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Council Building  
2 High Street  
Perth  
PH1 5PH

29 April 2019

A Meeting of the **Planning and Development Management Committee** will be held in the **Council Chamber, 2 High Street, Perth, PH1 5PH** on **Wednesday, 08 May 2019** at **10:00**.

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

**KAREN REID**  
Chief Executive

***Those attending the meeting are requested to ensure that all electronic equipment is in silent mode.***

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

**Members:**

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



**Planning and Development Management Committee**

**Wednesday, 08 May 2019**

**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 DEPUTATIONS**
- 4 MINUTE OF MEETING OF THE PLANNING AND DEVELOPMENT MANAGEMENT COMMITTEE OF 8 MAY 2019 FOR APPROVAL AND SIGNATURE  
(copy to follow)**
- 5 APPLICATION FOR DETERMINATION**
- 5(1) MAJOR APPLICATION**
- 5(1)(i) 19/00202/AMM - ABERFELDY - ERECTION OF 4 DWELLINGHOUSES (APPROVAL OF MATTERS SPECIFIED IN CONDITIONS 16/00478/IPM) (PHASE 4), LAND SOUTH WEST OF 8 THE BEECHES, ABERFELDY** **5 - 28**  
Report of Handling by Interim Development Quality Manager  
(Recommendation - Approve) (copy herewith 19/129)
- 5(2) LOCAL APPLICATIONS**
- 5(2)(i) 17/02190/FLL - ABERNETHY - ERECTION OF 39 DWELLINGHOUSES, FORMATION OF SUDS POND, CAR PARKING, LANDSCAPING AND ASSOCIATED INFRASTRUCTURE, LAND AT SOUTHFIELD, NEWBURGH ROAD, ABERNETHY** **29 - 60**  
Report by Handling by Interim Development Quality Manager  
(Recommendation - Approve) (copy herewith 19/130)
- 5(2)(ii) 19/00080/FLL - KENMORE - SITING OF 43 CARAVANS, FORMATION OF LANDSCAPING AND ASSOCIATED WORKS, MAINS OF TAYMOUTH, KENMORE** **61 - 86**

Report of Handling by Interim Development Quality Manager  
(Recommendation - Approve) (copy herewith 19/131)

**5(2)(iii) 19/00113/FLL - RATTRAY - ALTERATIONS AND EXTENSION TO BUILDING, RATTRAY PRIMARY SCHOOL, HIGH STREET, RATTRAY, BLAIRGOWRIE, PH10 7DG 87 - 104**

Report by Interim Development Quality Manager  
(Recommendation - Approve) (copy herewith 19/132)

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Perth and Kinross Council  
Planning & Development Management Committee – 8 May 2019  
Report of Handling by Interim Development Quality Manager (Report No. 19/129)

**PROPOSAL:** Erection of 4 dwellinghouses (approval of matters specified in conditions 16/00478/IPM) (Phase 4)

**LOCATION:** Land south west of 8 The Beeches, Aberfeldy

Ref. No: [19/00202/AMM](#)

Ward No: P4 - Highland

### Summary

This report recommends approval of the fourth phase of a residential development of 4 dwellinghouses at land south west of 8 The Beeches, Aberfeldy, Perthshire. The proposal is considered to comply with the relevant provisions of the Development Plan and there are no material considerations apparent which would outweigh it.

### BACKGROUND AND DESCRIPTION OF PROPOSAL

- 1 The site is an area of 2,828 square metres of agricultural land located at the western edge of Aberfeldy, which forms the southern end of part of a larger 8.7 hectare site allocated in the Perth and Kinross Local Development Plan (LDP) for residential use (H37) and benefits from an In Principle planning permission (16/00478/IPM) approved in July 2016 for residential development.
- 2 The wider H37 site identified in the LDP lies on the southern slope of the Strathtay Glen with the northern boundary of the site adjacent to the A827 (Kenmore Road) that connects Aberfeldy with Kenmore and beyond to Killin. This application site forms the southern end of the LDP site and is adjacent to Phase 1 of 24 affordable dwellinghouses, Phase 2 of 8 open market dwellinghouses and Phase 3 of 11 open market dwellinghouses.
- 3 Immediately east is the completed Phase 1 and immediately east and south are the approved Phase 2 and Phase 3, respectively. To the north are the grounds of Dun Aluinn House which is a C listed building. West of the site is agricultural land that contains a haul road that has been used for the construction of Phases 1 and 2.
- 4 This proposal involves the erection of 4 two-storey, 3 bedroom semi-detached dwellinghouses. The units are designed with horizontal weatherboard cladding and white render. A variety of pastel colours as per Phases 1, 2 and 3 are proposed for the cladding. The roofs are proposed to be plain grey concrete tiles the same as currently being used on the first three phases. The proposal also includes relocating what was the indicative location of the proposed play

area immediately west of the dwellings and adjacent to the approved and built out SUDs pond. The details for equipping the play area would still require approval at a later stage, however.

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

- 5 A screening request (15/01735/SCRN) was submitted in October 2015 and found that an EIA was not required for the site.

## **PRE-APPLICATION CONSULTATION**

- 6 The proposed development is classed as a Major development under class 9 of the Town and Country Planning (Hierarchy of Developments) (Scotland) Regulations 2009. As part of the 'In Principle' application consultation was undertaken with the local community and formed part of the application submission for the In Principle application. A further public consultation is not required for this phase.

## **NATIONAL POLICY AND GUIDANCE**

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

### **National Planning Framework**

- 8 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**

- 9 The Scottish Planning Policy (SPP) was published in June 2014 and sets out national planning policies which reflect Scottish Ministers' priorities for operation of the planning system and for the development and use of land. The SPP promotes consistency in the application of policy across Scotland whilst allowing sufficient flexibility to reflect local circumstances. It directly relates to:
  - The preparation of development plans;
  - The design of development, from initial concept through to delivery; and
  - The determination of planning applications and appeals.
- 10 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

### **Planning Advice Notes**

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

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

### **Designing Streets 2010**

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

### **Creating Places 2013**

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

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

- 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 comprises the TAYplan Strategic Development Plan 2016-2036 and the Perth and Kinross Local Development Plan 2014.

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

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

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

- 19 Seeks to focus the majority of development in the region’s principal settlements. Aberfeldy is identified as a Tier 3 Settlement with the potential to make a modest contribution to the region’s economy, and will accommodate a smaller share of the additional development.

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

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

### **Policy 4: Homes**

- 21 Seeks to ensure there is a minimum of 5 years effective housing land supply at all times. Land should be allocated within each Housing market Area to provide a generous supply of land to assist in the delivery of 25,020 units up to year 2028 and a further 16,680 by 2036.

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

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

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

- 23 Seeks to protect and enhance green and blue networks by ensuring that:

- development does not lead to the fragmentation of existing green networks.
- development incorporates new multifunctional green networks (that link with existing green networks) of appropriate quantity and quality to meet the needs arising from the nature of the development itself.
- the provision of networks of green infrastructure is a core component of any relevant design framework, development brief or masterplan.

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

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

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

- 25 The Local Development Plan (LDP) was adopted by Perth and Kinross Council on 3 February 2014. The LDP sets out a vision statement for the area and states that, *“Our vision is of a Perth and Kinross which is dynamic, attractive and effective which protects its assets whilst welcoming population and economic growth.”* It is the most recent statement of Council policy and is augmented by Supplementary Guidance.
- 26 The application site is located within the settlement boundary of Aberfeldy and is allocated (H37) for residential development. The principal relevant policies are in summary:

#### **PM1A: Placemaking**

- 27 Development must contribute positively to the quality of the surrounding built and natural environment, respecting the character and amenity of the place.

#### **Policy PM1B – Placemaking**

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

#### **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. 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 HE2 – Listed Buildings**

- 32 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 CF1B – Open Space Retention and Provision**

- 33 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**

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

### **Policy NE3 – Biodiversity**

- 35 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**

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

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

- 37 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**

- 38 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**

- 39 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**

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

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

- 41 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**

- 42 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.

### **TA1B – Transport Standards**

- 43 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.

## **OTHER POLICIES**

- 44 The following supplementary guidance and documents are of particular importance in the assessment of this application:
- 45 Sustainable Design and Zero Carbon Development Supplementary Guidance May 2014

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

- 46 Perth & Kinross Council is progressing with preparation of a new Local Development Plan to provide up-to-date Development Plan coverage for Perth & Kinross. When adopted, the Perth & Kinross Local Development Plan 2 (LDP2) will replace the current adopted Perth & Kinross Local Development Plan (LDP). The Proposed Local Development Plan 2 (LDP2) was approved at the Special Council meeting on 22 November 2017.
- 47 The representations received on the Proposed LDP2 and the Council's responses to these were considered at the Special Council meeting on 29 August 2018. The unresolved representation to the Proposed Plan after this period is likely to be considered at an Examination by independent Reporter(s) appointed by the Scottish Ministers, later this year. The Reporter(s) will thereafter present their conclusions and recommendations on the plan, which the Council must accept prior to adoption. It is only in exceptional circumstances that the Council can elect not to do this.
- 48 The Proposed LDP2 represents Perth & Kinross Council's settled view in relation to land use planning and as such it is a material consideration in the determination of planning applications. It sets out a clear, long-term vision and planning policies for Perth & Kinross to meet the development needs of the area up to 2028 and beyond. The Proposed LDP2 is considered consistent with the Strategic Development Plan (TAYplan) and Scottish Planning Policy (SPP) 2014. However, the outcome of the Examination could potentially result in modifications to the Plan. As such, currently limited weight can be given to its content where subject of a representation, and the policies and proposals of the plan are only referred to where they would materially alter the recommendation or decision.

## **SITE HISTORY**

- 49 The following history is of relevance:
- 50 [14/01554/FLL](#) Formation of an access road. Approved under delegated powers October 2014
- 51 [15/01735/SCRN](#) Screening Request for EIA. No EIA required – Decision issued December 2015
- 52 [15/00022/PAN](#) Proposal of Application Notice (PAN) for development of 100 dwellings. Content of PAN agreed December 2015.



- 53 [16/00478/IPM](#) Residential development (in principle) approved by Development Management Committee 13th July 2016.
- 54 [16/01592/FLL](#) Formation of vehicle access road. Approved under delegated powers February 2017.
- 55 [16/01761/AMM](#) Erection of 24 affordable dwellinghouses (Phase 1). Approved by Development Management Committee March 2017 and has been completed.
- 56 [17/01201/AMM](#) Erection of 8 dwellinghouses (Phase 2). Approved by Planning and Development Management Committee September 2017 and is currently under construction.
- 57 [18/00523/FLL](#) Erection of 4 dwellinghouses (revised design). Application Approved under delegated powers May 2018.
- 58 [18/01002/AMM](#) Erection of 11 dwellinghouses, garages and associated works (approval of matters specified in conditions 16/00478/IPM) Approved by Planning and Development Management Committee October 2018.

## **CONSULTATIONS**

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

### **EXTERNAL**

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

- 60 No objection following submission of updated Construction & Environmental Management Plan (CEMP).

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

- 61 No objection.

#### **Scottish Water**

- 62 No objection.

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

- 63 No objection.

#### **Transport Scotland**

- 64 No objection.

**Royal Society for Protection of Birds (RSPB)**

65 No response received.

**Perth and Kinross Heritage Trust (PKHT)**

66 No objection.

**Aberfeldy Community Council**

67 No response received.

**INTERNAL**

**Transport Planning**

68 No objection.

**Development Negotiations Officer**

69 No financial contributions required.

**Community Waste**

70 No objection.

**Environmental Health (Contaminated Land)**

71 No objection.

**Structures and Flooding**

72 No objection.

**Community Greenspace**

73 No objection but would like to see play area delivered with this phase.

**Strategy and Policy**

74 No objection.

**Biodiversity**

75 No objection.

**REPRESENTATIONS**

76 None received.

## ADDITIONAL STATEMENTS

77	Environment Statement	IPM screened – not required
	Screening Opinion	Submitted at IPM stage
	Environmental Impact Assessment	Not Required
	Appropriate Assessment	Not Required
	Design and Access Statement	Design and Access Statement Submitted
	Reports on Impact or Potential Impact	Construction and Environmental Management Plan

## APPRAISAL

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

### Principle

- 79 The principle of residential development for 100 dwellings has been established through its allocation in the LDP (H37) and the In Principle permission 16/00478/IPM granted for residential use in July 2016. Phase 1 of 20 affordable dwellinghouses and 4 affordable flats are now ready to be occupied and Phase 2 of 8 dwellinghouses is currently under construction. Phase 3 is yet to start. Therefore the principle of residential development has been established.

### Design and Layout

- 80 This phase is to be developed for open market dwellings and the proposed house types has been designed to appeal to the family market. The proposed phase has utilised the existing landscape to shape the layout and sensitively tie in with the existing layout and the 3D plans show an attractive and sensitively designed scheme.
- 81 The proposed house designs are traditional in form and scale and replicates the first three phases. In terms of exterior finishes it is considered quite simple but contemporary in appearance with pastel coloured weatherboard cladding and white rendered walls. Designs are site specific, of high quality that have considered the localised identity, outlook, landscape and solar orientation. Overall it is considered to be a well-designed and high standard proposal that will contribute to good placemaking in the area. The proposal accords with the

Council's Placemaking policies namely PM1 as it will continue to contribute positively to the quality of the surrounding built and natural environment whilst respecting the character and amenity of the place.

### **Transport and Access**

- 82 The applicant is the same as for Phases 1 to 3 and is fully aware that construction traffic will not be using Duntaylor Avenue but via the existing vehicular access haul road which will enter the wider site from the A827 Kenmore Road to the north. This access road will ultimately form the permanent main road within the site and connects with Duntaylor Avenue.
- 83 The site offers a good level of permeability and connectivity to the existing road network and adjacent residential area and is in line with the requirements of Designing Streets and the National Roads Development Guide.

### **Affordable Housing Provision**

- 84 Phase 1 comprising 20 affordable dwellinghouses and 4 affordable flats will provide the entire affordable housing requirement for the site and this development is complete and ready to be occupied. It will be managed by Hillcrest Housing. Consequently there is no requirement for this current Phase to provide any additional affordable housing.

### **Flood Risk and Drainage**

- 85 LDP 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, erosion and storm surges.
- 86 Both a Flood Risk Assessment (FRA) and a Drainage Impact Assessment (DIA) were submitted in support of the previous approved application for Phase 1. These assessments took account of Phases 2 and 3. This Phase 4 proposal is located within the Phase 3 boundary of the original submission and will simply connect into the approved drainage and SUDs basin. The drainage and SUDs have previously been assessed by SEPA and the Council's Structures and Flooding team and both have re-confirmed they have no objection. As such, the approved SUDs proposals accord with LDP Policies EP2 – New Development and Flooding and EP3 – Water, Environment and Drainage.

### **Biodiversity**

- 87 A detailed Ecological Appraisal was submitted in support of the 'In Principle' proposal. The Council's Biodiversity Officer had commented at that time that the proposed development is on existing fields currently used for grazing, as such there is likely to be low impact on biodiversity.

- 88 The development has potential to provide opportunities to enhance the site for biodiversity by including bat roost and bird nest sites in the proposed buildings. The approved SUDs pond is designed to provide suitable habitats for amphibians and a wet meadow mix. A number of conditions are recommended as per Phases 1 to 3 to ensure no adverse impact on any biodiversity in the area and to ensure compliance with LDP Policy NE3 – Biodiversity as wildlife and wildlife habitats will be enhanced (Conditions 8 to 12).

### **Construction Environmental Management Plan (CEMP)**

- 89 An updated Construction Environmental Management Plan (CEMP) was submitted and approved for Phases 1, 2 and 3. This has again been updated for Phase 4 and includes details of the construction. It provides details of how the site will be developed and what mitigation measures will be required by the developer to help reduce any nuisance for neighbouring uses from noise, dust etc. and methods to reduce the risk of pollution events. The submitted CEMP is considered to be acceptable and must be adhered to during construction (Condition 14).

### **Developer Contributions**

- 90 There is no requirement for primary school financial contribution on this occasion because there is currently no capacity issue at the primary school in the nearby Breadalbane Community Campus.

### **Cultural Heritage**

- 91 The site is immediately south the grounds associated with Dun Aluinn which is a Category C listed building and currently vacant.
- 92 Historic Environment Scotland (HES) and Perth and Kinross Heritage Trust (PKHT) have both assessed the site's proximity to listed buildings and archaeology respectively and there were no objections and no mitigation has been requested. The proposal is considered to comply with the LDPs Policy HE2 – Listed Buildings.

### **Overlooking/Overshadowing**

- 93 The scale, layout and orientation of the dwellinghouses are such that there will not be any significant overlooking or overshadowing of neighbouring properties or of each other in particular. There will be no adverse impact on residential amenity in the area.

### **Noise**

- 94 As the proposed end use is housing it is not likely to generate excessive noise. However the construction of the entire site is expected to last a number of years. This could lead to limited disruption at adjacent residential properties if not properly managed.

