

Perth and Kinross Council
Planning & Development Management Committee – 29 April 2020
Report of Handling by Head of Planning & Development (Report No. 20/87)

PROPOSAL: Erection of 246 dwellinghouses, formation of vehicular accesses, play park, landscaping and associated works (approval of matters specified in conditions of 18/02213/IPM)

LOCATION: Land 200 Metres South West of Wiltshire Foods, Broich Road Crieff (Part of LDP Site MU7)

Ref. No: [19/01165/AMM](#)

Ward No: P6 - Strathearn

Summary

This report recommends approval of the application. The development is considered to comply with the relevant provisions of the Planning Permission in Principle 18/02213/IPM and those of the Development Plan, in particular its allocation in the Perth and Kinross Local Development Plan 2 (2019) under site reference MU7. There are no material considerations apparent which outweigh the Development Plan.

BACKGROUND AND DESCRIPTION OF PROPOSAL

- 1 The proposed site forms part of the MU7 allocation in the Perth and Kinross Local Development Plan (2019) (LDP2). The LDP2 allocation totals an area of 47 hectares (ha), with the indicative range of 409-639 residential units and 5 ha of employment land.
- 2 Planning Permission in Principle (PPP) was granted for the entire allocation in December 2015 (15/01237/IPM) and again in June 2018 (18/02213/IPM), which was subject to planning conditions, including an Approval of Matters Specified by Condition (AMSC) requiring detailed layout and design detail for each phase. A masterplan was submitted with the PPP application indicating 400+ units in total for all residential phases, with 5 ha of employment land; however, the residential figures were indicative and not approved.
- 3 This proposed site, forming Phases 1-4 of residential development, extends to approximately 11.03 ha. The site is located to the south east of Crieff, is currently used as agricultural land and is reasonably flat with a slight fall as you move south. It is bounded by the B8062 Broich Road to the north with Aldi food store immediately across the road; further agricultural land to the east and Scheduled Monument; woodland and a path to the south with the River Earn beyond. To the west are existing residential properties and a camping and caravan site.

- 4 This current application is the first under the PPP seeking AMSC and proposes the following development for Phases 1 to 4:

Open Market

- 20 x 2-bedroom 2 storey dwellinghouses (semi-detached)
- 50 x 3-bedroom 2 storey dwellinghouses (semi-detached)
- 26 x 3-bedroom 2 storey dwellinghouses (detached)
- 83 x 4-bedroom 2 storey dwellinghouses (detached)
- 3 x 5-bedroom 2 storey dwellinghouses (detached)

Total = 182

Affordable Housing

- 8 x 2-bedroom bungalows
- 2 x 3-bedroom bungalows
- 2 x 3-bedroom bungalows (wheelchair specific)
- 25 x 2-bedroom terraced dwellinghouses
- 21 x 3-bedroom terraced dwellinghouses
- 6 x 2-bedroom flats

Total = 64

Infrastructure

- Vehicle access x 2 off Broich Road;
- Road and footpath path connection to the west with rest of allocated site;
- 5 x accessible paths links to existing path network;
- Open space provision;
- Play area provision;
- Sustainable Urban Drainage System (SUDs) basin;
- Retained and enhanced woodland and additional structural buffer planting

ENVIRONMENTAL IMPACT ASSESSMENT (EIA)

- 5 An EIA Report was submitted with and approved as part of the Planning Permission in Principle (PPP) 15/01237/IPM application. An EIA Addendum was also submitted for the 2019 S42 application. A fresh screening was undertaken for this AMSC and concludes that the impacts arising from this development have not changed from the original EIA development or EIA Addendum. As the EIA Addendum is up to date no further EIA process is required for this application.

PRE-APPLICATION CONSULTATION

- 6 The scale of development proposed is classified as 'Major' in terms of the Town and Country Planning (Hierarchy of Developments) (Scotland) Regulations 2009. However, because the proposal is an AMSC application, further pre-application consultation (PAC) is not necessary beyond that already undertaken for PPP application.

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 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 61 Planning and Sustainable Urban Drainage Systems
- PAN 68 Design Statements
- PAN 69 Planning & Building Standards Advice on Flooding

- PAN 75 Planning for Transport
- PAN 77 Designing Safer Places
- PAN 79 Water and Drainage
- PAN 83 Masterplanning

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 2 (2019) (LDP2).

