended by Planning Etc (Scotland) Act 2006 require that planning decisions be made in accordance with the Development Plan unless material considerations indicate otherwise. The determining issues in this case are whether: - the proposal complies with Development Plan policy; or if there are any other material considerations which justify a departure from policy. The most relevant policies of the Council's Local Development Plan (LDP) 2014 are outlined in the policy section above.

### **Policy**

- 24 Policy ED2 Communications Infrastructure states that the council is supportive of the expansion of the communications network (telecommunications, broadband and digital infrastructure) provided it can be achieved without detrimental impact on the natural and built environment. Equipment should be designed and positioned as sensitively as possible although technical requirements may limit this. It also states that the visual impact of communications infrastructures will play a significant part in the determination of planning applications.
- 25 Supplementary guidance promotes, in addition to the requirements above, mast sharing at sites to reduce the number of masts required in an area. The proposal is for a replacement mast, with a condition proposed to ensure the existing mast is removed. The mast is also to accommodate an additional operator.
- 26 It is considered for reasons outlined in other sections of the report the proposal to erect a mast at this location will not raise any issues in relation to planning policy and supplementary guidance that would merit refusal of the application.

### **Design and Layout**

- 27 The proposed apparatus of the base station includes a 14m high lattice tower on a 1m concrete base with 2 antennae and 2 dishes with 2 green equipment cabinets at the base of the mast. The colour finish of the mast is brown and a condition will be added to cover the colour of the base, mast and antennae.



## **Visual Amenity/Landscape**

- 28 The search included 5 proposed sites with the most suitable site the subject of this application. The other 4 sites were discounted as some would have required structures of considerable height to provide an adequate range of coverage leading to an unacceptable visual impact. Others did not provide enough coverage and one had no mains power connection at a reasonable distance.
- 29 The proposal is for a replacement mast, with a condition proposed to ensure the existing mast is removed. Therefore the presence of two masts in close proximity does not need to be considered. The consideration is whether this new mast is acceptable.
- 30 The site is located to the west of the A 826 on a rising hillside alongside an area of semi mature planting. Although the mast will break the skyline, when viewed on a small section of the A826, the existing landscape features, trees and small degree of rising hillside, reduce the impact. It is accepted that the more elevated the site the greater the possibility of site not being back clothed by the landscape. However the more elevated position has reduced the required height of the mast as the required coverage can be achieved at a lower mast height.
- 31 The mast is visible from a nearby viewpoint further south on the A 826 but it is fully back clothed by the landscape with the existing tree belt reducing the visual impact. It is considered that the height of the mast at 15m and the intervening distance from this viewpoint reduces the visual impact. Also the use of conditions to cover the mast and antennae finishes and some additional planting at the mast base is proposed to reduce any potential landscape impacts.

## **Residential Amenity**

- 32 This application site is located some 350 metres from any residential receptors and given these masts are not inherently noisy, Environmental Health have few concerns. They do however recommend a noise condition to protect residential amenity.

## **Removal of existing mast**

- 33 The mast is proposed to replace an existing mast located 1km to the north east of the application site at Mains of Murthly. The agent has confirmed that the existing mast is owned and controlled by Vodafone and can be removed at their will.
- 34 It is important to comply with policy and in the interests of the visual amenity of the area to ensure that the existing mast is removed. It is therefore suggested that a suspensive condition is added to ensure that the mast at Mains of Murthly is removed within 2 months of the commissioning of the new mast.

## **Economic Development**

- 35 The economic impact of the proposal will not just be limited to the construction phase of the development as it will ensure ongoing access to digital infrastructure, which has increasing demands as a dependable source to undertake communication, leisure and business.

## **LEGAL AGREEMENTS**

- 36 None required

## **DIRECTION BY SCOTTISH MINISTERS**

- 37 Under the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2008, regulations 30 – 32 there have been no directions by the Scottish Government in respect of an Environmental Impact Assessment screening opinion, call in or notification relating to this application.