- 95 This application is supported by an updated Construction Environmental Management Plan (CEMP), which addresses issues of noise in a general way. The CEMP specifies that times of construction work will be to Monday to Friday 07.00 to 17.00 and Saturday 08.00 to 13.00. This is within the Council's recommended construction times of Monday to Friday 07.00 to 19.00 and Saturday 08.00 to 13.00.

### **Play Area**

- 96 The proposed 4 dwellinghouses are located within the area originally earmarked in the indicative layout to be the children's play area to serve the development and surrounding area. The applicant has therefore proposed to relocate the play area immediately to the west of Phase 4, adjacent to the existing SUDs pond. The proposed relocation is considered acceptable to Community Greenspace.
- 97 No details on the equipment to be provided within the play area or the timing of its delivery have been provided however. There is a preference that the play area should now be delivered as part of this phase, because Phase 1 of 24 affordable units are now occupied and the construction of Phase 2 has begun. Therefore, there is a requirement for the details of the play area to be specified and for the timing for its delivery to be agreed (Condition 15).

### **Economic Impact**

- 98 The proposal will have a positive impact in terms of job creation in the area both during the construction period itself and once the proposed site is completed. The proposal will continue to create a number of jobs during the construction period and the population growth will in turn increase consumer spending in the area. Although only 4 dwellinghouses, the level of available expenditure that will be created by the development will have a positive impact on Aberfeldy and in particular businesses and shops in the town centre.
- 99 The proposed development will also have a positive effect in assisting Perth and Kinross Council to achieve housing land requirements in Highland Perthshire.

### **LEGAL AGREEMENTS**

- 100 None required as no developer contribution is required on this occasion.

### **DIRECTION BY SCOTTISH MINISTERS**

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

## **CONCLUSION AND REASONS FOR RECOMMENDATION**

- 102 To conclude, the application must be determined in accordance with the adopted Development Plan unless material considerations indicate otherwise. In this respect, I have taken account of the Local Development Plan and material considerations and in this case I am content that the development proposed does not conflict with the Development Plan.
- 103 The proposed development on land that is allocated in the LDP for residential use complies with the Development Plan. The proposed scale, density and design are considered to be of a high standard and appropriate to the surrounding area. Accordingly the proposal is recommended for approval subject to the following conditions.

### **A RECOMMENDATION**

#### **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 dwellinghouse, details of the specification including materials of all footpaths and cycleways shall be submitted to the Council as Planning Authority for further written agreement. The scheme as subsequently agreed shall thereafter be implemented prior to the completion of the development.

Reason: In the interest of pedestrian and cycle safety.

3. Duntaylor Avenue shall not be used at any time by construction traffic associated with the development of Phase 4 to the satisfaction of the Council as Planning Authority.

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

4. Prior to the development hereby approved being completed or brought into use, all matters regarding access, pedestrian and cycling facilities, public transport infrastructure, car parking, road layout including width, design and specification, including the disposal of surface water, shall be in accordance with the standards required by the Council as Roads Authority and to the satisfaction of the Council as Planning Authority.

Reason: In the interests of pedestrian and traffic safety.

5. No part of the development shall be occupied until a Green Travel Plan (GTP), aimed to encourage more sustainable means of travel, has been submitted and

approved in writing by the Council. The GTP will have particular regard to provision for walking, cycling and public transport access to and within the site and will identify the measures to be provided, the system of management, monitoring, review, reporting and the duration of the plan.

Reason: In the interests of pedestrian and traffic safety.

6. Prior to the commencement of works on any part of the development, the Developer shall submit for the written approval of the Planning Authority an updated Construction Traffic Management Scheme (TMS) which shall include the following:
- a) restriction of construction traffic to approved routes and the measures to be put in place to avoid other routes being used;
  - b) timing of construction traffic to minimise impact on local communities particularly at school start and finishing times, on days when refuse collection is undertaken, on Sundays and during local events;
  - c) arrangements for the cleaning of wheels and chassis of vehicles to prevent material from construction sites associated with the development being deposited on the road;
  - d) arrangements for cleaning of roads affected by material deposited from construction sites associated with the development;
  - e) arrangements for signage at site accesses and crossovers and on roads to be used by construction traffic in order to provide safe access for pedestrians, cyclists and equestrians;
  - f) details of information signs to inform other road users of construction traffic;
  - g) arrangements to ensure that access for emergency service vehicles are not impeded;
  - h) co-ordination with other major commercial users known to use roads affected by construction traffic;
  - i) traffic arrangements in the immediate vicinity of temporary construction compounds;
  - j) monitoring, reporting and implementation arrangements; and
  - k) arrangements for dealing with non-compliance.

The TMS as approved shall be strictly adhered to during the entire site construction programme all to the satisfaction of the Council as Planning Authority.

Reason: In the interests of pedestrian and traffic safety.

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



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

8. No removal of hedgerows, trees or shrubs or works to or demolition of buildings or structures that may be used by breeding birds shall take place between 1st March and 31st August inclusive, unless a competent ecologist has undertaken a careful, detailed check of vegetation for active birds' nests immediately before the vegetation is cleared and provided written confirmation that no birds will be harmed and/or that there are appropriate measures in place to protect nesting bird interest on site. Any such written confirmation should be submitted to the Planning Authority.

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

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

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

10. All road gullies within 500m of the SUDs pond shall have Wildlife Kerbs installed adjacent to it to allow amphibians to pass safely prior to the occupation of the last dwellinghouse hereby approved.

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

11. Prior to the commencement of development, details of the location and specification of the swift brick(s) or swift nest box(s) shall be submitted to and approved in writing by the Council as Planning Authority. Thereafter, the swift brick(s) or swift nest box(s) shall be installed in accordance with the approved details prior to the occupation of the relevant dwelling(s).

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

12. Where it is intended to create semi-natural habitats, e.g. meadow or woodland, all species used in the planting proposals shall be locally native species of local provenance unless otherwise agreed in writing by the Council as Planning Authority.

Reason: In the interests of enhancing biodiversity.

13. Prior to the commencement of development, a site specific plan, detailing bin storage areas, kerbside collection locations and recycling facilities shall be submitted for the further written agreement of the Council as Planning Authority and thereafter undertaken in accordance with the approved details.

Reason: To ensure there is adequate provision for waste disposal and recycling.

14. The approved Construction and Environmental Management Plan (CEMP) shall be fully adhered to throughout the construction period to the satisfaction of the Council as Planning Authority.

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

15. Prior to the commencement of development hereby approved, full details (layout and equipment specification) of the proposed play area shall be submitted for the further written agreement of the Council as Planning Authority in consultation with Community Greenspace. Thereafter the approved play area shall be completed prior to the occupation of the first dwellinghouses.

Reason: In the interest of residential amenity and ensure there is adequate provision of a children's play area.

## **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**

None required.

## **D INFORMATIVES**

1. The development hereby permitted shall be commenced no later than the expiration of two years from the date of this consent or from the date of subsequent approval of matters specified in conditions, or three years from the date of planning permission in principle, whichever is the later.
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 in terms of Section 56 of the Roads (Scotland) Act 1984 he must obtain from the Council as Roads Authority consent to open an existing road or footway prior to the commencement of works. Advice on the disposal of surface water must be sought at the initial stages of design from Scottish Water and the Scottish Environment Protection Agency.
6. The applicant is advised that in terms of Section 21 of the Roads (Scotland) Act 1984 they must obtain from the Council as Roads Authority consent to construct a new road prior to the commencement of roadworks. Advice on the disposal of surface water must be sought at the initial stages of design from Scottish Water and the Scottish Environment Protection Agency.
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, Pullar House, 35 Kinnoull Street, Perth, PH3 1JR.
8. 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.
9. Scottish Waters Records appear to show proposed infrastructure within the site. These records are indicative only and your attention is drawn to the disclaimer at the bottom of their consultation response. This is believed to be pipework that you as the developer are proposing to lay for this development. If this is not the case please submit plans/drawings to indicate the position of the new infrastructure. All due care must be taken when working in the vicinity of Scottish Water assets, you should seek our support accordingly prior to any excavation works.
10. The applicant is advised that the works may need a license under the Water (Controlled Activities) Regulations 2005 (CAR). The applicant should contact SEPA's Perth Environmental Protection and Improvement Team (Tel: 01738 627989) in regard to this. The applicant should ensure that all works on site

comply with the best practice guidelines laid out in SEPA's published Pollution Prevention Guidance, found at [www.sepa.org.uk](http://www.sepa.org.uk)

11. The Council's Community Waste Adviser in the Environment Service should be contacted to clarify the bin storage and recycling requirements for the 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 consent for a development does not provide a defence against prosecution under this act.
13. The applicant should satisfy themselves that there is no risk to the proposed development from the disused tip approximately south of the site. A watching brief during development is recommended.
14. No work shall be commenced until an application for building warrant has been submitted and approved.
15. Please consult the Street Naming and Numbering Officer, The Environment Service, Perth and Kinross Council, Pullar House, 35 Kinnoull Street, Perth PH1 5GD

Background Papers: None

Contact Officer: Steve Callan – Ext 75337

Date: 25 April 2019

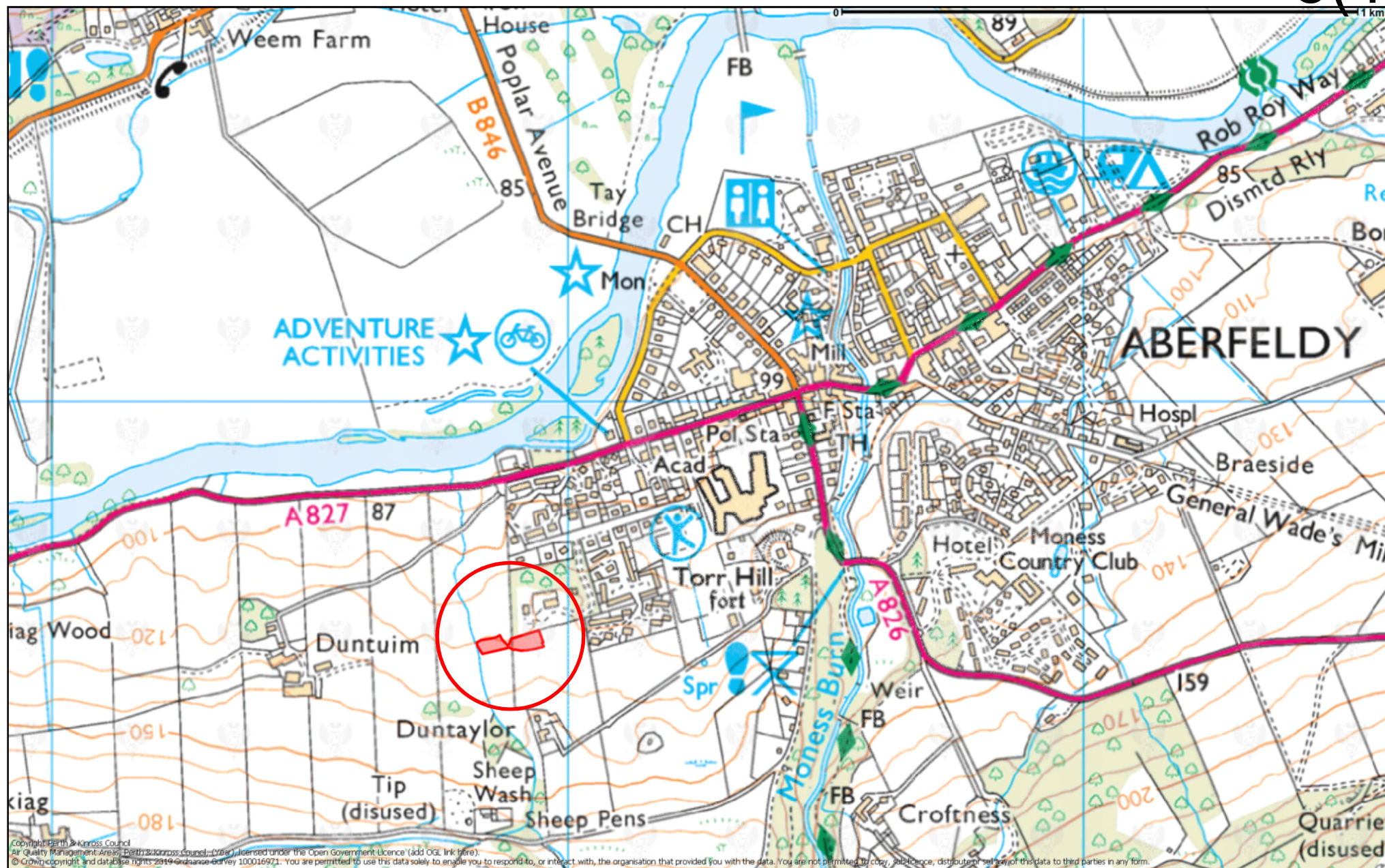
**ANNE CONDLIFFE**  
**INTERIM DEVELOPMENT QUALITY MANAGER**

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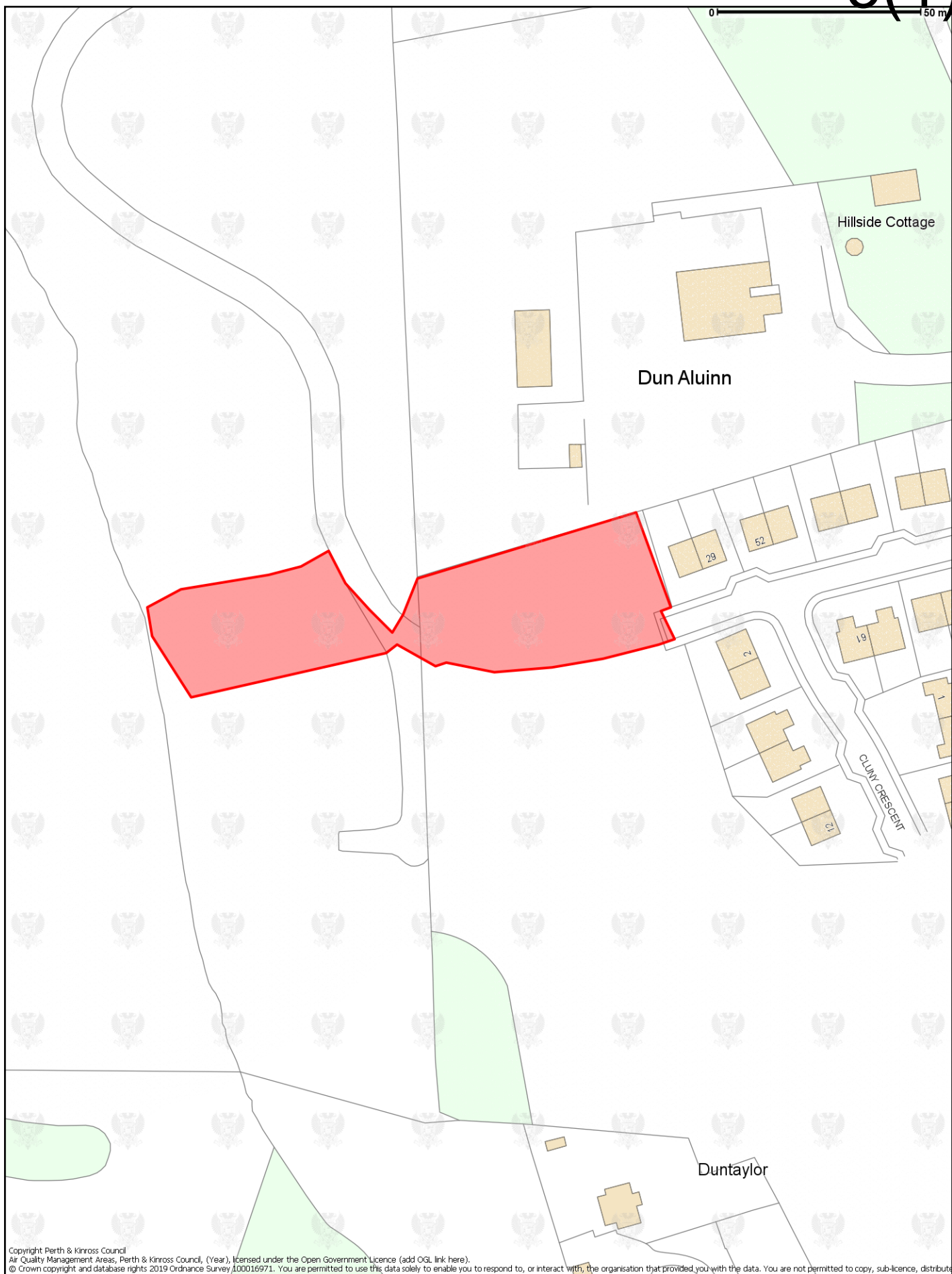
19/00202/AMM

Erection of 4 dwellinghouses (approval of matters specified in conditions 16/00478/IPM) (H37 - Phase 4) land SW of 8 the Beeches, Aberfeldy