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:

"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 1: Locational Priorities
- Policy 2: Shaping Better Quality Places
- Policy 4: Homes

- Policy 6: Developer Contributions
- Policy 8: Green Networks
- Policy 9: Managing TAYplans Assets

Perth and Kinross Local Development Plan 2 (2019) (LDP2)

- 18 The Perth and Kinross LDP 2 2019 (LDP2) was adopted by the Council on 29 November 2019. It sets out the Council's vision, which echoes that of TAYplan (as set out above). LDP2 also sets out policies and identifies proposals. The principal relevant policies for this application are:

- Policy 1: Placemaking
- Policy 2: Design Statements
- Policy 5: Infrastructure Contributions
- Policy 6: Settlement Boundaries
- Policy 14B: Open Space Retention and Provision: Open Space within New Developments
- Policy 15: Public Access
- Policy 17: Residential Areas
- Policy 20: Affordable Housing
- Policy 23: Delivery of Development Sites
- Policy 25: Housing Mix
- Policy 26A: Scheduled Monuments and Archaeology: Scheduled Monuments
- Policy 26B: Scheduled Monuments and Archaeology: Archaeology
- Policy 27A: Listed Buildings
- Policy 32: Embedding Low & Zero Carbon Generating Technologies in New Development
- Policy 34: Sustainable Heating and Cooling
- Policy 38A: International Nature Conservation Sites
- Policy 38B: National Designations
- Policy 38C: Local Designations
- Policy 39: Landscape
- Policy 40B: Trees, Woodland and Development
- Policy 41: Biodiversity
- Policy 42: Green Infrastructure
- Policy 50: Prime Agricultural Land
- Policy 52: New Development and Flooding
- Policy 53: Water Environment and Drainage
- Policy 56: Noise Pollution
- Policy 57: Air Quality
- Policy 58A: Contaminated Land
- Policy 60: Transport Standards and Accessibility Requirements:

LDP 2 Allocation – Site Reference – MU7 Broich Road Crieff

- 19 The MU7 site covers 47ha, allocated for an indicative capacity of 409-639 dwellings and 5 ha of employment land. The site-specific developer requirements are:

- Implementation of masterplan with phasing plan;
- Mix of housing types including low cost housing;
- Transport Assessment;
- Public access, extension of core path network to south of Crieff;
- Existing woodland framework to be retained, existing hedge lines and woodland corridors within and around perimeter of site to be extended;
- Enhancement of biodiversity and protection of habitats;
- Flood Risk Assessment;
- Protection of Scheduled Monument;
- Archaeological investigation;
- Energy statement required investigating potential for a heat network to serve the development;

OTHER POLICIES

20 The following supplementary guidance and documents are of particular importance in the assessment of this application;

- Flood Risk and Flood Risk Assessments – Developer Guidance June 2014
- Developer Contributions including Affordable Housing Supplementary Guidance February 2020

SITE HISTORY

- 21 [14/00455/SCRN](#) EIA Screening for proposed mixed use development. Decision Issued April 2014. EIA required.
- 22 [14/01198/SCOP](#) EIA Scoping for proposed mixed use development. Decision issued August 2014.
- 23 [14/00005/PAN](#) Mixed use development including residential, compatible employment uses, areas of open space, amenity landscaping, formation of access roads, footpaths and cycleways, associated drainage works and ancillary facilities. Content of PAN approved August 2014.
- 24 [15/01237/IPM](#) Mixed use development including residential, compatible employment uses, areas of open space, amenity landscaping, formation of access roads, footpaths and cycleways, associated drainage works and ancillary facilities. Approved December 2015.
- 25 [18/02213/IPM](#) Application under Section 42 of the Town and Country Planning (Scotland) Act 1997 to amend condition 1 (timescales for submission of Approval of Matters Specified by Conditions applications) and condition 3 (phasing of development) of planning permission 15/01237/IPM (mixed use development including residential, compatible employment uses, areas of open space, amenity landscaping, formation of access roads, footpaths and cycleways, associated drainage works and ancillary facilities (in principle)). Approved June 2019.

- 26 [19/00299/SCRN](#) EIA Screening for AMSC proposal for Phases 1-4. Decision issued July 2019. EIA not required.