## **CONCLUSION AND REASONS FOR RECOMMENDATION**

- 38 In conclusion, the application must be determined in accordance with the adopted Development Plans unless material considerations indicate otherwise. In this respect, despite the previous refusal of the Council, I remain of the view that the proposal complies with the adopted Perth and Kinross Local Development Plan 2014 and TAYplan 2012. I have taken account of material considerations and find none that would justify overriding the adopted Development Plan. On that basis the application is recommended for approval subject to conditions.

## **RECOMMENDATION**

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

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

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

- 2 Prior to the commissioning of the mast (hereby approved) the date of the commissioning shall be submitted to the Council as Planning Authority. Thereafter the existing mast at Mains of Murthly (Planning Ref: 02/01971/TD) shall be removed within 2 months of that commissioning date to the satisfaction of the Council as Planning Authority.

Reason - In the interests of visual amenity, to ensure the existing mast is removed.

- 3 In the event that the tower and associated equipment becomes redundant, it must be removed within 6 months of it becoming redundant and the site thereafter reinstated to the satisfaction of the Council as Planning Authority.

Reason - In the interests of visual amenity, site management and to ensure satisfactory reinstatement of the site.

- 4 All plant or equipment shall be so enclosed, attenuated and/or maintained such that any noise therefrom shall not exceed Noise Rating 30 between 0700 and 2300 hours daily, or Noise Rating 20 between 2300 and 0700 hours daily, within any neighbouring residential property, with all windows slightly open, when measured and/ or calculated and plotted on a rating curve chart.

Reason - In order to safeguard the residential amenity of the area.

5. Prior to the commencement of development details of the colour finish of the mast and antennae 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.

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

6. Prior to the commencement of development details of the colour finish of the mast base and planting scheme on the southern boundary of the mast base 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.

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

## **B JUSTIFICATION**

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

## **C PROCEDURAL NOTES**

None

## **D INFORMATIVES**

- 1 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.

Background Papers: 6 letters of representation  
Contact Officer: Joanne Ferguson  
Date: 25 May 2016