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**19/00202/AMM**

**Erection of 4 dwellinghouses (approval of matters specified in conditions 16/00478/IPM) (H37 - Phase 4) land SW of 8 the Beeches, Aberfeldy**







Perth and Kinross Council  
Planning & Development Management Committee – 8 May 2019  
Report of Handling by Interim Development Quality Manager (Report No. 19/130)

**PROPOSAL:** Erection of 39 dwellinghouses, formation of SUDS pond, car parking, landscaping and associated infrastructure

**LOCATION:** Land at Southfield, Newburgh Road, Abernethy

Ref. No: [17/02190/FLL](#)

Ward No: P9 - Almond and Earn

### Summary

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

### BACKGROUND AND DESCRIPTION OF PROPOSAL

- 1 The proposed application site of 1.5 hectares is located in the north east of Abernethy and is immediately north of the A913 Newburgh Road, from which the site access is proposed. The Perth to Ladybank railway line is located to the north along a raised embankment and there is a former petrol filling station site garage immediately to the west. Beyond the former petrol filling station is Branston potato factory and a row of detached dwellings. To the immediate east is an existing dwellinghouse, Southfield, and beyond this, open countryside. To the south are houses on Newburgh Road and to the south west, the recently extended Abernethy Primary School is located approximately 100 metres away.
- 2 The site is currently in agricultural use and laid to grass and primarily used for sheep grazing. It is over 1.5 metres below the level of the A913 and 2.5 metres below the level of the rail line.
- 3 The site is located within the settlement boundary of Abernethy as defined by the Perth and Kinross Local Development Plan (LDP) 2014. It forms a significant part of a 2.17 hectare (Ha) mixed use allocation (Site MU8) for housing and employment land, with the remaining 0.67 Ha located to the west taking up the land up to the existing boundary of the aforementioned Branston site.
- 4 The proposal was originally for 42 dwellinghouses but has been reduced to 39 following the assessment and consultation process. The following range of house types are proposed:

- 7 x 2 bedroom 2 storey terrace dwellinghouses (affordable)
  - 3 x 3 bedroom 2 storey terrace dwellinghouses (affordable)
  - 9 x 3 bedroom 2 storey terrace dwellinghouses (open market)
  - 12 x 3 bedroom 2 storey semi-detached dwellinghouses (open market)
  - 7 X 3 bedroom bungalow dwellinghouses (open market)
  - 1 x 4 bedroom 2 storey detached dwellinghouses (open market)
- 5 All the house types will have white rendered walls and dark grey roof tiles. The application has been accompanied by a significant level of supporting information including a Design and Access Statement; Flood Risk Assessment; Drainage Strategy; Noise Impact Assessment; Transport Assessment; Ecological Appraisal and Landscape Strategy.

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

- 6 Directive 2011/92/EU requires the ‘competent authority’ (in this case Perth and Kinross Council) when giving a planning permission for particular large scale projects to do so in the knowledge of any likely significant effects on the environment. The Directive therefore sets out a procedure that must be followed for certain types of project before ‘development consent’ can be given.
- 7 This procedure, known as Environmental Impact Assessment (EIA), is a means of drawing together, in a systematic way, an assessment of a project’s likely significant environmental effects. This helps to ensure that the importance of the predicted effects, and the scope for reducing any adverse effects, are properly understood by the public and the relevant competent authority before it makes its decision.
- 8 An Environmental Impact Assessment Report was not required to be submitted with the proposal as the scale of development falls below the EIA thresholds.

### **NATIONAL POLICY AND GUIDANCE**

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

#### **National Planning Framework**

- 10 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**

- 11 The Scottish Planning Policy (SPP) was published in June 2014 and sets out national planning policies which reflect Scottish Ministers' priorities for operation of the planning system and for the development and use of land. The SPP promotes consistency in the application of policy across Scotland whilst allowing sufficient flexibility to reflect local circumstances. It directly relates to:
- The preparation of development plans;
  - The design of development, from initial concept through to delivery; and
  - The determination of planning applications and appeals.
- 12 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
  - Affordable Housing: paragraphs 126 – 131
  - Historic Environment: paragraphs 135-137 and 150
  - 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

## **Planning Advice Notes**

- 13 The following Scottish Government Planning Advice Notes (PANs) and Guidance Documents are of relevance to the proposal:
- 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 60 Planning for Natural Heritage
  - PAN 61 Planning and Sustainable Urban Drainage Systems
  - PAN 63 Waste Management Planning
  - PAN 67 Housing Quality
  - PAN 68 Design Statements
  - PAN 75 Planning for Transport
  - PAN 77 Designing Safer Places
  - PAN 79 Water and Drainage

## **Designing Streets 2010**

- 14 Designing Streets is the first policy statement in Scotland for street design and marks a change in the emphasis of guidance on street design towards place-making and away from a system focused upon the dominance of motor vehicles. It has been created to support the Scottish Government's place-

making agenda, alongside Creating Places, which sets out Government aspirations for design and the role of the planning system in delivering these.

### **Creating Places 2013**

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

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

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

### **DEVELOPMENT PLAN**

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

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

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

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

- 21 Seeks to focus the majority of development in the region's principal settlements. Abernethy which is within the 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**

- 22 Seeks to deliver distinctive places by ensuring that the arrangement, layout, design, density and mix of development are shaped through incorporating and

enhancing natural and historic assets, natural processes, the multiple roles of infrastructure and networks, and local design context.

#### **Policy 4: Homes**

- 23 Seeks to ensure there is a minimum of 5 years effective housing land supply at all times. Land should be allocated within each Housing market Area to provide a generous supply of land to assist in the delivery of 25,020 units up to year 2028 and a further 16,680 by 2036.

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

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

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

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

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

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

#### **27 LDP Allocation MU8 – Site Specific Developer Requirements:**

- A mix of housing types and sizes including low cost housing
- Flood Risk Assessment
- The existing culvert opened and layout to deal with surface water from steep southern slopes.
- Road and access improvements to the satisfaction of the Council as Road Authority

- Develop gateway improvement to settlement from the east to ensure the built form and layout strengthens the character of the settlement and creates an attractive eastern village boundary.
- Enhancement of biodiversity
- The site may require to be phased to ensure sufficient space is available in the primary school.

28 The principal relevant LDP policies are, in summary;

**Policy PM1A - Placemaking**

29 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**

30 All proposals should meet all eight of the placemaking criteria.

**Policy PM2 - Design Statements**

31 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**

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

**Policy PM4 - Settlement Boundaries**

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

**Policy ED1B - Employment and Mixed Use Areas**

34 Within areas identified for mixed use a range of uses such as housing, offices, light industry, surgeries and leisure uses would be acceptable providing they are compatible with the amenity of adjoining uses. Proposals for predominately one use on a mixed use site will not be acceptable.

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

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

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

- 36 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 TA1B - Transport Standards and Accessibility Requirements**

- 37 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**

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

- 39 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 NE3 - Biodiversity**

- 40 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**

- 41 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**

- 42 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**

- 43 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 EP3B - Water, Environment and Drainage**

- 44 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**

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

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

- 46 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**

- 47 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**

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



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

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

## **OTHER POLICIES**

- 52 The following supplementary guidance and documents are of particular importance in the assessment of this application;
- Developer Contributions Supplementary Guidance including Affordable Housing 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 (Draft) July 2014
  - Open Space Standards (2001)

## **SITE HISTORY**

- 53 There is no recent planning application history for the site specifically. However, as it is part of a mixed use allocation (MU8) in the LDP, the following applications are of relevance:
- 54 [18/01016/FLL](#) Alterations and extension to building, erection of a cold storage building including ramp, acoustic fence, installation of air conditioning units, formation of an access road, parking areas, fuelling bay, outdoor storage, hardstanding areas, landscaping and associated works. This application relates to the remaining portion of LDP Site MU8. Submitted June 2018 and currently under assessment.

## **CONSULTATIONS**

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

### **External**

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

- 56 No objection.

#### **Scottish Water**

- 57 No objection.

#### **Network Rail**

- 58 No objection provided certain conditions are applied to ensure the protection of their infrastructure, public safety and amenity.

#### **Perth and Kinross Heritage Trust (PKHT)**

- 59 No objection provided an archaeological condition is applied for a written scheme of archaeological investigation.

#### **Abernethy Community Council**

- 60 No objection but raised concerns regarding housing density and proximity to Branston's facility.

### **Internal**

#### **Strategy and Policy**

- 61 No objection and are supportive of housing being established at this location provided there is no conflict along the western boundary with Branstons wishing to expand their business.

### **Community Greenspace**

- 62 No objection provided any public open space (POS) is multifunctional.

### **Environmental Health**

- 63 Following a revised Noise Impact Assessment of the adjoining proposal to expand Branstons facilities no objection is now offered, provided certain noise mitigation conditions are applied and the acoustic bund and fencing is delivered.

### **Land Quality Officer (Contaminated Land)**

- 64 No objection.

### **Structures & Flooding Team**

- 65 No objection.

### **Transport Planning**

- 66 No objection.

### **Contributions Officer**

- 67 The Affordable Housing requirement is 10 units (39 units x 0.25).
- 68 This proposal is within the catchment of Abernethy Primary School and the Council have invested significant funds in extending this school to accommodate future development, such as housing from Site MU8. A contribution towards this will therefore be required.
- 69 Based on the Councils Transport Infrastructure Developer Contributions Supplementary Guidance a financial contribution towards the cost of delivering the transport infrastructure improvements which are required for the release of all development sites in and around Perth. The site is within the reduced transport contributions area.

### **Waste Services**

- 70 No objection.

### **Biodiversity Officer**

- 71 No objection provided certain conditions are applied.

### **REPRESENTATIONS**

- 72 The following issues were raised in the 12 representations received:

- Contrary to Development Plan

- Noise, air and light pollution
- Incompatible with neighbouring uses
- Non-compliance with Councils Affordable Housing tenure
- Impact on archaeology
- Impact on trees and biodiversity
- Flood risk
- Excessive density and scale
- No demand
- Adverse visual impact
- Road safety concerns
- Lack of parking within site
- Poor public transport links
- Loss of open space
- Loss of daylight/sunlight
- Privacy and health implications

73 These issues are addressed in the Appraisal section of the appraisal.

### **ADDITIONAL STATEMENTS**

74	Environment Statement	Not Required
	Screening Opinion	Not Required
	Environmental Impact Assessment	Not Required
	Appropriate Assessment	Not Required
	Design Statement/Design and Access Statement	Design and Access Statement Submitted
	Reports on Impact or Potential Impact	Flood Risk Assessment; Drainage Strategy; Noise Assessment; Transport Assessment; Ecological Appraisal and Landscape Strategy

### **APPRAISAL**

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

76 In terms of other material considerations, this involves considerations of the Council's other approved policies and supplementary guidance, such as the Developer Contributions Supplementary Guidance including Affordable Housing April 2016 and Flood Risk and Flood Risk Assessments – Developer Guidance June 2014.

## **Principle**

- 77 The principle of a large scale mixed use (residential and business) development on this site has been established through its allocation as Site MU8 in the LDP. Furthermore, the site is within the settlement boundary of Abernethy village. The principle of residential development on this portion of the site is accepted.
- 78 Based on the site area of 1.5 hectares, the 39 dwellinghouses proposed would be classed as a medium to high density proposal (a density of 26 dwellings per hectare). Given its location close to the village centre, the primary school and commercial premises the density is considered suitable, in principle, for this edge of settlement location. Further, the context of national policy stating the desirability of using land efficiently would further support this density within a settlement boundary. The suitability of the proposed layout, siting and design and all other considerations is, nevertheless, undertaken below and the LDP site specific requirements are also addressed.

## **Mixed Use Allocation and Employment Land**

- 79 As the site forms part of a mixed use allocation, it is important to ensure the residential element is not assessed in isolation and there must be an understanding that the employment element can also be delivered without either use being adversely affected.
- 80 An application (18/01016/FLL) was submitted on 4 June 2018 to expand the adjacent potato distribution business operated by Branston Limited. There has been extensive dialogue with all parties Branston, Hadden Homes (the applicant of this housing proposal) and the Council over potential noise issues. This was undertaken to ensure that the two developments are compatible with each other in the interests of bringing both the employment and residential development envisaged in Site MU8 forward.
- 81 While noise is considered in more detail below, the potential impact of noise from the neighbouring Branston site has been the main issue under consideration to ensure there will be no adverse noise impact on the new residential properties which could result in noise complaints regarding Branston activities. Following concerns raised by Environmental Health regarding the Noise Impact Assessment (NIA) for the Branston proposal and impact on this development, a revised NIA was submitted and it recommended several mitigation measures by both Branston and Hadden Homes.
- 82 The site must ensure the residential amenity can be maintained for the proposed dwellinghouses along the eastern mutual boundary. The applicant has amended the house type from two-storey dwellinghouses to single storey dwellinghouses and an acoustic bund with acoustic fencing will be required along almost the full length of this western boundary. It is anticipated that this will remove noise issues for the proposed dwellinghouses in this location adjacent to Branston's site at the boundary. This will not hinder the delivery of

the employment element of MU8 and this proposal can be determined in advance of the proposed employment expansion.

### **Noise**

- 83 As advised, the NIA submitted in support of the planning application for the expansion of the adjacent Branston site examined in detail the impact its proposal could have on the proposed residential development immediately to the east. As already mentioned, the NIA recommended that the two-storey dwellinghouses along the mutual boundary should be reduced in height to single storey because it was the first storey rear bedrooms that could have been adversely impacted upon by noise from Branston's proposed cold storage facility.
- 84 Consequently, the applicant revised their house type along the mutual boundary and the proposal now includes 7 bungalows rather than 10 dwellinghouses. An acoustic bund 2 metres high along with a 1 metre high acoustic fence is also proposed along this boundary to mitigate noise for these properties. This can be secured by condition (Condition 22). Furthermore, permitted development rights are proposed to be restricted through a planning condition for Plots 1-7 to remove the ability for upper floor extensions, dormer windows and roof lights of these bungalows. This will ensure that should there be any increase in living or bedroom accommodation on the upper floors this would not be exposed to unacceptable amenity conditions (Condition 24). It is also proposed that the bunding on this boundary will be planted on either side to ensure its visual impact will be softened.
- 85 As a result of the proximity of the rail line, a Noise Impact Assessment (NIA) was also submitted in support of the application alongside the NIA by Branston. Both NIA have been reviewed by Environmental Health. Whilst there was no objection there was concern regarding the noise impact of the rail line at night time in particular for the closest dwellinghouses (plots 8-18). Environmental Health recommend the glazing of habitable rooms on the north-facing facades of Plots 8 -18 will need to have a minimum sound reduction index of 35 dB,  $R_w+C_{tr}$ . Condition 23 will help ensure a satisfactory residential amenity can be achieved.

### **Residential Amenity**

- 86 Concerns have been expressed within representations regarding the impact on existing residential amenity (noise, light, privacy). There is one property immediately adjacent to the eastern boundary of the proposed site, Southfield, and the other nearest dwellings are between 25 and 28 metres away, across Newburgh Road. It is considered that there is an acceptable landscape buffer with boundary planting included which will help alleviate the concerns regarding residential amenity, lighting, privacy and overlooking in particular. I am satisfied that all relevant considerations regarding amenity and health have been satisfactorily addressed.

## **Design, Scale and Layout**

- 87 The proposed development utilises the existing landscape and topography to shape the layout of the site. The proposal takes account of the sites importance as a gateway into Abernethy. The design of the site has been guided by existing field boundaries, planting, watercourses and natural features. Generally, the proposed layout takes cognisance of Designing Streets, Creating Places and the National Roads Development Guide and incorporates appropriate natural surveillance of open space and the main pedestrian routes.
- 88 The proposal consists of single and two-storey detached, semi-detached and terraced dwellinghouses providing a wide mixture of house types for the current market. The layout includes a hierarchy of surfaces that assist in achieving a sense of place with proposed 'secondary treatments' on street edges. The street layout is considered to be usable and adheres to Designing Streets and National Roads Development Guide objectives.
- 89 The massing and scale of the proposed dwellinghouses can be accommodated within the site without having an adverse impact on the amenity of nearby properties and works within the parameters of the landscape framework. The proposed density of development of dwellings is considered to be acceptable for this site within the proposed layout. All dwellinghouses will benefit from acceptable garden sizes and none of the properties will adversely impact on the amenity enjoyed by neighbouring properties or land uses in terms of privacy, overlooking or overshadowing.
- 90 In terms of house design and finish, the elevations and external finishes are considered to be simple but attractive and appropriate within the character of Abernethy. The proposal complies with LDP Policy PM1A – Placemaking as it is considered it will positively add to the quality of the surrounding built and natural environment, whilst respecting the character and amenity of the place.
- 91 The proposal is considered appropriate in terms of design, scale and form and the development is considered to satisfy the policy objectives of Designing, Designing Streets, Creating Places and Council Placemaking Policy. It is considered that the proposed density of development represents an efficient use of the site whilst still respecting the surrounding area and environment.