CONSULTATIONS

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

External

- 28 **Scottish Environment Protection Agency** – Following submission of further information regarding contaminated land, no objection is now offered.
- 29 **Scottish Natural Heritage** – No objection to the proposal.
- 30 **Transport Scotland** - No objection to the proposal.
- 31 **Historic Environment Scotland** No objection to the proposal as phase 1-4 will not impact the Scheduled Monument within the overall site
- 32 **Royal Society of Protection of Birds (RSPB)** – No response received.
- 33 **Scottish Water** - No objection to the proposal.
- 34 **Forestry Commission Scotland** – No objection as only one tree is proposed to be felled.
- 35 **Perth and Kinross Heritage Trust** – Following further archaeological investigations on-site they have no objection to the proposal. Some further investigation will still be required, and a condition is recommended.
- 36 **Tay Salmon Fisheries Board** – No response received.
- 37 **Scottish Canoe Association** – No response received.
- 38 **British Geological Survey** – No response received.

Internal

- 39 **Transport Planning** - No objection to the proposal following amendments made to the proposed internal road layout to the site.
- 40 **Environmental Health** - No objection to the proposal. Conditional control on noise and dust is recommended.
- 41 **Land Quality** - No objection to the proposal.
- 42 **Biodiversity/Tree Officer** – Following revised plans been submitted, no objection to the proposal but will required updated information before development commences on site.

- 43 **Strategy and Policy** Following revised plans been submitted, no objection to the proposal.
- 44 **Community Greenspace** Following revised plans been submitted, no objection to the proposal.
- 45 **Structures and Flooding** Following revised drainage information been submitted, no objection to the proposal.
- 46 **Development Negotiations Officer** – Proposal is contributing just over 25% (64 dwellings) of the required affordable housing on-site. Primary Education contribution is required towards expansion of the adjacent Crieff Primary School. Transport Infrastructure contributions are also required towards the recent Broich Road improvements undertaken by the Council.

REPRESENTATIONS

- 47 The following points were raised in the 1 letter of representation received:
- Buffer zone too narrow
 - Lack of privacy
 - Too high in density
 - Adverse impact on existing businesses
 - Dog fouling increase
- 48 These issues are addressed in the Appraisal section of the report. It is important to note though that dog fouling is not a material consideration in the assessment of the proposal.

ADDITIONAL STATEMENTS

49	Screening Opinion	Not Required
	Environmental Impact Assessment (EIA): Environmental Report	Undertaken – EIA not Required
	Appropriate Assessment	Not Required
	Design and Access Statement	Submitted
	Report on Impact or Potential Impact	Green Travel Plan; Site Investigation Report; Flood Risk Assessment; Drainage Strategy; Habitat Assessment including Protected Species; Biodiversity Management Plan; Tree Survey; Arboricultural Impact Assessment; Woodland Management Plan; Air Quality Assessment; CEMP; Construction Traffic Management Plan; District Heating Statement

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 2019. 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, the terms of the PPP and matters raised in consultation responses representations.

Principle

- 51 Since the approval of the 2015 application there has been a Development Plan change with the adoption of TAYplan 2016-2036 and LDP2. Notwithstanding this, the principle of residential development on the site is well established through the allocation in LDP2 (and the previous Local Development Plan) and by virtue that the site forms part of PPP 15/01237/IPM and 18/02213/IPM granted in December 2015 and August 2018 respectively. In addition, TAYplan Policy 1 – Locational Priorities focuses most development to the region's principal settlements. Crieff is identified as a Tier 2 Settlement with the potential to make a significant contribution to the region's economy.
- 52 The principle of residential development is thus established. It is, however, necessary to undertake an assessment of the detail of this proposal.

Density, Design and Layout

- 53 The applicant submitted a Planning Statement and, as required for an allocated site by LDP2 - Policy 2, a Design & Access Statement.
- 54 Conditions attached to the PPP set out the required detail in respect of the layout and design considering: phasing, levels, the siting, design, height and external materials of all buildings and structures. LDP2 Policy 1: Placemaking is relevant in considering these matters.
- 55 Further detail in respect of fencing, landscaping and other technical matters is also required through other planning conditions. These matters are addressed here or in other sections below, as appropriate.