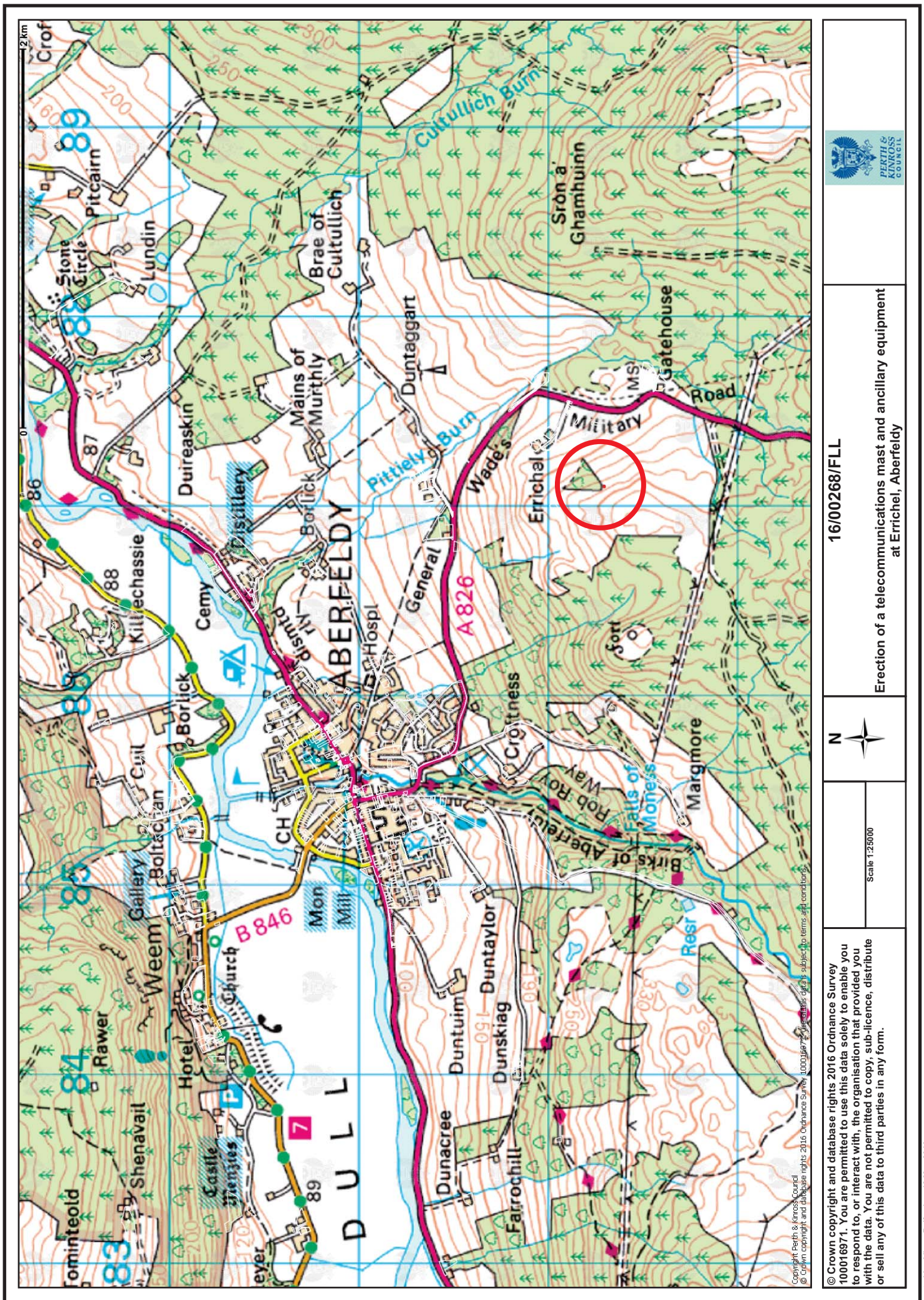
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**Development Quality Manager**

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16/00268/FLL

Erection of a telecommunications mast and ancillary equipment  
at Errichel, Aberfeldy