## **Landscape and Visual**

- 92 As a result of its gateway location, there is a Site Specific Developer Requirement within the MU8 allocation to develop a gateway improvement to the settlement from the east, to ensure the built form and layout strengthens the character of the settlement and creates an attractive eastern village boundary. The landscape quality of this site is a potential key, valuable asset as it currently offers a highly visible gateway when arriving into Abernethy from Fife to the east.
- 93 The proposed orientation of the 3 dwellinghouses at the south-east corner of the site facing in an eastwards direction goes some way to addressing the

gateway location along with the inclusion of detailed landscaping and tree-planting proposals along the southern boundary and partially along the eastern boundary. The provision of housing close to and facing onto the A913 as an active frontage replicates the development form elsewhere in the village and makes a positive visual contribution to the site to create a strong entrance gateway.

- 94 The proposal is considered to comply with the MU8 Site Specific Developer Requirements, placemaking policies PM1A and PM1B contained within the LDP.

### **Roads and Access**

- 95 As advised, one vehicle access from the A913 is proposed to serve the site. The site plan provides a road loop serving all the properties and includes a rear parking area for 15 dwellings. Visitor parking is provided adjacent to the proposed SUDS pond and there is a footpath network within the site that connects up with the public footpath on the A913. The access and the proposed development layout was subject to significant assessment by Transport Planning during the pre-application and application stages.
- 96 Transport Planning are satisfied that the proposal provides acceptable vehicle access onto the A913, the parking provision meets the National Roads Development Guide and footpath provision for pedestrians and cyclists. No concern has been expressed by the Council's Public Transport Unit. Overall the proposal complies with LDP Policy TA1 - Transport Standards and Accessibility Requirements as it will be well served by all modes of transport (in particular walking, cycling and public transport), provides safe access to the wider area and appropriate levels of car parking provision. This is subject to conditions to secure roads and footpath specifications (Condition 2 and 3 respectively); control over Construction Traffic Management Scheme (CTMS) (Condition 6); and a Residential Travel Plan (RTP) being in place for future residents to encourage sustainable means of travel (Condition 7).

### **Drainage and Flooding**

#### Drainage

- 97 In terms of drainage SEPA have commented that the proposals for SUDs appear to be well thought out and offer a good level of treatment. SEPA do advise that it is the Council's responsibility to confirm if the proposed SUDs scheme is in accordance with the new SUDs manual and shows how the methodology proposed will attain required SUDs treatment. The Council's Structures and Flooding team have offered no objection to the proposed drainage arrangements. The applicant has confirmed that Scottish Water will maintain the SUDS pond once complete. Subject to planning conditions to secure the final SUDS (Condition 9) and any necessary temporary facility (Condition 10), the proposal is considered to be acceptable.



## Flood Risk

- 98 SEPA and Structures and Flooding have examined the submitted Flood Risk Assessment (FRA) and have not objected to the proposed development on flood risk grounds.
- 99 A review of the SEPA Flood Map indicates that parts of the site lies within the 1 in 200-year flood extent and may be at medium to high risk of surface water flooding. There are two small watercourses which run south to north along the eastern and western site boundaries.
- 100 SEPA advised during the allocation of the site in the LDP that further assessment of flood risk from these watercourses would be required and investigation into opening up the culverts was recommended, provided there was no associated increase to flood risk. This recommendation was incorporated as a Site Specific Developer Requirement. The information provided within the FRA indicates that the culverts lie outwith the boundaries of the site and SEPA therefore acknowledge that no betterment to the structures can be undertaken within this development. Accordingly, it is accepted that it is not possible to address this specific allocation requirement.
- 101 Hydrological modelling has been undertaken as part of the FRA to determine the flows within the two small watercourses. The results of the modelling indicate that there is no predicted flooding during the 1 in 200-year flood, with and without and allowance for climate change.
- 102 The FRA makes recommendations to reduce flood risk to the site from overtopping from the culvert during a blockage scenario and also direct surface water runoff from higher ground to the south and east. These measures include: capturing water entering the site from the south and east in a cut-off channel and directing round the site to the low point in the north where there is a culvert under the railway. This culvert requires to be cleared and maintained as is currently blocked. Finished Floor Levels should be raised a minimum of 26.6m AOD. The proposed drainage layout shows these measures have been incorporated within the site design and a condition is recommended to ensure the delivery of this is secured (Condition 19).

## **Network Rail Infrastructure**

- 103 Network Rail has no issues with the principle of the proposed development but has recommended a number of conditions to ensure their infrastructure is not adversely affected by the proposed development (Conditions 18 to 20).

## **Waste Services**

- 104 No concerns have been expressed regarding waste collection on site, subject to securing a site specific plan, detailing bin storage areas, kerbside collection locations and recycling facilities (Condition 17).

## **Natural Heritage and Biodiversity**

- 105 The application was accompanied by an Ecological Appraisal which identifies any ecological constraints of the site. The Councils Biodiversity Officer confirmed that the current use (agricultural) of the site makes it low in biodiversity and any residential development has the potential to improve the site for biodiversity by attracting birds and insects into gardens as a result of planting and provision of food and shelter. The open space and SUDS pond should include native planting that will encourage wildlife (Condition 14).
- 106 This site could also be enhanced for wildlife by the inclusion of bat roost bricks and swift nest bricks into the new buildings. This can be controlled by way of condition (Condition 15). These provisions will address the Site Specific Developer Requirement for biodiversity enhancement.
- 107 There is only one tree on the site but the submitted Landscape Strategy proposes more planting throughout the site and in particular along the east and west boundaries. Proposed conditions will ensure the implementation of the landscape proposals and a further condition will ensure the protection of neighbouring trees just outwith the site (Conditions 20 and 21).

## **Developer Contributions**

### Affordable Housing

- 108 The Affordable Housing requirement for the proposal is 10 units (39 units x 0.25). The proposal includes 10 units to be delivered on site and therefore this requirement has been satisfied.

### Primary Education

- 109 This proposal is within the catchment of Abernethy Primary School and the Council have invested significant funds in extending this school to accommodate future development in the area. A contribution towards this from open market homes will be required; however, it is not required from Affordable Housing units. The contributions will therefore be calculated on 29 units (39 – 10 units) and the total Primary Education contribution will be £187,340 (29 x £6,460). Other than the mitigation through developer contributions, no specific site phasing is considered necessary.

### Transport Infrastructure

- 110 Based on the Council's Transport Infrastructure Developer Contributions Supplementary Guidance, the proposal will require a financial contribution towards the cost of delivering the transport infrastructure improvements which are required for the release of all development sites in and around Perth. The site is within the reduced transport contributions area. The Open Market Housing Unit contribution is £76,531 (29 x £2,639).

- 111 Subject to securing these contributions via a Section 75 planning obligation, the requirements of Policy RD4 and PM3 are met.

### **Archaeology**

- 112 PKHT confirms that the proposed development site lies within an area that is considered to have archaeological potential, because of its location on the edge of the medieval settlement of Abernethy. Further, prehistoric archaeological remains have been recovered to the east of the proposed development site, consisting of a short cist and a small cremation cemetery.
- 113 It is recommended that an archaeological evaluation consisting of a 6% trial trench investigation should take place to assess the presence /absence, character and significance of archaeological deposits on this site. The evaluation will inform a mitigation strategy, if required, to either preserve significant deposits within the development or for further archaeological works, to consist of the excavation and post-excavation analysis / publication of these deposits (Condition 8).

### **Economic Impact**

- 114 During the construction period a high number of full time jobs will be created and this will impact on the level of in-direct jobs that the construction activity will generate from employees spending on local goods and services.
- 115 New residents could also fill job vacancies and support existing employers in the local area including potentially Branston. The proposed development will also have a positive effect in assisting Perth and Kinross Council to achieve affordable housing land requirements.

### **LEGAL AGREEMENTS**

- 116 A Section 75 Legal Agreement will require to be drafted in relation to securing the following. The Heads of Terms have been agreed by the applicant and the Councils Legal Services have been formally instructed to secure the following:
- On-site Affordable Housing provision
  - Commuted sum for primary school education provision
  - Commuted sum for transport infrastructure provision
  - Provision of acoustic bund and fencing along mutual boundary with Branston.

### **DIRECTION BY SCOTTISH MINISTERS**

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

## **CONCLUSION AND REASONS FOR RECOMMENDATION**

- 118 To conclude, the application must be determined in accordance with the adopted Development Plan unless material considerations indicate otherwise. In this respect, I have taken account of the Local Development Plan and material considerations and in this case I am content that the development proposed accords with the Development Plan.
- 119 The development of dwellinghouses on land that is allocated as Site MU8 in the LDP for mixed use including residential is considered to comply with the current Development Plan. It has been shown through the production of a detail Noise Impact Assessment that there will, subject to mitigation being secured, not be noise issues for the dwellings along the mutual western boundary or for the viability of the remaining portion of Site MU8 to be developed for employment land. All other matters have been assessed as being in compliance with Development Plan policy, again subject to some control through planning conditions.
- 120 Accordingly the proposal is recommended for approval subject to the following conditions.

### **A RECOMMENDATION**

**Approve the application subject to the following conditions**

#### **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 consent.

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

2. Prior to the development hereby approved being completed or brought into use, all matters regarding access, car parking, road layout, design and specification, including the disposal of surface water, shall be in accordance with the standards required by the Council as Roads Authority.

Reason: In the interest of vehicle and pedestrian safety and in accordance with the policies of the adopted Perth and Kinross Local Development Plan 2014.

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 safety.

4. Prior to commencement of development, a detailed Construction Management Plan (CMP) detailing required mitigation measures and construction method statements, including specific measures for monitoring during construction, shall be submitted to and approved in writing by the Planning Authority in. Such details shall be submitted not less than two month prior to the agreed scheduled commencement date and shall incorporate detailed pollution avoidance and air quality mitigation measures for all construction elements. Thereafter the approved CMP shall thereafter be fully respected and adhered to through the construction phase of the development.

Reason: To ensure the construction phase is carefully managed to minimise landscape impacts and mitigate for any associated impacts on ecology, neighbours, general public and the wider environment.

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

Reason: In the interests of residential amenity.

6. Prior to the commencement of works on the development, the applicant shall submit for the written approval of the Planning Authority a Construction Traffic Management Scheme (CTMS) which shall include the following:
- a) restriction of construction traffic to approved routes and the measures to be put in place to avoid other routes being used;
  - b) timing of construction traffic to minimise impact on local communities particularly at school start and finishing times, on days when refuse collection is undertaken, on Sundays and during local events;
  - c) arrangements for liaison with the Roads Authority regarding winter maintenance;
  - d) emergency arrangements detailing communication and contingency arrangements in the event of vehicle breakdown;
  - e) arrangements for the cleaning of wheels and chassis of vehicles to prevent material from construction sites associated with the development being deposited on the road;
  - f) arrangements for cleaning of roads affected by material deposited from construction sites associated with the development;
  - g) arrangements for signage at site accesses and crossovers and on roads to be used by construction traffic in order to provide safe access for pedestrians, cyclists and equestrians;
  - h) details of information signs to inform other road users of construction traffic;
  - i) arrangements to ensure that access for emergency service vehicles are not impeded;
  - j) monitoring, reporting and implementation arrangements; and
  - k) arrangements for dealing with non-compliance.

The CTMS as approved shall be strictly adhered to during the entire site construction programme all to the satisfaction of the Council as Planning Authority.

Reason: In the interests of road safety.

7. Prior to the development hereby approved being completed or brought into use a Residential Travel Plan (RTP), aimed to encourage more sustainable means of travel, shall be submitted and approved in writing by the Council. The RTP will have particular regard to provision for walking, cycling and public transport access to and within the site and will identify the measures to be provided, the system of management, monitoring, review, reporting and the duration of the plan.

Reason: In the interest of sustainable travel and in accordance with the policies of the adopted Perth and Kinross Local Development Plan 2014.

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

Reason: In the interest of protecting archaeological interest within the site.

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

Reason: To prevent flood risk; to ensure that the efficiency of the existing drainage network is not affected.

10. Concurrent with the initiation of the development hereby approved and for the duration of construction, a temporary surface water treatment facility shall be implemented on site and maintained for the duration of the approved development works. The temporary surface water treatment facility shall remain in place until the permanent surface water drainage scheme is implemented unless otherwise agreed in writing by the Council as Planning Authority.

Reason: To prevent flood risk; to ensure that the efficiency of the existing drainage network is not affected.

11. The conclusions and recommended action points within the supporting Ecological Appraisal submitted and hereby approved shall be fully adhered to, respected and undertaken as part of the construction phase of development.

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

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

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

13. Where it is intended to create a wetland/SUDs area wildlife kerbs shall be installed adjacent to all road gullies within 500 metres of wetland/SUDS.

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

14. Where it is intended to create semi-natural habitats, all species used in the planting proposals shall be locally native species of local provenance unless otherwise agreed in writing with the Planning Authority.

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

15. Prior to the commencement of development hereby approved, details of the location and specification of the swift nest brick and bat roost bricks shall be submitted for the further written agreement of the Council as Planning Authority. Thereafter, the swift nest bricks and bat roost bricks shall be installed in accordance with the agreed details prior to the occupation of the relevant residential unit. For clarification the development shall incorporate the swift nest bricks and bat roost bricks at eaves height in a minimum of 75% of all properties.

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

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

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

17. 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 to the satisfaction of the Council's Planning Authority.

Reason: To ensure there is adequate provision for waste disposal and recycling.

18. No development shall take place on site until such time as details of a boundary fence adjacent to Network Rail's boundary has been submitted to and approved in writing by the Planning Authority. A suitable trespass proof fence of at least 1.8 metres in height adjacent to Network Rail's boundary must be installed and provision for the fence's future maintenance and renewal should be made. Network Rail's existing boundary measure must not be removed without prior permission. The fencing shall be carried out only in full accordance with such approved details.

Reason: In the interests of public safety and the protection of Network Rail infrastructure.

19. No development shall take place on site until such time as a surface and foul water drainage scheme has been submitted to and approved in writing by the Planning Authority. Any Sustainable Urban Drainage Scheme should be designed with long term maintenance plans which meet the needs of the development. The use of the culvert under the railway for surface water drainage must be fully agreed with Network Rail. The development shall be carried out only in full accordance with such approved details.

Reasons: To protect the stability of the adjacent railway and the safety of the rail network.

20. No development shall take place on site until such time as a detailed scheme of landscaping has been submitted to and approved in writing by the Planning Authority. The scheme shall include hard and soft landscaping works, boundary treatment(s), details of trees and other features which are to be retained, and a programme for the implementation/phasing of the landscaping in relation to the construction of the development. Where trees/shrubs are to be planted adjacent to the railway boundary these should be positioned at a minimum distance from the boundary which is greater than their predicted mature height. Broad leaf deciduous species should not be planted adjacent to the railway boundary. All landscaping, including planting, seeding and hard landscaping shall be completed in accordance with the approved scheme.

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. To control the impact of leaf fall on the operational railway.



21. Any planting which, within a period of 5 years from the completion of the approved 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.

22. Prior to occupation of the first dwellinghouse, the 2 metre high acoustic bund and 1 metre high fence shall be installed along the western boundary of the site as approved in drawing reference 17/02190/29.

Reason: In the interests of residential amenity and to ensure the viability of employment use on the remainder of Site MU8 allocated in the Perth and Kinross local Development plan 2014.

23. The glazing of habitable rooms on the north-facing facades of plots 8 -18 shall have a minimum sound reduction index of 35 dB,  $R_w+C_{tr}$  to the satisfaction of the Council as Planning Authority.

Reason: In the interests of residential amenity preventing noise issues from the adjacent rail line.

24. No extensions or alterations, whether or not permitted by virtue of Schedule 1, Part 1, Class 1B, 1D and 2B of the Town and Country Planning (General Permitted Development) (Scotland) Order, 1992 or any Order revoking and re-enacting that Order shall be constructed or erected on the rear elevations of Plots 1-7 (located on the western boundary).

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

## **B JUSTIFICATION**

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

## **C PROCEDURAL NOTES**

Permission shall not be issued until the Section 75 Agreement relating to transport infrastructure contributions has been completed and signed to reflect the current planning reference 17/02190/FLL.

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 having to be re-assessed through failing to comply with the associated developer contributions policy and may ultimately be recommended for refusal under delegated powers.