Phasing

- 56 An updated phasing plan has been submitted in support of the application and as required by the PPP and LDP2. Phase 1 will start at the western quadrant of the proposed layout before moving anti-clockwise. The area of open space and play area will be completed in Phase 1 and this is acceptable. Within each of the four phases an appropriate level of affordable housing will be provided. Each area of affordable housing, whilst evenly distributed into four (4) blocks,

are also closely related to allow efficient maintenance by any appointed Registered Social Landlord (RSL).

Density

- 57 The applicant has taken account of feedback following submission regarding the site layout and has updated the layout as requested.
- 58 The scale of development proposes 246 dwellinghouses, within a site with an area just over 11 ha. It is recognised that this is a large site and the number of units proposed would result in the site being medium density (22 dwellings per hectare across the whole site). Areas of open space are proposed within the site that can be enjoyed by all residents in the area, demonstrating the site's capacity for the number of dwellings proposed.
- 59 The proposed number of units can be physically accommodated within the site, along with path provision, a SUDs basin, open space and a play area. The scale of development for this site is considered to be acceptable.

Design and Layout

- 60 There has been significant development on Broich Road over the past 5-6 years, including the development of a new primary school and an Aldi food store. The development of 246 dwellings at this location is a significant extension to Crieff, and it is essential that should be designed with a sense of local identity and context.
- 61 Whilst there is a high percentage of 3 and 4 bedroom detached and semi-detached dwellinghouses, there are areas of terraced housing and bungalows which creates a more defined street scene. This provides an acceptable mix of house types that meets the requirements of LDP2 Policy 25. The proposed rear gardens are in excess of the Council's minimum standards and will not compromise daylight or privacy of each other or any of the existing dwellings or businesses immediately adjacent to the site.
- 62 The proposed layout provides an acceptable design solution for the site; with open space located in the north east quadrant, including a play area. Further areas of open space and paths linkages are located throughout the site. In terms of the proposed design of each house type, there is an acceptable range of designs and materials, reflective of recent modern housebuilding developments elsewhere in Perth and Kinross. Finishing materials are dry dash render (cream colour), roughcast (white and cream) with slate grey flat concrete tile roofs and grey and heritage green uPVC window and door frames which is also acceptable. The general layout, house designs and materials proposed are acceptable and in accordance with LDP2 Policy 1 - Placemaking.

Open Space and Landscaping

- 63 LDP2 requires the provision of suitable public open space and woodland/hedges retained to support the site and surrounding area. This site provides a large area (3,000sqm) of open space that will benefit residents of

Phases 1-4, residents of future phases and the wider local community by being in an accessible location in the north western corner of the site adjacent to future Phase 5. It is positive to see that the existing boundary woodland and hedges being retained and paths connecting up with the existing core path to the south of the site.

- 64 The PPP requires landscaping to be addressed, together with a landscaping specification. Significant tree planting is proposed throughout the site and, in particular, includes structure planting along the common (eastern) boundary with the adjacent caravan park. Smaller areas of planting are proposed throughout the site that will assist in breaking up views and integrating the proposal in to the landscape, minimising impacts. Over time, the proposed development will blend in with the existing urban environment of Crieff. Subject to a refinement of the planting species and ensuring ongoing maintenance, which can be secured through condition, the proposal complies with LDP2 Policy 42 (Conditions 8 and 9).

Play area

- 65 Originally, the proposed area of open space and play area was located centrally within the site and was divorced from the proposed SUDs basin. Following feedback from Community Greenspace, the applicant has now relocated the open space and play area next to the SUDs basin in the north western corner of the site, immediately adjacent to future Phase 5. This location better serves the whole development and surrounding area and a condition will be required to ensure its early delivery (Condition 10).
- 66 Overall the design and layout of the scheme is considered to be appropriate when assessed against the relevant matters specified in the PPP and LDP2 Policy 1.

Landscape and Visual Amenity

- 67 The development of the site will have an obvious impact on the visual amenity of the area. A detailed Landscape and Visual Impact Assessment was submitted, as part of the PPP application. Phases 1-4 are in line with the indicative PPP masterplan, with the siting of the units at the western end of the allocated site and closest to existing properties and businesses. The units will be visible within the locality, particularly on Broich Road.
- 68 This degree of change was envisaged in the site allocation in both the LDP and LDP as well as permission granted under the PPP. The proposed design sits comfortably in the surrounding area, as attention has been paid to massing and building heights when considered from all principal adjacent properties. Overall the impact of the proposed layout including landscaping is appropriate when assessed against the relevant matters specified in the PPP, LDP2 Policy 1 and the site-specific requirements.
- 69 The proposed development will, in time, integrate well within the landscape and will not cause any unacceptable visual impacts. The proposal accords with the

provisions of the PPP and meets the objectives of LDP2 Policy 1, Policy 39 and Policy 40B with delivery of the landscaping being secured as detailed above.