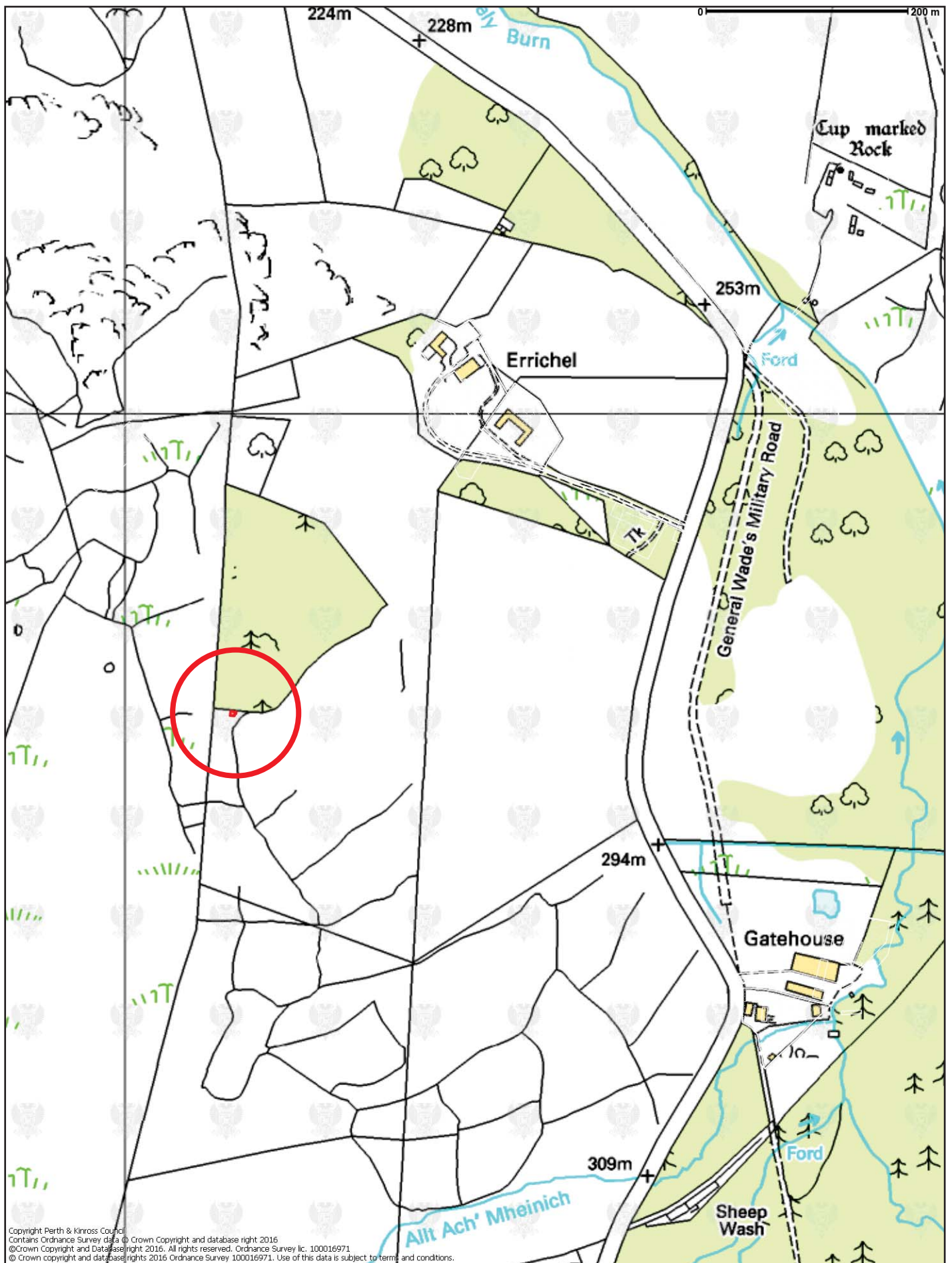


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16/00268/FLL

Erection of a telecommunications mast and ancillary equipment at Errichel, Aberfeldy







Perth and Kinross Council  
Development Management Committee – 8 June 2016

Pre-Application Report by Development Quality Manager

**Residential development at St Martins Road, Land 120 metres  
West of Burr Cottage, Main Street, Balbeggie**

Ref. No: 16/00006/PAN  
Ward No: N2- Strathmore

**Summary**

This report is to inform the Committee of a forthcoming planning application in respect of a proposed major residential development within the settlement boundary of Balbeggie. The report also aims to highlight key planning policies, the likely stakeholders who would be involved in the decision making process and to offer a brief overview of any key planning issues which are likely to be relevant to the proposal.

**BACKGROUND AND DESCRIPTION**

- 1 In accordance with the provisions of the Town & Country Planning (Scotland) Act 1997 as amended, the applicants submitted a Proposal of Application Notice on 12th May 2016. The purpose of this report is to inform the Development Management Committee of a likely forthcoming planning application in respect of a major residential development at Balbeggie. Pre-application reports give the Committee an opportunity to raise issues, which it would like to see addressed in the planning application.
- 2 The site which extends to over 6.5 Ha is located on the south western boundaries of the settlement of Balbeggie, with the predominant outer boundary an established low level field boundary. The north eastern boundary is defined by rear garden boundaries from residential properties on St Martins Road. To the south, the site is bounded by curtilage of 'The Cottage'. The site is characterised predominantly as agricultural land. Vehicular access to the site is currently taken off the A94, adjacent to 'The Cottage'. An adopted core path (BURR/169) passes south along the boundary (approximately 170m) of the upper north western section of the site, following an open field drain from St Martins road.
- 3 This proposal of application notice (PAN) relates to the development of residential use with associated infrastructure, access, landscaping, SUDS and open space on the site. The exact layout, scale and mix of the dwelling types, path link provision and landscape framework provision will be arrived at through the submission of a detailed planning application or applications, with associated background supporting information. The site is allocated in the Local Development Plan (LDP) (site H13) for residential use, allocated for 100 dwellings with associated developer requirements.