## **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. 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.
5. The applicant is advised that in terms of Section 56 of the Roads (Scotland) Act 1984 he must obtain from the Council as Roads Authority consent to open an existing road or footway prior to the commencement of works. Advice on the disposal of surface water must be sought at the initial stages of design from Scottish Water and the Scottish Environment Protection Agency.
6. The applicant is advised that in terms of Section 21 of the Roads (Scotland) Act 1984 they must obtain from the Council as Roads Authority consent to construct a new road prior to the commencement of roadworks. Advice on the disposal of surface water must be sought at the initial stages of design from Scottish Water and the Scottish Environment Protection Agency.
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, Pullar House, Perth.
8. The applicant is advised that the granting of planning permission does not guarantee a connection to Scottish Water's assets. The applicant must make a separate application to Scottish Water Planning & Development Services team for permission to connect to the public wastewater system and/or water network and all their requirements must be fully adhered to.
9. The applicant is advised that the works may need a license under the Water (Controlled Activities) Regulations 2005 (CAR). The applicant should contact SEPA's Perth Environmental Protection and Improvement Team (Tel: 01738

627989) in regard to this. The applicant should ensure that all works on site comply with the best practice guidelines laid out in SEPA's published Pollution Prevention Guidance, found at [www.sepa.org.uk](http://www.sepa.org.uk)

10. The Council's Community Waste Adviser in the Environment Service should be contacted to clarify the bin storage and recycling requirements for the development.
11. 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.
12. The applicant is reminded that, should any protected species be present a licence may be required from Scottish Natural Heritage to disturb a protected species. Failure to obtain a licence may constitute a criminal act under the Habitats Regulations and penalties are severe for non-compliance.
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.
14. The developer is advised to contact Mr David Strachan, Archaeologist to discuss terms of reference for work required Tel 01738 477080.
15. Please consult the Street Naming and Numbering Officer, The Environment Service, Perth and Kinross Council, Pullar House, 35 Kinnoull Street, Perth PH1 5GD.
16. Construction works must be undertaken in a safe manner which does not disturb the operation of the neighbouring railway. Applicants must be aware of any embankments and supporting structures which are in close proximity to their development.
17. Details of all changes in ground levels, laying of foundations, and operation of mechanical plant in proximity to the rail line must be submitted to Network Rail's Asset Protection Engineer for approval prior to works commencing on site. Where any works cannot be carried out in a "fail-safe" manner, it will be necessary to restrict those works to periods when the railway is closed to rail traffic i.e. by a "possession" which must be booked via Network Rail's Asset Protection Engineer and are subject to a minimum prior notice period for booking of 20 weeks.

Network Rail Asset Protection Engineer  
151 St. Vincent Street, GLASGOW, G2 5NW  
Tel: 0141 555 4352  
E-mail: [AssetProtectionScotland@networkrail.co.uk](mailto:AssetProtectionScotland@networkrail.co.uk)

18. There is a Section 75 legal obligation associated with this planning permission.  
A copy is available to view on the Council's [Public Access portal](#).

Background Papers: 12 letters of representation  
Contact Officer: Steve Callan 01738 475337  
Date: 25 April 2019

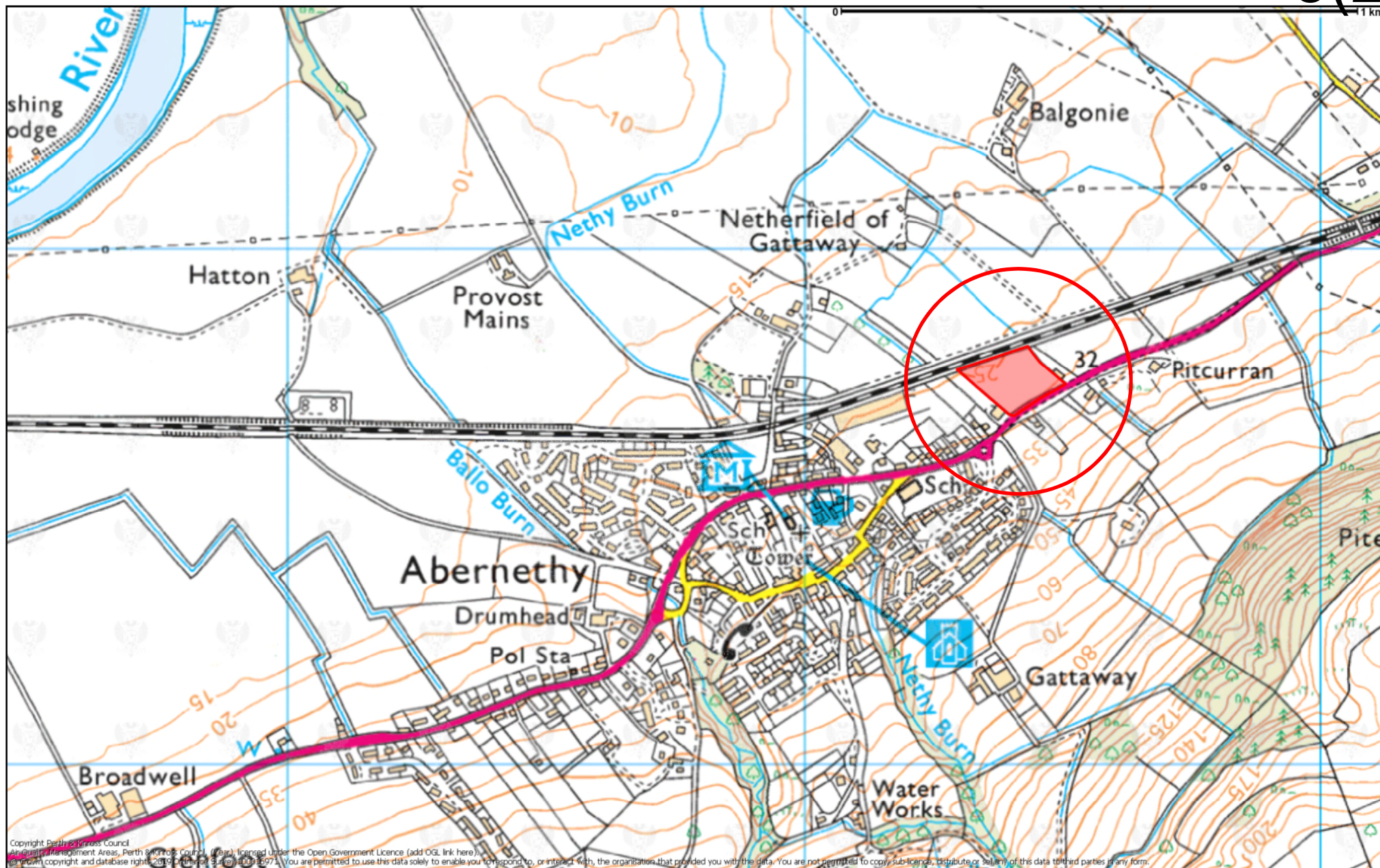
**ANNE CONDLIFFE**  
**INTERIM DEVELOPMENT QUALITY MANAGER**

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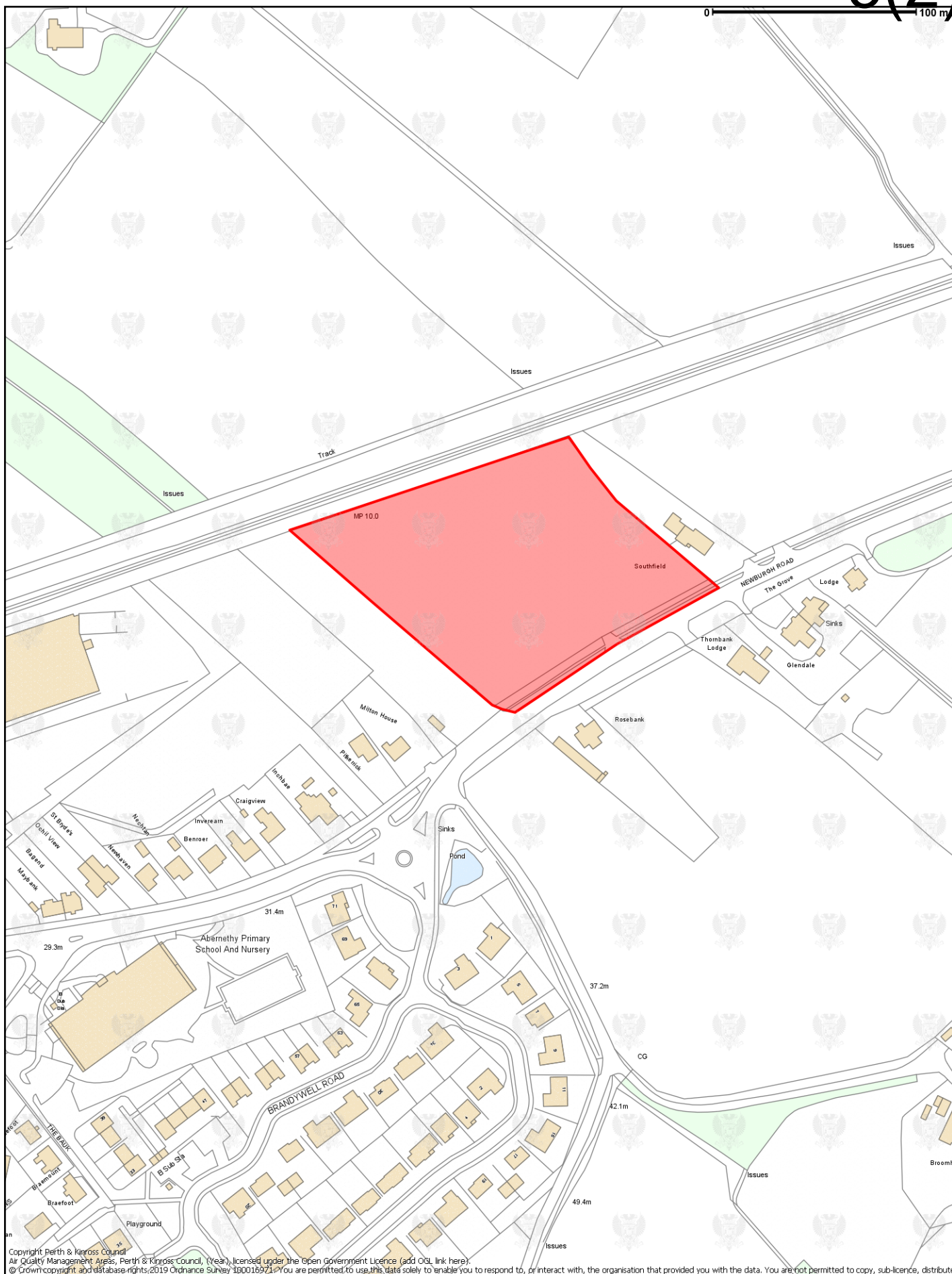
17/02190/FLL

Erection of 42 dwellinghouses, formation of SUDs pond, car parking, landscaping and associated infrastructure at land at Southfields, Newburgh Road, Abernethy









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Scale 1:2500

17/02190/FLL

Erection of 42 dwellinghouses, formation of SUDs pond, car parking, landscaping and associated infrastructure at land at Southfields, Newburgh Road, Abernethy







Perth and Kinross Council  
Planning & Development Management Committee – 8 May 2019  
Report of Handling by Interim Development Quality Manager (Report No. 19/131)

**PROPOSAL:** Siting of 43 caravans, formation of landscaping and associated works

**LOCATION:** Mains Of Taymouth, Kenmore

Ref. No: [19/00080/FLL](#)

Ward No: P4- Highland

**Summary**

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

**BACKGROUND AND DESCRIPTION OF PROPOSAL**

- 1 Full planning consent is sought for the siting of 43 caravans, formation of landscaping and associated works at Mains of Taymouth Kenmore. Mains of Taymouth is located within the village of Kenmore. The application site is adjacent to Loch Tay on the north side of the River Tay and is sandwiched between the river and the Drummond hillside all within the boundaries of Taymouth Castle Designed Garden & Landscape. The site is currently part of the golf course and is partly interspersed with pockets of young to mature trees. The site has an overall slope rising from south east to north west from approximately 113m to 123m AOD. The site sits immediately to the east of existing built development within the estate and the access to the caravans is located through this existing development to the west onto the A827. To the north the site is bound by the B846 which separates the site from Drummond Hill. The southern boundary of the site runs adjacent to the existing Mains of Taymouth caravan park with the River Tay beyond. To the east of the site the Mains of Taymouth golf course extends eastwards towards Taymouth Castle. There is a grouping of trees located on the eastern boundary.
- 2 The proposal seeks to site a total of 43 caravans on the site in an east-west layout. The site is split into two groupings of caravans. The northern portion of the site is to be served by two new access tracks which link to the existing track which serves The Gallops, a series of existing residential holiday units located to the west of the application site. A separate access is proposed to serve the southern portion of the site. The site is proposed to be partially contained by landscaping.
- 3 There is extensive planning history to this site. Planning consent was granted in February 2008 for the erection of recreational facilities, including play area

and tennis courts, 58. residential units of varying type, including flatted accommodation and additional parking facilities (07/01739/FUL). A further permission was then granted in 2010 for the erection of 30 residential units (10/00367/FLL) which was a partial modification to the 2007 permission. Only those units granted in the south west corner of the 2010 permission have been completed. The remainder of the 2010 approval is now proposed to form part of the new caravan site subject of this application.

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

- 4 Directive 2011/92/EU (as amended) requires the 'competent authority' (in this case Perth and Kinross Council) when giving a planning permission for particular large scale projects to do so in the knowledge of any likely significant effects on the environment. The Directive therefore sets out a procedure that must be followed for certain types of project before 'development consent' can be given.
- 5 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. The EIA Report 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.
- 6 A screening exercise has been carried out as the proposal is considered to be Schedule 2 development as outlined in the Environmental Impact Assessment (Scotland) Regulations 2017. This concluded that an EIA Report was not required. A copy of the screening opinion is available to view on the Council's planning portal.

## **NATIONAL POLICY AND GUIDANCE**

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

### **National Planning Framework**

- 8 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**

- 9 The Scottish Planning Policy (SPP) was published in June 2014 and sets out national planning policies which reflect Scottish Ministers' priorities for operation of the planning system and for the development and use of land. The SPP promotes consistency in the application of policy across Scotland whilst allowing sufficient flexibility to reflect local circumstances. It directly relates to:
- The preparation of development plans;
  - The design of development, from initial concept through to delivery; and
  - The determination of planning applications and appeals.
- 10 The following sections of the SPP will be of particular importance in the assessment of this proposal:
- Sustainability : paragraphs 24 – 35
  - Placemaking : paragraphs 36 – 57

## **Planning Advice Notes**

- 11 The following Scottish Government Planning Advice Notes (PANs) and Guidance Documents are of relevance to the proposal:
- PAN 40 Development Management
  - PAN 51 Planning, Environmental Protection and Regulation
  - PAN 61 Planning and Sustainable Urban Drainage Systems
  - PAN 68 Design Statements
  - PAN 75 Planning for Transport

## **Creating Places 2013**

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

## **National Roads Development Guide 2014**

- 13 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**

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

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

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

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

- 18 Seeks to deliver distinctive places by ensuring that the arrangement, layout, design, density and mix of development are shaped through incorporating and enhancing natural and historic assets, natural processes, the multiple roles of infrastructure and networks, and local design context.
- 19 Proposals should demonstrate that they contribute to infrastructure that supports active and healthy communities and incorporate design which is adaptable and resilient to a changing climate. There is also an emphasis on resource efficiency which should be achieved through renewable energy generation, high quality design and providing solutions for waste management.

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

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

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

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

### **Policy PM1A - Placemaking**

- 23 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**

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

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

- 25 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**

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

### **Policy ED3 - Rural Business and Diversification**

- 27 Favourable consideration will be given to the expansion of existing businesses and the creation of new business. There is a preference that this will generally be within or adjacent to existing settlements. Outwith settlements, proposals may be acceptable where they offer opportunities to diversify an existing business or are related to a site specific resource or opportunity. This is provided that permanent employment is created or additional tourism or recreational facilities are provided or existing buildings are re-used. New and existing tourist related development will generally be supported. All proposals are required to meet all the criteria set out in the policy.

### **Policy ED4A - Caravan Sites, Chalets and Timeshare Development**

- 28 Encouragement will be given to the retention and improvement of existing caravan and camping sites, provided the improvements are compatible with adjoining land uses. There shall be no presumption in favour of residential development if any of the above uses ceases.

### **Policy ED5 - Major Tourism Resorts**

- 29 The improvement or expansion of Major Tourism Resorts will be encouraged, and the landscape setting which is integral to their tourism offer will be protected.

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

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

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

- 31 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 - Non Designated Archaeology**

- 32 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**

- 33 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 HE3A - Conservation Areas**

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

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

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

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

- 36 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 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 ER6 - Managing Future Landscape -Change to Conserve and Enhance the Diversity and Quality of the Area's Landscapes**

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

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

- 40 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**

- 41 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**

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

### **Policy EP5 - Nuisance from Artificial Light and Light**

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

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

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

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

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

- 46 Perth & Kinross Council is progressing with preparation of a new Local Development Plan to provide up-to-date Development Plan coverage for Perth & Kinross. When adopted, the Perth & Kinross Local Development Plan 2 (LDP2) will replace the current adopted Perth & Kinross Local Development Plan (LDP). The Proposed Local Development Plan 2 (LDP2) was approved at the Special Council meeting on 22 November 2017.
- 47 The representations received on the Proposed LDP2 and the Council's responses to these were considered at the Special Council meeting on 29 August 2018. The unresolved representation to the Proposed Plan after this period is likely to be considered at an Examination by independent Reporter(s) appointed by the Scottish Ministers, later this year. The Reporter(s) will thereafter present their conclusions and recommendations on the plan, which the Council must accept prior to adoption. It is only in exceptional circumstances that the Council can elect not to do this.
- 48 The Proposed LDP2 represents Perth & Kinross Council's settled view in relation to land use planning and as such it is a material consideration in the determination of planning applications. It sets out a clear, long-term vision and planning policies for Perth & Kinross to meet the development needs of the area up to 2028 and beyond. The Proposed LDP2 is considered consistent with the Strategic Development Plan (TAYplan) and Scottish Planning Policy (SPP) 2014. However, the outcome of the Examination could potentially result in



modifications to the Plan. As such, currently limited weight can be given to its content where subject of a representation, and the policies and proposals of the plan are only referred to where they would materially alter the recommendation or decision.