Residential Amenity

- 70 Residential amenity requires to be considered under LDP Policy 1 – Placemaking and Policy 17 – Residential Areas. Policy 1D requires consideration of impacts from housing developments on itself and to also consider associated impacts on infrastructure and open space.

Existing Residential Amenity

- 71 The submitted Transport Assessment for the PPP was modelled on 400+ dwellings and was deemed to be acceptable by Transport Planning in terms of impact on existing traffic flow in the area. The proposal for Phases 1-4 for 246 dwellings is therefore within limits assessed by the TA. The implementation of a Construction Traffic Management Scheme (TMS) will further assist with any residual amenity impacts (Condition 3). The proposal is therefore considered to comply with LDP2 Policy 17 – Residential Areas as the proposed use and impact on the road network is considered acceptable.
- 72 Specific LDP2 policies consider noise and air quality; Policy 56 and Policy 57 respectively.

Existing Commercial Premises

- 73 The existing commercial premises (D&D Dairies and Wiltshire Farm Foods) at the proposed entrances to the development have also been allocated for residential development. These activities are nearing the end of their lease and is expected they will relocate to the 5ha employment area within the PPP site.
- 74 The applicant has provided an indicative residential layout within the Design and Access Statement to demonstrate the potential developability of the existing commercial area. The proposal would include a new footpath brought in behind the existing stone wall. A landscaped green frontage would be incorporated and provide links into the development. The building form would remain as two storey and would include house types that will provide Broich Road with an active frontage. No car parking will be included on the frontage, all parking will be served off the new development framework. If delivered as per the indicative layout it will blend comfortably with Phases 1-4.

Air Quality

- 75 The PPP requires air quality to be addressed and improved as Crieff has an Air Quality Management Area (AQMA). The proposed site is not within the AQMA but could contribute to it. An Air Quality Note (AQN) has been submitted with this application and has been assessed by Environmental Health.
- 76 The AQN contains action points for the control of dust and emissions during the construction stage and are also within the submitted Construction Environment Management Plan (CEMP). The mitigation plan proposes measures to be

incorporated into the detailed design to reduce the effects on air quality from the development during the construction and operational stages. Recommended measures include the distance of sensitive receptors to the roadside (10 metres where possible) and gardens at the front of residential properties on Broich Road.

- 77 Based on the proposed layout, Environmental Health consider that future residents will be able to enjoy their garden areas without any adverse effect from road traffic noise and emissions. The AQN includes measures for sustainable travel plans, green infrastructure, electric charging points, welcome packs for future residents to include public transport, walking & cycling route and local car share club. These are all supported by Environmental Health. In conclusion there will not be any adverse air quality impact on the Broich Road area or Crieff's AQMA. Therefore, there are no conflicts with LDP2 Policy 57.

Noise

- 78 The applicant has submitted an updated Noise Impact Assessment (NIA) in accordance with the conditional requirements of the PPP 18/02213/IPM and previously approved PPP 15/01237/IPM. The NIA has been examined by Environmental Health, which inform this assessment.
- 79 The NIA assessed road traffic noise, vehicle deliveries and processing operations and fixed plant from existing adjacent commercial properties; D&D Dairies and Wiltshire Farm Foods.
- 80 The NIA was undertaken with the proposed mitigation of a 2.5 metre closed boarded timber fence around the site boundary with D&D Dairies and Wiltshire Farm Foods and a 30 metre stand off zone beyond the fence where no residential units will be occupied until the existing commercial operations have ceased and relocated (Condition 25).

Road Traffic Noise

- 81 The assessment for road traffic noise states the external nighttime and daytime levels are such that windows could remain openable for background ventilation and noise from road traffic would not be an issue within habitable rooms at ground and first floor levels and garden areas of proposed dwellinghouse. Therefore no mitigation would be required.