## **ENVIRONMENTAL IMPACT ASSESSMENT**

- 4 Due to the scale of the proposal it will require to be screened to establish if an Environmental Impact Assessment (EIA) is required under the EIA (2011) regulations. A formal screening exercise is in the process of being undertaken for the site at this stage.

## **PRE-APPLICATION PROCESS**

- 5 The Proposal of Application Notice (reference 16/00006/PAN) outlines the intention to undertake a public exhibition on 25 August 2016 at St Martins Public Hall, Balbeggie. The wards Councillors (Alan Grant, Dennis Mellooy, Ian Miller and Lewis Simpson) and Burrelton and District Community Council have all been notified. The results of the community consultation will be submitted with the application as part of the Pre-Application Consultation (PAC) Report.

## **NATIONAL POLICY AND GUIDANCE**

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

### **National Planning Framework**

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

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

- 8 This document is an online publication (accessed via the link [www.pkc.gov.uk/roadsdevguide](http://www.pkc.gov.uk/roadsdevguide)), a Scotland wide document, which provides roads technical guidance to local authorities, developers, agents and other interested parties. This document dovetails with Designing Streets and expands on its principles to clarify the circumstances in which it can be used.

### **The Scottish Planning Policy 2014**

- 9 The SPP is a statement of Scottish Government policy on land use planning. The following sections of the SPP will be of particular importance in the assessment of this proposal:
  - Sustainability : paragraphs 24 – 35
  - Placemaking : paragraphs 36 – 57

- Valuing the Natural Environment : paragraphs 193 – 218
  - Maximising the Benefits of Green Infrastructure: paragraphs 219 – 233
  - Managing Flood Risk and Drainage: paragraphs 254 – 268
  - Promoting Sustainable Transport and Active Travel : paragraphs 269 – 291
  - Annex B – Parking Policies and Standards
- 10 The following Scottish Government Planning Advice Notes (PAN) are likely to be of relevance to the proposal:
- PAN 3/2010 Community Engagement
  - PAN 1/2011 Planning and Noise
  - PAN 40 Development Management
  - PAN 51 Planning, Environmental Protection and Regulation
  - PAN 61 Planning and Sustainable Urban Drainage Systems
  - PAN 67 Housing Quality
  - PAN 68 Design Statements
  - PAN 69 Planning and Building standards Advice on Flooding
  - PAN 75 Planning for Transport
  - PAN 77 Designing Safer Places

**Designing Places (2001), Designing Streets (2010) and Creating Places (2013)**

- 11 National policy statement's setting out the Scottish Government's determination to raise standards of urban and rural development.

**LOCAL POLICY AND GUIDANCE**

**TAYPlan Strategic Development Plan 2012-2032**

- 12 TAYPlan sets out a vision for how the region will be in 2032 and what must occur to bring about change to achieve this vision. The vision for the area as set out in the plans states that:

*"By 2032 the TAYplan region will be sustainable, more attractive, competitive and vibrant without creating an unacceptable burden on our planet. The quality*

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

- 14 The following sections of the TAYplan 2012 are of particular importance in the assessment of this application:

- Policy 1 – Location Priorities
- Policy 2 – Shaping better quality places
- Policy 3 – Managing TAYPlans Assets
- Policy 5 – Housing

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

- 15 The Local Development Plan (LDP) was adopted by Perth and Kinross Council on 3 February 2014. It is the most recent statement of Council policy and is augmented by Supplementary Guidance.