## **SITE HISTORY**

- 49 There is extensive planning history associated with Mains of Taymouth including various small scale developments. However the key historical applications associated with this particular site are outlined below.
- 50 04/01547/FUL Proposed bar/bistro and shopping development and re-location of reception Decision Issued 10 November 2004 Application Approved
- 51 [07/01739/FUL](#) Proposed recreational facilities, including play area and tennis courts, 58 no. residential units varying type, including flatted accommodation and additional parking facilities Decision Issued 29 February 2008 Application Approved at Development Management Committee
- 52 [08/01496/FUL](#) Formation of wastewater treatment works Decision Issued 20 October 2008 Application Approved Delegated Powers
- 53 [10/00367/FLL](#) Erection of 30 residential units (part modification of previous consent) Decision Issued 21 July 2010 Application Approved at Development Management Committee
- 54 [10/00380/FLL](#) Variation of Condition 6 from previous consent (08/01496/FUL) Decision Issued 21 April 2010 Application Approved – Delegated Powers
- 55 [12/00352/FLL](#) Deletion of condition 23 from planning consent (07/01739/FUL) re holiday accommodation occupancy at Units 15-18 Decision Issued 30 July 2012 Application Approved at Development Management Committee
- 56 [14/00502/FLL](#) Variation of planning permission 07/01739/FUL - removal of condition 23 relating to holiday accommodation occupancy Units 19-24 And 25-28 Decision Issued 15 May 2014 Application Approved Delegated Powers

## **CONSULTATIONS**

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

### **External**

#### **Historic Environment Scotland**

- 58 No objection subject to provision of additional landscaping on north boundary of the site. The development should be determined in accordance with local and regional policy and guidance.

### **Scottish Water**

- 59 No objection

### **Internal**

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

- 60 No archaeological investigation required as previously undertaken as part of consented development on site.

### **Commercial Waste Team**

- 61 No objection

### **Biodiversity Officer**

- 62 No objection subject to conditions  
**Environmental Health (Contaminated Land)**

- 63 No objection

### **Structures And Flooding**

- 64 No objection subject to condition relating to Sustainable Urban Drainage (SUDS)

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

- 65 No objection

### **Transport Planning**

- 66 No objection

### **Development Negotiations Officer**

- 67 No contributions required

### **REPRESENTATIONS**

- 68 The following points were raised in the ten letters of representation received:

- Roads safety and traffic generation
- Impact on visual amenity
- Contrary to Development Plan
- Inappropriate density
- Loss of open space
- Loss of trees
- Noise pollution

- Overlooking
- Loss of value to property/rental income
- Loss of view
- Lack of need
- Out of character with area
- Lack of associated leisure facilities/partial loss of golf course and stables
- Parking provision
- Loss of privacy
- Impact on bio diversity
- Light pollution
- Overdevelopment
- Lack of open space and landscaping
- Occupancy
- Construction times

69 These issues are addressed in the Appraisal section of the report. The loss of a view and the impact on the value of a property and its rental income are not material planning considerations.

### **ADDITIONAL STATEMENTS**

70	Environment Statement	Not Required
	Screening Opinion	Undertaken as part of assessment of application 19/00080/FLL
	Environmental Impact Assessment	Not Required
	Appropriate Assessment	Not Required
	Design Statement/Design and Access Statement	Submitted
	Reports on Impact or Potential Impact	Landscape and Visual Impact Assessment, Protected Species Survey

### **APPRAISAL**

71 Sections 25 and 37(2) of the Town & Country Planning (Scotland) Act 1997 (as amended) require the determination of the proposal to be made in accordance with the provisions of the Development Plan, unless material considerations indicate otherwise. The adopted Development Plan comprises the TAYplan Strategic Development Plan 2016–2036 and the Perth and Kinross Local Development Plan 2014. The relevant policy considerations are outlined in the policy section above and are considered in more detail below. In terms of other material considerations, this involves considerations of the Council's other approved policies and supplementary guidance, which are outlined above.

#### **Principle**

72 The site is partially located within the settlement boundary of Kenmore as identified within the Local Development Plan but extends eastwards outwith the

settlement boundary. The previous applications for the erection of 58 units (07/01739/FUL) and the 2010 permission (10/00367/FLL) both involved built development partly located out with the settlement boundary of Kenmore. As such, there is an established precedent for development here extending outwith the settlement boundary. I consider the previous planning permissions granted and implemented on these sites to be a key material consideration in the assessment of this application and on the basis of these previous permissions I consider the principle of extending development outwith the settlement boundary of Kenmore to be acceptable.

- 73 As the proposal is essentially a rural tourism proposal within the Mains of Taymouth Estate, Policy ED3 - Rural Business and Diversification; Policy ED4 - Caravan Sites, Chalets, and Timeshare Developments; and Policy ED5 - Major Tourism Resorts are all applicable.
- 74 Mains of Taymouth Estate is a major tourism resort and significant employment provider in the area. It plays a significant role in the local, national and international tourism economy. Policy ED5 supports the improvement or expansion of such resorts provided the landscape setting will be protected.
- 75 Policy ED4C supports new chalet type developments where it is clear they will not be used for permanent residential purposes. The location, layout, design, materials and information contained within the submitted business plan suggests that it is highly unlikely that the proposed caravans will be suitable for all year round permanent residency. Policy ED3 Rural Business and Diversification supports the expansion of existing rural businesses and the creation of new ones. Sites outwith settlements may be acceptable if related to a site specific opportunity and contribute to the local economy through the provision of jobs, visitor accommodation and help extend the tourism season.
- 76 The development of 43 caravans is an expansion of the Mains of Taymouth Estates tourist accommodation portfolio. The submitted business plan indicates that the construction phase is scheduled over 4 years and generates a total of 69 FTEs (full time equivalent jobs) from direct, indirect and construction sources. Once the site is operational it is indicated that the new caravans will add £7.66 million to the local and regional economy over a 5 year period from sales, rental income and associated charges. It is considered that the caravans and their location close to walking and cycle routes will help extend the tourism season into the winter months.
- 77 Concerns have been expressed regarding the lack of existing or proposed facilities to serve the accommodation. However, Mains of Taymouth currently includes a golf course, restaurant, cafe, horse riding and stables and a retail unit which sells local produce which is clearly focused on tourism.
- 78 The previous consent on this site included a relatively large scale leisure centre with a golf clubhouse, tennis courts and children's play facilities. This proposed caravan park is partly on the land which was approved for this leisure centre and as such that development will no longer proceed. Whilst it is noted that this larger scale recreational use on the site will no longer proceed, there are still

existing facilities available to visitors to Mains of Taymouth including those mentioned above, together with those visitor attractions around the Kenmore and wider Highland Perthshire area. The applicant has also confirmed that the stables have moved and that Mains of Taymouth will continue to offer horse riding. On that basis I consider the level of recreational facilities at Mains of Taymouth to be appropriate to serve increased visitor numbers given the context of the wider Highland Perthshire tourism market.

- 79 Based on the above it is considered that the proposal complies with LDP Policy ED3, ED4 and ED5.

### **Design and Layout**

- 80 The proposal consists of 43 single storey caravan structures with a footprint of 16.3m x 6.09m and extending to 3.6m in height. Whilst the proposed structures are defined as caravans under the Caravan Sites Act 1968 the units have the appearance of a lodge and are proposed to be clad in timber with a tiled roof and are to accommodate three bedrooms, an en-suite, separate shower room and a kitchen/lounge area. The caravans are laid out in a linear arrangement, extending west to east, with the areas between the caravans interspersed with tree planting and new landscaping. The overall layout of the site and design of the caravans relates successfully to the adjacent caravan site to the south and is considered to be appropriate in the context of the wider development in the area.
- 81 On that basis the proposal is considered to comply with policy PM1 and the design criteria outlined in policy ED3 and ED4 of the LDP as the design, density and siting of the caravans is considered to respect the character and amenity of the place. Samples of the finishing materials will be secured by condition (Condition 2). A condition is also recommended to ensure details of any boundary treatments are also submitted (Condition 3)

### **Landscape and Visual Impact**

- 82 Safeguarding and enhancing landscape character is an important planning objective. It is considered that potential long term visual effects of the proposal will not have a significant impact on the landscape as its visibility is highly restricted owing to the site levels and surrounding screening. The Landscape and Visual Impact Assessment accompanies the application given the sensitivities of the area. The development where views are possible will appear as a number of small units set amongst trees and set adjacent and related to existing built development. The proposal will involve significant landscaping and planting and will result in the creation of an appropriately scaled development of a smaller scale than the previous approvals on the site. Full details of the landscaping density and species have been submitted with the application. The proposal complies with LDP Policy ER6 - Managing Future Landscape as it will maintain and enhance the landscape quality of the area and the proposed planting will compliment existing tree cover in the area and allow visual containment for the site. A condition is recommended to ensure the landscaping is undertaken within an appropriate timescale. (Condition 9).

## **Flooding and Drainage**

### **Surface Water**

- 83 The site is proposed to be served by a Sustainable Urban Drainage System (SUDS). PKC Structures and Flooding have been consulted on the proposal and offered no objection in terms of surface water drainage. A condition is recommended to ensure the site connects to a SUDS system to meet the requirements of policy EP3C of the LDP (Condition 4).

### **Foul Drainage**

- 84 The submission indicates that the caravans will be connected to the public drainage system. Scottish Water has been consulted on the application and they have advised that they do not object to the planning application but confirm a separate application is required to be submitted to them to connect into their infrastructure in Kenmore. Scottish Water's connection requirements will ensure that foul flows are connected to the public drainage network and that the proposal will comply with LDP Policy EP3B - Foul Drainage.

### **Flood Risk**

- 85 There is not considered to be any flood risk associated with this site. PKC Structures and Flooding have offered no objection to the application in relation to flood risk. The proposal is therefore considered to comply with policy EP2 of the LDP.

## **Ecology and Biodiversity**

- 86 A Protected Species Survey Report accompanies the application in accordance with the requirements of Policy NE3 of the LDP. The survey concludes that the site is of low ecological value given the present uses in the area and the mainly grassland. The trees surrounding the site will not be impacted upon by the proposed development. On that basis the proposal is not considered to result in a detrimental impact on protected species.
- 87 The Biodiversity Officer has offered no objection to the application subject to conditions to protect ecology and to protect the existing trees on site. (Conditions 5, 6, 7, 8 and 9)
- 88 I am satisfied that the site is sufficiently remote from the River Tay Special Area of Conservation to ensure its qualifying interests are not affected by the proposed development but for the avoidance of any doubt a Construction Method Statement will be requested by condition to ensure construction techniques are appropriate to avoid any silt escaping from the site into the SAC (Condition 14). The proposal is therefore considered to accord with policy EP15 of the LDP.

## **Cultural Heritage**

- 89 Policy HE2 of the LDP requires new development to respect the setting of listed buildings. Furthermore policy HE3A requires new development to either preserve or enhance the character of Conservation Areas. The closest listed buildings to the site are The Mains, Kenmore (Category B listed) which is located approximately 55m to the west and the Category A listed Maxwells Temple which is approximately 195m to the east. Kenmore Conservation Area is also located to the south of the site on the opposite side of the River Tay. Furthermore, given the consented development on the site I consider the proposed development to be appropriate in terms of impact on the Taymouth Castle Historic Garden and Designed Landscape (HGDL). Historic Environment Scotland (HES) have offered no objection to the application provided additional landscaping is provided along the boundary of the site with the B846 to screen views of the caravans from the public road. The landscaping scheme for the site has been amended to reflect this with a deeper and more robust landscaping boundary now proposed on the north boundary of the site. On that basis I consider the proposal to comply with policy HE4 of the LDP which seeks to manage and enhance the integrity of HGDL. I do not consider the development to impact on the setting of nearby listed buildings given the distance to these, the existing and proposed landscape containment and the scale of the units. The proposal is therefore considered to comply with Policy HE2 of the LDP.

## **Overlooking/Overshadowing**

- 90 Policy PM1A and PM1B require new development to respect existing levels of residential amenity. Letters of representation have raised concern regarding the proposal to site caravans and the impact this would have on the amenity of existing properties in the area. Whilst the opinions of adjacent property owners are noted, I consider the proposal to site caravans on this site to continue the established tourism accommodation character of the Mains of Taymouth development. Whilst I note that the proposal to site caravans is different in terms of the type of accommodation provision it will provide an alternative type of tourist accommodation and therefore introduce an alternative option to visitors to the area.
- 91 The scale of the caravans and their position is not considered to result in overlooking to neighbouring buildings to any significant extent and will not overshadow neighbouring properties.
- 92 I do not consider the proposal for caravans on this site to result in any planning policy concerns relating to residential amenity and therefore consider the proposal to comply with the requirements of policies PM1A and B and ED3 where they refer to residential amenity.

## **Light Pollution**

- 93 Light is likely to be emitted from within the proposed caravans and low level bollard lighting along the access road and paths. In this case taking account of its location and proximity to existing built development I do not consider the

lighting associated with the proposal would be detrimental to the surrounding environment. The proposal complies with LDP Policy EP5 - Nuisance from Artificial Light and Light Pollution. A condition is recommended to ensure light spill from the site is limited (Condition 11).

### **Noise**

- 94 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.
- 95 In this case I do not consider the proposed caravans will result in any noise pollution issues of neighbouring properties. Environmental Health do not raise any potential noise issues. The proposed development is not considered to be a high generator of noise. The adjacent units are of the same use type (holiday accommodation) as the proposed caravans which ensures the proposal complies with LDP Policy EP8.

### **Transport/Parking Provision**

- 96 Policy TA1B of the LDP requires new development to be well served and easily accessible by all modes of transport. Given the rural nature of the site the majority of users of the site will travel by car. Access to the site is to be from the west, through the existing development. This is similar to the previously approved development on this site. I do not consider the level of traffic to be generated by the proposal to be any greater than the level generated by the consented development on this site. Transport Planning have been consulted on the proposal and state that the level of parking to be provided for each caravan to comply with the requirements of the National Roads Development Guide. They also consider the existing private access with a 10mph speed limit to be an appropriate route into the site. There are speed bumps on this route which will ensure compliance with the speed limit. As an existing access is to be used and parking and turning facilities are marked on the plans no conditions are recommended by Transport Planning. The proposal is therefore considered to meet the requirements of Policy TA1B of the LDP and the relevant national guidance.

### **Economic Impact**

- 97 The siting of 43 caravans is considered to extend the type of tourism accommodation available at Mains of Taymouth, result in increased employment opportunities and boost the local and regional economy as outlined within the policy appraisal above. On that basis the economic impact of the development is considered to be significant.



## **Occupancy**

- 98 Members will be aware of the circumstances relating to the use of an occupancy condition on the previously approved Mains of Taymouth development. The occupancy condition was eventually removed after protracted discussions with the applicant when the application was considered by this Committee, with an officer recommendation of refusal. The decision of Committee was to substitute the occupancy condition with one which related to the management of the site rather than specifically restricting the use of the units to holiday accommodation only. The applicant seeks for a similar condition to be used on these caravans.
- 99 This proposal is for the siting of caravans which, by their very nature, cannot be utilised as a permanent residence. They are not chalets nor are they permanently constructed buildings. The planning fee for the development was based upon the use of the site as a caravan park. On that basis I consider it to be entirely prudent to limit the occupancy of the caravans to holiday accommodation only. This can be secured by condition (Condition 13). Without this condition the proposal would be unacceptable. The reasoning for this is set out in paragraphs 100 and 101. The previously applied condition has been proven not to restrict the occupancy of the units and is entirely unenforceable from a planning perspective.
- 100 This application is being assessed on the basis that the properties are not permanent households and therefore will not put pressure upon local services. If they were assessed as caravans which could be occupied permanently, the affordable housing policy and education policy would be applicable which could therefore result in developer contributions being required in accordance with Policy PM3 of the LDP.
- 101 If a holiday occupancy condition is not applied there is a potential that the caravans could be occupied on a permanent basis. This course of action could set a dangerous precedent for all other caravan developments within the boundaries of Perth & Kinross Council particularly where the site is laid out as a caravan park and is in no way designed to have the normal standards in terms of garden ground and amenity space which would be required for a permanently occupied residential site.