Commercial Noise

- 82 The NIA assessed noise from both existing commercial properties which included operational, plant and delivery activities and the potential affect on the closest proposed dwellinghouses.
- 83 The assessment was predominately for the nighttime period as this would be considered the more sensitive noise period and for first and ground floor levels of properties. For fixed plant noise the predicted noise at the closest proposed dwellinghouse beyond the 30 metre stand off zone from the acoustic barrier was assessed. The predicted level has been assessed and noise from fixed

plant would meet these standards within habitable rooms at ground and first floor levels of proposed properties. No further additional mitigation is required.

Delivery Vehicle Noise

- 84 Delivery activities for both existing commercial properties at D&D Dairies and Wiltshire Farm Foods are prior to 07:00 hours and these have been assessed for intermittent noise. The assessment indicated that operational noise from deliveries would have a low adverse impact on proposed dwellinghouses.
- 85 The NIA concluded that to ensure there will be no adverse noise impact, a 2.5 metre closed boarded fencing shall be erected along the rear boundary of the two commercial properties, and a 30 metre stand off zone will be in place, in which no housing development will be occupied until the two commercial operations have ceased and relocated. This has also been shown in the submitted Noise Mitigation Plan and Environmental Health agree this will be effective.

Construction Noise,Vibration and Dust

- 86 As required by the PPP, the applicant has submitted a Construction Environmental Management Plan (CEMP). The CEMP has sections for emissions to air, noise, vibration and dust and for each section identifies control measures to be implemented throughout the construction stage of the development.
- 87 Several measures to minimise noise and vibration have been included, however, it is very limited in scope and is not sufficiently detailed. No reference is made to use of vibration plate or piling equipment during the construction stage or generators. There is no reference with regards to any complaints, procedures for noise, vibration or dust. The CEMP should indicate a person responsible for dealing with day to day complaints on site, include complaints response times, any noise/vibration and /or dust monitoring that will be undertaken to verify the complaint, and record how complaints are resolved and any mitigation measures that are applied.
- 88 Based on the above, Environmental Health consider that the information provided for the control measures for each of the mentioned sections is not sufficient to be a robust CEMP. A more detailed and updated CEMP is required, and this can be controlled by way of a pre-commencement condition (Condition 11).
- 89 With the provision of an updated CEMP, the proposal complies with LDP2 Policy 56.

Sunlight/Overshadowing

- 90 An issue was identified during the application process regarding the potential impact of mature deciduous trees just beyond the south western boundary of the site in terms of overshadowing and blocking of sunlight to proposed 21 properties and their gardens in this area. The trees on the south-western edge

are a mix of Ash, Pedunculate Oak or Beech and vary in heights of 10m to 27m with an average height of 18m across the boundary. These trees are all deciduous and will all lose leaf throughout the winter months. The applicant has analysed the shadow cast by these trees the impact they will have on the rear gardens of the proposed properties along that boundary. The study has been examined in conjunction with a video demonstration which shows the shadows cast at various times during the day. The video analysis demonstrates the shadow cast by the trees on the SW boundary, the buildings themselves and boundary treatments at various times of the day including 08:00, 12:00 and 18:00 during summer. A demonstration during winter has not been produced as the trees are deciduous and will not be with leaf during the winter.

- 91 Informed by this assessment, many of the dwellings have been repositioned further away from the boundary, thus making more garden space away from the most shaded areas. At 08:00, when the sun is rising from the east, the trees cast no shadow into these gardens and the only shadow created is that of the buildings themselves. By 12:00 midday, the shadow in the gardens is almost zero. At 18:00 8 gardens just start to enter some shade.
- 92 When assessed against British Regulation (BR209 – Site Layout Planning for Daylight and Sunlight: a Guide to Good Practice), because all the trees are all deciduous and not as dense as evergreen trees it has been demonstrated that in the summer these trees in full leaf will still allow sunlight to reach the garden ground even when the trees are beginning to cast a shadow after 18:00. The shade is therefore not a black out, and light can penetrate sufficiently.
- 93 It is considered that, as a result of the reconfiguring to the layout, the gardens to the properties on the SW boundary are very usable all year round and the trees will be an appreciated feature, not an inconvenience. Residential amenity will therefore not be compromised, and the proposal complies with LDP2 Policy 1.