- 16 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.”*

- 17 Under the LDP, the following policies are of particular importance in the assessment of this application:

- PM1 – Placemaking
- PM2 – Design Statements
- PM3 – Infrastructure Contributions
- RD1 – Residential Areas
- RD4 – Affordable Housing
- TA1 – Transport Standards and Accessibility Requirements
- CF1 – Open Space Retention and Provision
- CF2 – Public Access
- CF3 – Social and Community Facilities
- HE1 – Scheduled Monuments and Non-Designated Archaeology
- NE3 – Biodiversity
- NE4 – Green Infrastructure

- ER6 - Managing Future Landscape Change
- EP1 – Climate Change, Carbon Reduction and Sustainable Construction
- EP2 – New Development and Drainage
- EP3 – Water Environment and Drainage
- EP5 – Nuisance from Artificial light and Light Pollution
- EP8 – Noise Pollution

## **OTHER POLICIES**

18 The following supplementary guidance and documents are of particular importance in the assessment of this application:

- Developer Contributions and Affordable Housing Supplementary Guidance April 2016
- Flood Risk and Flood Risk Assessments – Developer Guidance June 2014
- Sustainable Design and Zero Carbon Development Supplementary Guidance May 2014
- Green Infrastructure Supplementary Guidance November 2014
- Perth and Kinross Council Corporate Plan 2013-2018
- Perth and Kinross Community Plan 2013/2023

## **PLANNING SITE HISTORY**

19 None.

## **CONSULTATIONS**

20 As part of the planning application process the following would be consulted:

### **External**

- Scottish Environmental Protection Agency (SEPA)
- Scottish Natural Heritage (SNH)
- Scottish Water
- Burrelton and District Community Council
- Perth and Kinross Heritage Trust

## **Internal**

- Environmental Health
- Biodiversity Officer
- Strategic Planning and Policy
- Developer Negotiations Officer
- Affordable Housing Enabling Officer
- Community Greenspace
- Transport Planning
- Structures and Flooding
- Community Waste Advisor
- Education and Children's Services

## **KEY ISSUES AGAINST WHICH A FUTURE APPLICATION WILL BE ASSESSED**

21 The key considerations against which the eventual application will be assessed include:

- Visual Impact
- Scale, Design and Layout
- Relationship to nearby land uses
- Archaeology
- Natural Heritage and Ecology
- Landscape
- Water resources and soils
- Flooding and water storage
- Noise
- Air Quality
- Waste
- Transport Implications

- Education provision
- Affordable housing
- Economy
- Open space provision
- Access provision

#### **ADDITIONAL STATEMENTS WHICH WILL BE REQUIRED**

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

23 Expected Contents of Environmental Statement:

- Policy Framework
- Landscape and Visual Impact Assessment
- Cultural Heritage and Archaeology Assessment
- Air Quality Assessment
- Noise Assessment
- Ground Conditions and Water Resources
- Flood Risk and Drainage Assessment
- Traffic and Transport Assessment
- Ecology and Biodiversity Assessment
- Waste Management and Minimisation
- Construction and Phasing
- Socio-Economic Impact
- Sustainability Assessment

24 The following supporting documents will also be required to be submitted with any planning application:

- Planning Statement
- Sustainability Assessment (pre and post construction)
- Flood Risk Assessment

- Transport Assessment
- Design and Access Statement
- Pre-Application Consultation Report
- Construction Environment Management Plan (CEMP) including
- Construction Method Statement (CMS)
- Detailed Landscaping Plan including open space provision

## **CONCLUSION AND RECOMMENDATION**

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

Background Papers: None  
 Contact Officer: Callum Petrie – Ext 75353  
 Date: 25 May 2016