## **Construction Times**

- 102 In order to protect the amenity of neighbouring units a condition is recommended to restrict construction times on the site to 0700 to 1900 hrs Monday to Friday and 0800-1300 on a Saturday, with no audible works permitted outwith these times (Condition 12).

## **Archaeology**

- 103 As this site was subject to a previous planning consent investigation has been undertaken on this particular part of the site previously. On that basis Perth and Kinross Heritage Trust do not require any further investigation to be undertaken.

The proposal therefore complies with the criteria contained within policy HE1B of the LDP.

## **LEGAL AGREEMENTS**

104 None required

## **DIRECTION BY SCOTTISH MINISTERS**

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

## **CONCLUSION AND REASONS FOR RECOMMENDATION**

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

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

## **RECOMMENDATION**

### **A Approve the application**

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

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

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

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

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

3. Prior to the commencement of the development hereby approved, details of the proposed boundary treatments for the site shall be submitted for the further written agreement of the Council as Planning Authority. The scheme as

subsequently agreed shall be implemented prior to the completion or bringing into use of the development, whichever is the earlier and thereafter maintained to the satisfaction of the Council as Planning Authority.

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

4. Storm water drainage from all paved surfaces, including the access, shall be disposed of by means of suitable Sustainable Urban Drainage Systems to meet the requirements of best management practices.

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

5. No removal of hedgerows, trees or shrubs that may be used by breeding birds shall take place between 1st March and 31st August inclusive, unless a competent ecologist has undertaken a careful, detailed check of vegetation for active birds' nests immediately before the vegetation is cleared and provided written confirmation that no birds will be harmed and/or that there are appropriate measures in place to protect nesting bird interest on site. Any such written confirmation should be submitted to the local planning authority.

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

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

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

7. Temporary lights used during construction should be fitted with shades to prevent light spillage outside the working area. Temporary and permanent lights must not illuminate the surrounding tree lines, to reduce impact on foraging bats.

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

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

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

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

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

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

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

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

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

12. Construction work shall be limited to Monday to Friday 0700 hours to 1900 hours and Saturday 0800 hours to 1300 hours with no noisy works out with these times or at any time on Sundays or bank holidays.

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

13. The development hereby approved shall be used solely for holiday accommodation and shall not be occupied as the sole or main residence of any occupant to the satisfaction of the Council as Planning Authority.

Reason: In order to clarify the terms of the permission; to control and restrict the use of the building.

14. Development shall not commence until a detailed Construction Method Statement (CMS) has been submitted to the Council as Planning Authority and agreed in consultation with Scottish Natural Heritage (SNH) and Scottish Environment Protection Agency (SEPA). The CMS must identify measures to prevent harmful materials entering the River Tay SAC, which could reduce water quality and lead to a damaging impact on the salmon, otter and lamprey interests. The CMS should include the following:

- (a) pollution prevention safeguards including drainage arrangements and the possible use of siltation traps, settlement tanks and bunds

- (b) storage and disposal of materials including the siting of stock piles, use of buffer strips and disposal methods
- (c) construction site facilities including extent and location of construction site huts, vehicles, equipment, fuel, chemicals and materials compound
- (d) timing, duration and phasing of construction particularly in relation to salmon and lamprey migration/spawning.

The CMS and mitigations as agreed shall be fully implemented as part of the planning permission.

Reason: In order to ensure the development does not impact negatively on the nearby Special Area of Conservation.

## **B JUSTIFICATION**

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

## **C PROCEDURAL NOTES**

None.

## **D INFORMATIVES**

1. This planning permission will last only for three years from the date of this decision notice, unless the development has been started within that period (see section 58(1) of the Town and Country Planning (Scotland) Act 1997 (as amended)).
2. Under section 27A of the Town and Country Planning (Scotland) Act 1997 (as amended) the person undertaking the development is required to give the planning authority prior written notification of the date on which it is intended to commence the development. A failure to comply with this statutory requirement would constitute a breach of planning control under section 123(1) of that Act, which may result in enforcement action being taken.
3. As soon as practicable after the development is complete, the person who completes the development is obliged by section 27B of the Town and Country Planning (Scotland) Act 1997 (as amended) to give the planning authority written notice of that position.
4. An application for Building Warrant may be required.
5. The applicant is reminded that, should any protected species be present a licence may be required from Scottish Natural Heritage to disturb a protected species. Failure to obtain a licence may constitute a criminal act under the Habitats Regulations and penalties are severe for non-compliance.
6. 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.

7. The applicant is advised to refer to Perth & Kinross Council's Supplementary guidance on Flood Risk and Flood Risk Assessments 2014 as it contains advice relevant to your development.
8. The applicant should be advised that the caravans are required to be licensed under the terms of Section 1 of the Caravan Sites and Control of Development Act 1960 and therefore an application should be made to the Environmental Health if planning consent is approved.
9. The applicant is advised that the granting of planning permission does not guarantee a connection to Scottish Water's assets. The applicant must make a separate application to Scottish Water Planning & Development Services team for permission to connect to the public wastewater system and/or water network and all their requirements must be fully adhered to.
10. This planning permission is granted subject to conditions, some of which require further information to be submitted to Development Management either before works can start on site or at a certain time. Please send the required information to us at [developmentmanagement@pkc.gov.uk](mailto:developmentmanagement@pkc.gov.uk) Please be aware that the Council has two months to consider the information (or four months in the case of a Major planning permission). You should therefore submit the required information more than two months (or four months) before your permission expires. We cannot guarantee that submissions made within two months (or four months) of the expiry date of your permission will be able to be dealt with before your permission lapses.

Background Papers: 10 letters of representation  
Contact Officer: John Williamson 01738 475360  
Date: 25 April 2019

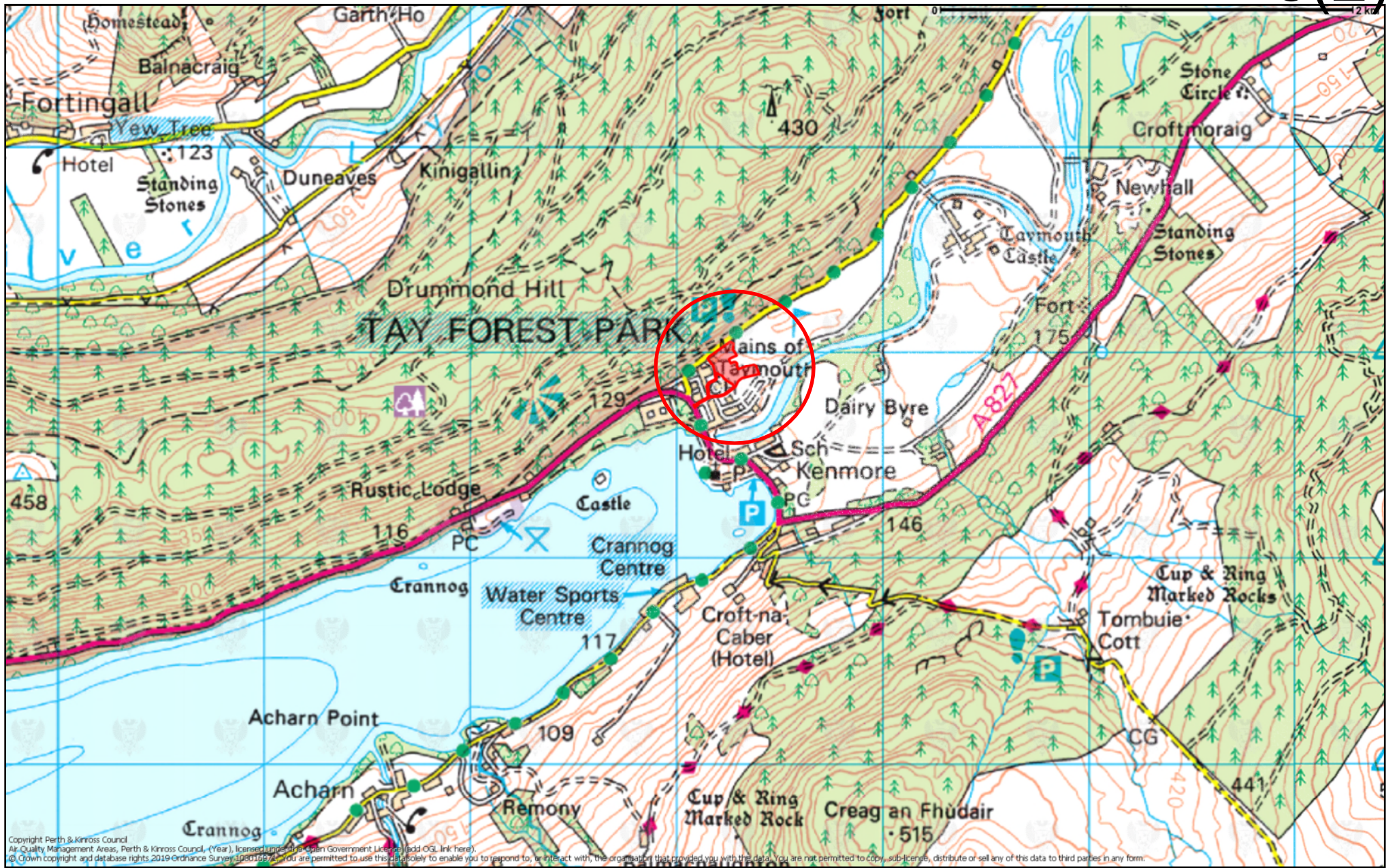
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**INTERIM DEVELOPMENT QUALITY MANAGER**

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19/00080/FLL

Siting of 43 caravans, formation of landscaping and associated works at Mains of Taymouth, Kenmore









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Scale 1:2500

19/00080/FLL

**Siting of 43 caravans, formation of landscaping and associated works at Mains of Taymouth, Kenmore**





Perth and Kinross Council  
Planning & Development Management Committee – 8 May 2019  
Report of Handling by Interim Development Quality Manager (Report No. 19/132)

**PROPOSAL:** Alterations and extension to building

**LOCATION:** Rattray Primary School, High Street, Rattray, Blairgowrie PH10 7DG

Ref. No: [19/00113/FLL](#)

Ward No: P3- Blairgowrie & Glens

### **Summary**

This report recommends approval of the application for alterations and extension to Rattray Primary School. The development is considered to comply with the relevant provisions of the Development Plan and there are no material considerations apparent which outweigh the Development Plan.

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

- 1 Full planning permission is sought for alterations and extension to Rattray Primary School to increase the capacity of the nursery and provide enhanced nursery education facilities. At present the nursery serves 10 two year olds and 38 three-five year olds (48 in total). The proposals will provide for an increase in the capacity of the nursery, creating an additional 26 places for children aged three to five year old, taking the total capacity of the nursery school to 74.
- 2 The proposal is to extend the existing nursery within the curtilage of the school grounds.
- 3 The primary school was originally constructed as a single storey building in 1873. There have been various extensions over the years. The existing nursery is located within an existing blockwork extension to the west of the main school building. There is a paved slab external play area to the west. The nursery is accessed from the south via steps and a ramp. As part of the works, this access would be extended to link to the proposed new nursery entrance area.
- 4 The proposals comprise a new extension located to the west of the existing building with a footprint of 255m<sup>2</sup>. Internal alterations and refurbishments to the existing nursery area are also proposed.
- 5 The proposed extension is to be built on the area that is currently part of the school's outdoor play space as well as on the existing paved slab area associated with the nursery.

- 6 The proposed extension will be single storey, finished in contemporary materials comprising primarily of timber larch cladding.
- 7 The extension would provide a single large nursery space, broken up into separate areas. It will be extensively glazed with high ceilings to profile extensive natural light. Ancillary nursery accommodation will largely be located within the proposed refurbished area of the existing nursery including mangers office, staff room, parent's rooms, cloak room, toilets, utility and internal stores.
- 8 An external play area, for the nursery, is to be formed to the south of the extended building which will be larger than the previous provision, to suit the higher numbers of children. This will comprise of a hardstanding area, soft play and artificial grassed area. An external store is also proposed to the south of the extension to service the proposed external play area.
- 9 The main external play area serving the primary school will be marked with a basketball court and road junction for teaching bicycle safety skills. An existing courtyard to the east of the school building will be refurbished and used as additional play space for the primary school.

## **NATIONAL POLICY AND GUIDANCE**

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

### **National Planning Framework**

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

### **Scottish Planning Policy 2014**

- 12 The Scottish Planning Policy (SPP) was published in June 2014 and sets out national planning policies which reflect Scottish Ministers' priorities for operation of the planning system and for the development and use of land. The SPP promotes consistency in the application of policy across Scotland whilst allowing sufficient flexibility to reflect local circumstances. It directly relates to:
  - The preparation of development plans;
  - The design of development, from initial concept through to delivery; and
  - The determination of planning applications and appeals.

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

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

### **Planning Advice Notes**

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

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

### **Creating Places 2013**

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

### **Designing Streets 2010**

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

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

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

### **DEVELOPMENT PLAN**

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

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

- 19 TAYPlan sets out a vision for how the region will be in 2036 and what must occur to bring about change to achieve this vision. The vision for the area as set out in the plans states that:

*“By 2036 the TAYplan area will be sustainable, more attractive, competitive and vibrant without creating an unacceptable burden on our planet. The quality of life will make it a place of first choice where more people choose to live, work, study and visit, and where businesses choose to invest and create jobs.”*

- 20 The following section of the TAYplan 2016 is of particular importance in the assessment of this application:

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

- 21 Seeks to locate that community, healthcare, education and sporting facilities are at the heart of the communities they serve.

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

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

- 23 The principal relevant policies are, in summary;

### **Policy PM1A - Placemaking**

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

### **Policy PM1B - Placemaking**

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

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

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

## **Policy PM2 - Design Statements**

- 27 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. A design statement is also required where design sensitivity is considered to be a critical issue.

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

- 28 Perth & Kinross Council is progressing with preparation of a new Local Development Plan to provide up-to-date Development Plan coverage for Perth & Kinross. When adopted, the Perth & Kinross Local Development Plan 2 (LDP2) will replace the current adopted Perth & Kinross Local Development Plan (LDP). The Proposed Local Development Plan 2 (LDP2) was approved at the Special Council meeting on 22 November 2017.
- 29 The representations received on the Proposed LDP2 and the Council's responses to these were considered at the Special Council meeting on 29 August 2018. The unresolved representation to the Proposed Plan after this period is likely to be considered at an Examination by independent Reporter(s) appointed by the Scottish Ministers, later this year. The Reporter(s) will thereafter present their conclusions and recommendations on the plan, which the Council must accept prior to adoption. It is only in exceptional circumstances that the Council can elect not to do this.
- 30 The Proposed LDP2 represents Perth & Kinross Council's settled view in relation to land use planning and as such it is a material consideration in the determination of planning applications. It sets out a clear, long-term vision and planning policies for Perth & Kinross to meet the development needs of the area up to 2028 and beyond. The Proposed LDP2 is considered consistent with the Strategic Development Plan (TAYplan) and Scottish Planning Policy (SPP) 2014. However, the outcome of the Examination could potentially result in modifications to the Plan. As such, currently limited weight can be given to its content where subject of a representation, and the policies and proposals of the plan are only referred to where they would materially alter the recommendation or decision.

## **OTHER POLICIES**

- 31 Perth and Kinross Placemaking Guide 2017
- 32 Flood Risk and Flood Risk Assessments Supplementary Guidance June 2014.
- 33 Scottish Government Guidance 'Space to Grow - Design guidance for early learning and childcare and out of school settings', June 2017

## **SITE HISTORY**

- 34 [98/01531/FUL](#) Demolition of two temporary classroom units and erection of new extension comprising of four classrooms, offices and nursery school unit at Decision Issued 15 September 1998 Application Approved under delegated powers.
- 35 [99/01375/FUL](#) Playground extension and staff car parking at Decision Issued 23 November 1999 Application Approved by Committee (17.11.1999).
- 36 12/01326/FLL Alterations and extension to form new stair case Decision Issued 4 October 2012 Permission Not required (Permitted Development).
- 37 [12/01332/FLL](#) Alterations and extension to form sports hall Decision Issued 6 December 2012 Application Approved by Committee (28.11.2012).
- 38 [12/01960/FLL](#) Installation of biomass heating system Decision Issued 22 February 2013 Application Approved by Committee (20.1.2013).

## **CONSULTATIONS**

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

### **External**

#### **Scottish Water**

- 40 No objection.

### **Internal**

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

- 41 No adverse comments.

#### **Commercial Waste Team**

- 42 No objection.

#### **Structures And Flooding**

- 43 No objection. Note that there a slight improvement in surface water drainage. The applicant is advised to refer to Perth & Kinross Council's Supplementary Guidance on Flood Risk and Flood Risk Assessments 2014.

#### **Transport Planning**

- 44 No objection subject to condition with regard to Traffic Management Scheme (Condition 2).