Roads and Access

Internal Roads

- 94 The development proposes a main circular road with two points of entry/exit off/onto Broich Road. The 'Main Road' through the site will be a standard 5.5m wide carriageway with 2.0m footpaths and thereby road guiding the user through the main artery of the development. This will highlight to the user that this formal road is the main route in and out of the development
- 95 Off the main road, linking streets are proposed which are short links where the main carriageway is narrower than the Main Road. These are 4.8m wide, with over-run available over the 2.0m service strip pavements. This will provide a softer feel within the development that naturally slows traffic while allowing adequate manoeuvring for larger vehicles such as emergency and refuse. These street always links from start to finish to the Main Road providing a sense of location while traveling in the estate.

- 96 Transport Planning initially raised concern regarding some of the link roads and they will result in mini-rat runs through the site. Following the revised internal road layout, the concerns over potential rat-runs has been addressed. Two vehicular links to the east have been added connecting to some of the remaining MU7 site which is helpful for future connectivity and permeability and will prevent land-locking should the land owner wish to come forward with a proposal. However, a vehicular link to the remainder of the PPP site is still missing and is required to ensure Phase 5 and other later phases are connected to this site (Phases 1-4). A condition requiring this will therefore be required to ensure its implemented (Condition 4).

Swept Path Analysis

- 97 The original swept path analysis demonstrated that a 10.8m vehicle will be encroaching verge/footway/parking spaces. Perth & Kinross Council requires the site to be navigable by a 12m rigid lorry for refuse collections. Following the revised layout, a swept path analysis has undertaken for a 12m rigid lorry. Transport Planning consider the updated analysis and the roads provided to be acceptable.

Footpaths

- 98 Footpaths and connections with the wider area are proposed from the development, including connections with the existing footway on the south side of Broich Road. This addresses a site-specific requirement. A controlled crossing facility, in the form of a Toucan Crossing, must be provided to link into the shared use path on the northern side of Broich Road for onwards Active Travel to the Schools, retail and Crieff Town Centre. This can be delivered through a planning condition (Condition 4).
- 99 For residents who may wish to travel actively through the site, there is a direct route for pedestrians to take through the centre of the site. This will encourage residents to leave their cars at home, particularly given the proximity of the schools, retail and business so close to this development. The plan shows welcomed footpath connections to the south and west of the site which will help facilitate connection with a future core path route linking Crieff with Muthill.

Parking

- 100 The original submission generally designed parking to be located at the front of each dwelling. To positively improve the placemaking quality of the site, some parking provision has been relocated to the side of houses and thereby allowing the proposed dwellings to move closer to the road. This is further enhanced by border planting and fencing that will help screen cars as you travel through the site. This helps create a streetscape that is designed for people rather than cars. The number of visitor parking spaces is sufficient for the size of the development. Proposed electric vehicle charging points are also required within the site and for home owners as well (Condition 2 and 27).
- 101 Overall, proposal with LDP2 Policies 1 and 60 by creating a coherent structure of streets and spaces that are accessible for all, especially those on foot,

bicycle and public transport subject to planning conditions (Conditions 2, 4, 5, 6).

Drainage and Flooding

Flood Risk

- 102 The PPP required the submission of a detailed Flood Risk Assessment (FRA). This has been submitted and assessed by both SEPA and the Council's Structures and Flooding team and neither have raised any issue associated with flood risk. The proposed development lies outwith the SEPA Flood Maps. The proposal is compliant with LDP2 Policy 52 – New Development and Flooding as none of the proposed housing is at risk of flooding.

Surface Water Drainage

- 103 Following the submission of further drainage information in November 2019, SEPA have confirmed they have no objection to the proposal. The applicant has removed the 'low flow channel' from the SUDs basin drawing, and SEPA are now satisfied with surface water arrangements.

Foul Drainage

- 104 Scottish Water have confirmed that foul drainage from this development will need to connect to the public sewer and there are no capacity issues at present. The developer will still be required to undertake a separate consenting process with Scottish Water before development can commence on the site.
- 105 Overall, the proposal therefore raises no concerns in respect of LDP Policy 53 – Water Environment and Drainage.