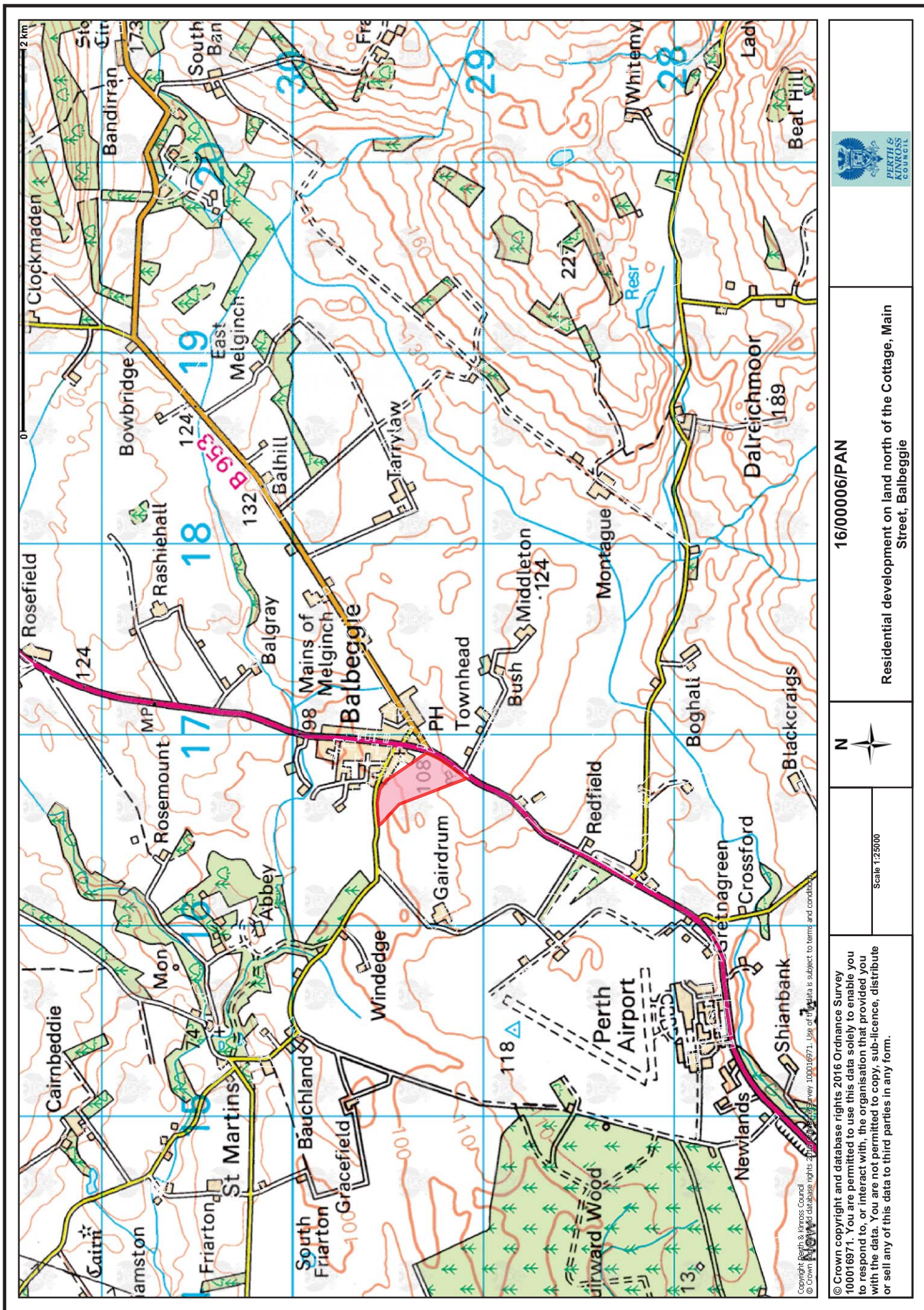
**Nick Brian**  
**Development Quality Manager**