## **Development Negotiations Officer**

- 45 No objection in terms of the Developer Contributions and Affordable Housing Supplementary Guidance

## **REPRESENTATIONS**

- 46 The following points were raised in the 8 representations received:
- Contrary to Development Plan
  - Inappropriate land use
  - Loss of school playground
  - Design
  - Road safety
  - Inadequate public consultation
  - Construction disruption
- 47 The above issues are addressed in the Appraisal section of the report.
- 48 The issues below were also identified in representations but are not material considerations in the assessment of this planning application:
- Cost
  - Unfair – not of benefit to the community as all will be eligible and local children will be displaced
  - Need to invest in existing school

## **ADDITIONAL STATEMENTS**

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

## **APPRAISAL**

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

approved policies and supplementary guidance, namely Perth and Kinross Placemaking Guide 2017 and Flood Risk and Flood Risk Assessments June 2014.

## **Principle**

- 51 In terms of TAYPlan, Policy 2 is directly applicable as are the aforementioned Policies of the approved Development Plan.
- 52 Policy 2 of TAYPlan seeks to locate that community, healthcare, education and sporting facilities are at the heart of the communities they serve. The proposal is within the existing settlement and in accordance with TAYPlan.
- 53 The proposal is located within the settlement boundary of Blairgowrie and Rattray where Policy RD1 of the LDP applies. Category (e) of the policy specifically states that proposals will be supported where it will provide improvements to community and educational facilities. The proposal improves provision for nursery education and is in accordance with Policy RD1.
- 54 The principle of extending the nursery is considered to be acceptable. The acceptability of the detail of the proposal will be assessed against policies such as PM1A and PM1B, placemaking. These policies require proposals to contribute positively to the surrounding built and natural environment and to respect the character and amenity of the place.
- 55 In support of the application a Design Statement has been submitted to comply with Policy PM2. The agent's design statement discusses the project ethos. The approach set out is acceptable. For reasons set out in the appraisal section of the report I am of the view that the design is acceptable and that the proposal complies with policy RD1, PM1A and PM1B of the adopted Perth and Kinross Local Development Plan 2014.

## **Design and Layout**

### External

- 56 There have been a number of objections to the proposed design of the extension, particularly in relation to the size of the proposed nursery play area. It is noted that the Scottish Government does not have an agreed standard of provision for outdoor play space so there is no prescribed minimum in terms of the outdoor play area. Nevertheless, the nursery school will have an dedicated outdoor space that extends to over 160 m<sup>2</sup> which has been designed to provide an external play area with a suitable mix of surfaces and textures, including hardstanding, soft play and artificial grass of an appropriate scale for this size of nursery. Furthermore, as outlined below, the nursery will also have an indoor area which exceeds the minimum space requirements as set out by Scottish Government guidance.
- 57 Objectors are also concerned that the proposal will reduce the overall amount of playground available to the primary school and that this will split the existing

playground in two. It is accepted that the extension does decrease the existing primary school playground space; however, it does not split the playground in two as there is still space between the extension and the boundary fence (15m wide) that, along with the majority of the existing playground will be available for outdoor play for the primary school. The proposals also aim to improve the existing primary school playground by installing new court markings in the northern end of the playground and bicycle proficiency markings to the southern end of the playground. Another area of underused outdoor space to the east of the school building is also to be re-furbished. The installation of artificial grass in this area will give the primary school children an alternative area, of a proportional size to the proposed nursery extension, for outdoor play. This will effectively offset the usable play area taken up by the proposed nursery extension.

### Internal

- 58 There have also been objections expressing concern that the proposal does not have sufficient indoor space for children. However it is noted that the minimum space requirements set out in the Scottish Government's 'Space to Grow' document suggests a total 175.2m<sup>2</sup> free floor space will be required for indoor children's play. Excluding the snack prep and arts and crafts areas, this proposal currently proposes 187.1m<sup>2</sup> of free floor space nursery classroom area, which exceeds the space standards.

It is therefore considered that the proposed design and layout is acceptable and that it accords with policies RD1, PM1A and PM1B.

### **Landscape**

- 59 The proposed extension is single storey and set back within the site. The proposals will not have a significant impact on the wider landscape setting of the site.

### **Residential Amenity**

- 60 The proposal is some distance away from any residential dwellings being set back within the school grounds. I am content that the development can be accommodated without resulting in any overlooking or overshadowing to any residential property.

### **Visual Amenity**

- 61 The proposal is for a single storey building. There is a range of building styles within the site. The extension is of a different design to the existing building and uses contemporary materials. The mass and scale is appropriate to the site. The extension will be clad in a mix of horizontal and vertical larch cladding. The windows and parapet flashings would be grey powder coated aluminium with grey rainwater goods.

- 62 The low profile of the extension and its position set well within the school grounds will ensure be no significant impact on visual amenity.

### **Roads and Access**

- 63 The nursery will have its own dedicated access within the existing school playground via the extended access ramp. There will be no changes to the existing school access arrangements from this proposal. There have been objections expressing potential concerns with disruption during building works particularly in terms of traffic and road safety issues. It is noted that during construction the existing car park will be temporarily reduced to two accessible spaces and will be used as a temporary construction compound. This will be reinstated to the existing accessible / staff car park following completion of works. The main access gate to the school from the High Street will remain open for staff and the public throughout the construction process. The Council's Transport Planning team has commented on the plans and has requested that a condition with regard to traffic management during the works be added. This will ensure that any issues with regard to traffic management during the works is addressed (Condition 2).

### **Drainage and Flooding**

- 64 Drainage for the new extension would utilise existing foul and surface water systems. It is stated by the agent that SUDS (Sustainable Urban Drainage System) will be implemented to control surface water from the roof. Structures and Flooding note that there will be a slight improvement in surface water drainage. An informative note will be attached to any planning permission to advise the applicant to refer to the Perth & Kinross Council's Supplementary Guidance on Flood Risk and Flood Risk Assessments 2014 (Informative Note 5).

### **Waste Collection**

- 65 The provision of waste and recycling facilities will be unaffected by the development.

### **Conservation Considerations**

- 66 The site is not within a Conservation Area. There are no listed buildings in close proximity to the site. The proposal is not considered to impact on any cultural heritage assets. No external alterations are proposed to the original school building.

### **Natural Heritage and Biodiversity**

- 67 The proposal will not impact on the natural heritage and biodiversity interests in the area.

### **Developer Contributions**

- 68 The proposal is not within an area where developer contributions are required.

## **Economic Impact**

- 69 There will be a positive economic impact associated with this proposal due to the improvement of the education facility as well as the economic impact associated with the construction phase of the development.

## **LEGAL AGREEMENTS**

- 70 None required.

## **DIRECTION BY SCOTTISH MINISTERS**

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

## **CONCLUSION AND REASONS FOR RECOMMENDATION**

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

## **A RECOMMENDATION**

### **Approve the application**

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

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

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

2. Prior to the commencement of works on the development, the applicant shall submit for the written approval of the Planning Authority a Construction Traffic Management Scheme (TMS) which shall include the following:
- a) restriction of construction traffic to approved routes and the measures to be put in place to avoid other routes being used;
  - b) timing of construction traffic to minimise impact on local communities particularly at school start and finishing times, on days when refuse collection is undertaken, on Sundays and during local events;

- c) arrangements for liaison with the Roads Authority regarding winter maintenance;
- d) emergency arrangements detailing communication and contingency arrangements in the event of vehicle breakdown;
- e) arrangements for the cleaning of wheels and chassis of vehicles to prevent material from construction sites associated with the development being deposited on the road;
- f) arrangements for cleaning of roads affected by material deposited from construction sites associated with the development;
- g) arrangements for signage at site accesses and crossovers and on roads to be used by construction traffic in order to provide safe access for pedestrians, cyclists and equestrians;
- h) details of information signs to inform other road users of construction traffic;
- i) arrangements to ensure that access for emergency service vehicles are not impeded;
- j) monitoring, reporting and implementation arrangements; and
- k) arrangements for dealing with non-compliance.

The TMS as approved shall be strictly adhered to during the entire site construction programme all to the satisfaction of the Council as Planning Authority.

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

## **B JUSTIFICATION**

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

## **C PROCEDURAL NOTES**

None

## **D INFORMATIVES**

1. This planning permission will last only for three years from the date of this decision notice, unless the development has been started within that period (see section 58(1) of the Town and Country Planning (Scotland) Act 1997 (as amended)).
2. Under section 27A of the Town and Country Planning (Scotland) Act 1997 (as amended) the person undertaking the development is required to give the planning authority prior written notification of the date on which it is intended to commence the development. A failure to comply with this statutory requirement would constitute a breach of planning control under section 123(1) of that Act, which may result in enforcement action being taken.
3. As soon as practicable after the development is complete, the person who completes the development is obliged by section 27B of the Town and Country

Planning (Scotland) Act 1997 (as amended) to give the planning authority written notice of that position.

4. No work shall be commenced until an application for building warrant has been submitted and approved.
5. The applicant is advised to refer to Perth & Kinross Council's Supplementary Guidance on Flood Risk and Flood Risk Assessments 2014 as it contains advice relevant to your development.  
<http://www.pkc.gov.uk/article/15061/Supplementary-guidance-Flood-risk-and-flood-risk-assessments>

Background Papers: 8 letters of representation  
Contact Officer: Persephone Beer 01738 475354  
Date: 25 April 2019

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

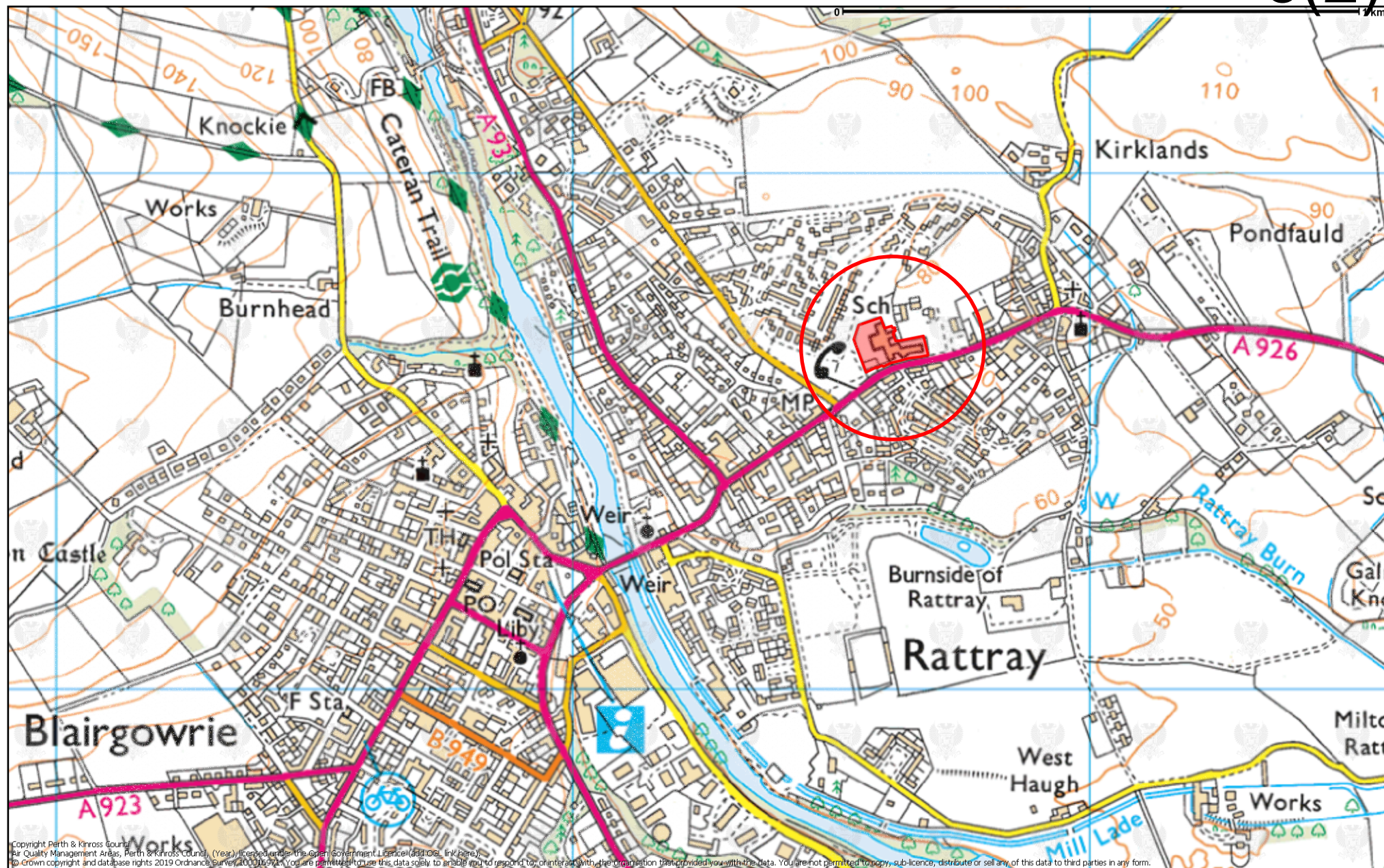
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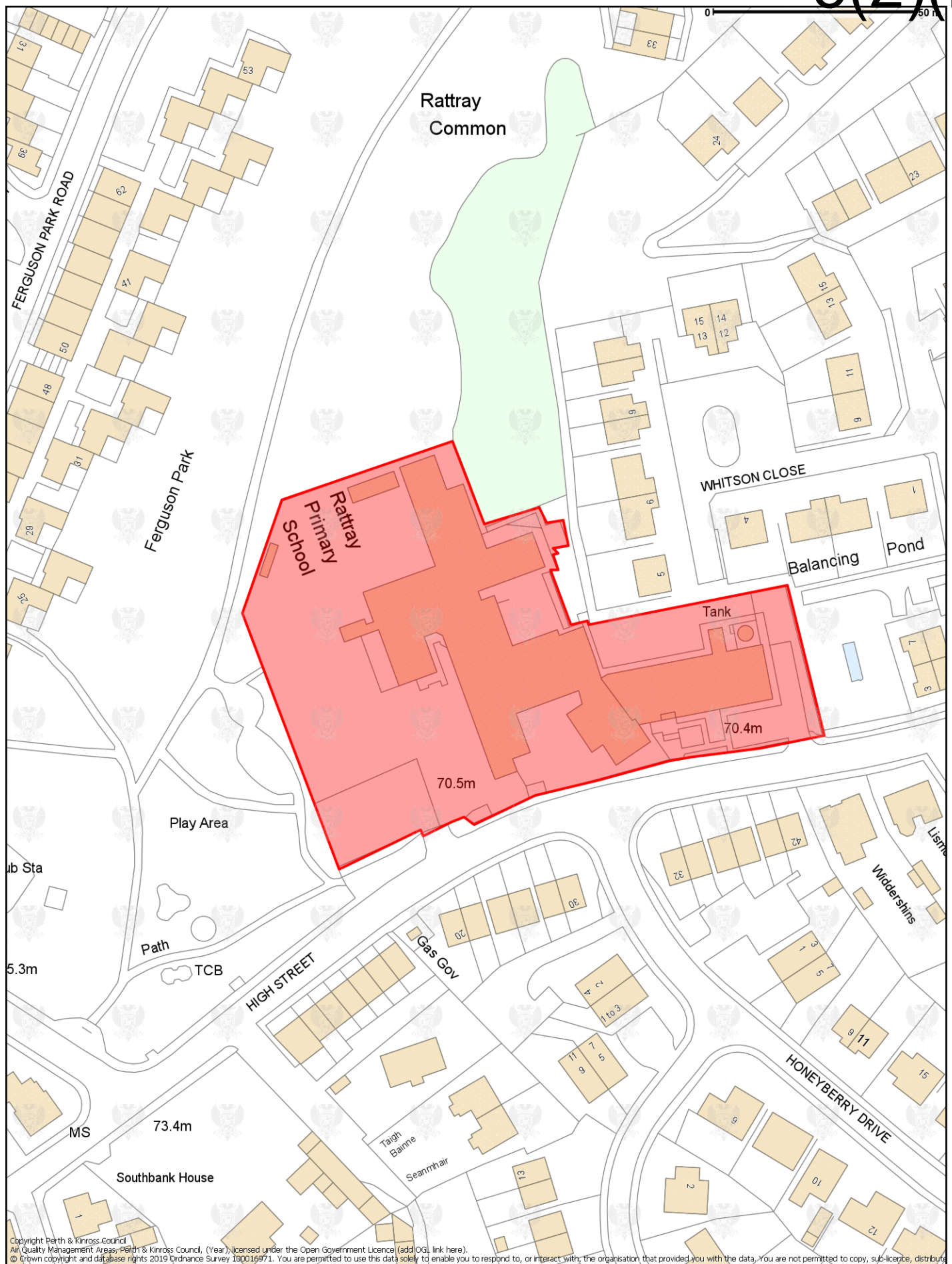
19/00113/FLL

Alterations and extension to building, Rattray Primary School,  
 High Street, Rattray Blairgowrie









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Alterations and extension to building, Rattray Primary School, High Street, Rattray Blairgowrie