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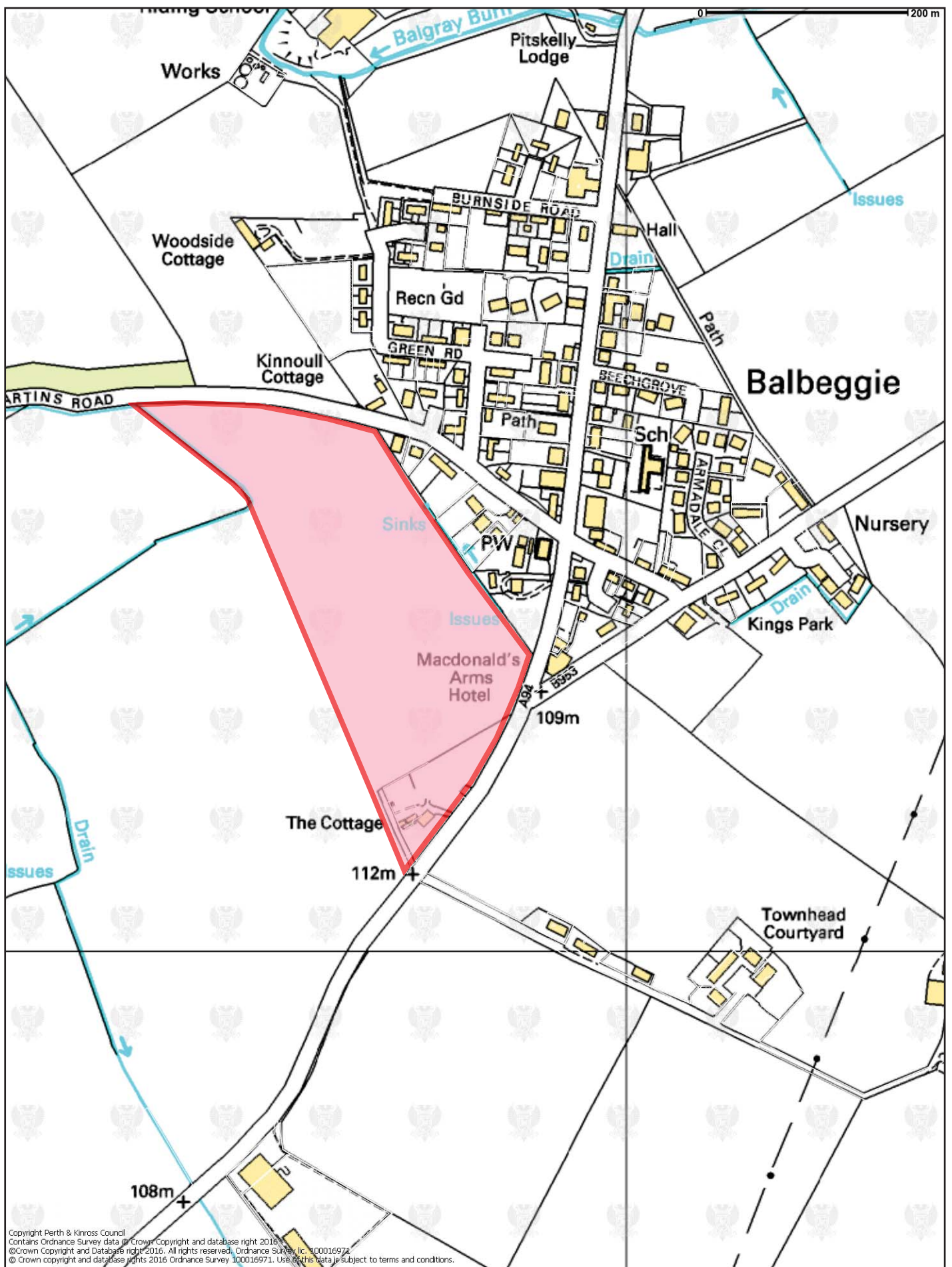
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Residential development on land north of the Cottage, Main Street, Balbeggie







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