Natural Heritage and Biodiversity

- 106 The consideration of natural heritage and biodiversity is integral to the layout, design and landscaping detail required by the PPP. LDP2 Policies 38, 40 and 41 are also relevant considerations. While there is predominance of rough grassland, with some hedgerows and structural woodland on the edge and just beyond, the PPP requires an updated Ecological Survey including Protected Species Survey, all of which have been submitted.
- 107 These surveys and the detailed landscape proposals have been assessed by both the Council's Biodiversity Officer and Community Greenspace. The details are generally considered acceptable in terms of landscape and biodiversity value. However, some more native species are required within the site to adequately provide for appropriate biodiversity provision and comply with LDP2 Policies 38, 40 and 41 (Condition 8).

Trees/Woodland

- 108 The Council supports proposals which protect existing woodland and trees, especially those with high natural, historic and cultural heritage value. There are

several mature trees along the site boundaries, in particular the south west. A Tree Survey and Arboricultural Constraints Report has been submitted in support of the proposal and have been examined by both Forestry Commission Scotland (FCS) and the Council's Biodiversity Officer. Just one tree is proposed for felling and that tree planting will take place on site well in excess of this loss and Forestry Commission Scotland (FCS) are supportive of this.

- 109 FCS do recommend that protection of the trees is secured, in line with the submitted Tree Protection Plan using a suitably worded condition (Condition 17).
- 110 FCS and the Council's Biodiversity Officer have raised concern for the large Oak trees on the south west boundary in the medium to long term as roots, leaves and shading will become an issue for residents. A revised layout has been submitted to deal with this issue, as discussed in the amenity section above.
- 111 In terms of proposed planting, the Council's Biodiversity Officer has examined the submitted landscape plans and whilst they will benefit biodiversity, it is recommended that there should be an increase in the quantity of native species. These recommendations will deliver multiple benefits to biodiversity and create a more interesting and diverse area for people. A revised updated planting schedule can be agreed as a pre-commencement condition (Condition 8).
- 112 Overall, the proposal will deliver multiple benefits to biodiversity and create a more interesting and diverse area for people to live and considered to meet the objectives of LDP2 Policy 40B - Forestry, Woodland and Trees: Trees, Woodland and Development.

Protected Species

- 113 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.
- 114 The impact of development on protected species must be understood before planning permission can be granted. The submitted Ecological Appraisal confirms that there will be no disturbance to bat or other species. There will therefore be no adverse effect on protected species as a result of this development. To ensure that this remains the case, it is proposed to seek verification, through updated assessments being undertaken immediately prior to the commencement of development (Condition 12).

Biodiversity Enhancement Measures

- 115 The Ecological Appraisal contains a list of potential measures and recommendations but does not confirm which biodiversity enhancing measures will be incorporated into this proposed development. All measures that will be incorporated into this development should be outlined in a Biodiversity

Management Plan and submitted to the Planning Authority. This can be controlled by way of a pre-commencement condition (Condition 13).

Cultural Heritage

- 116 As required by the PPP, the impact of the proposal on Scheduled Monument 9135 (Broich Curus) and archaeology in the area must be examined.
- 117 Phases 1-4 are 350 metres (at nearest point) west of the Broich Cursus Scheduled Monument. Historic Environment Scotland (HES) have confirmed that these phases will not have a direct impact on the integrity of the Scheduled Monument. Greater consideration will be required for future phases as they are all closer to the Scheduled Monument. The proposal therefore complies with the requirement of LDP2 Policy 26A: Scheduled Monuments.
- 118 In terms of archaeology, the PPP required an archaeological investigation on site and results submitted to the Planning Authority to agree with PKHT. Following a number of revisions, PKHT are now supportive of the findings and mitigation proposed. However, because the proposed site is archaeologically sensitive as the immediate surrounding area includes extensive evidence of pre-historic occupation, further survey work will continue to be required (Condition 24).
- 119 Overall, the proposal is considered to comply with LDP2 Policy 26B: Scheduled Monuments and Archaeology: Archaeology.

Sustainability

- 120 Both the PPP and LDP2 Policy 34 requires an energy statement to investigate potential for a heat network to serve the development. The applicant's energy statement outlines that district heating is unfeasible for the proposed site as there is no heat source available at present. This issue can be revisited when approval of future residential phases and employment land are proposed. In the interim, a condition requiring that the site is futureproofed for district heating by leaving space within the service strip will be required (Condition 23). This satisfies the PPP requirements and that of LDP2 Policy 34.
- 121 LDP2 Policy 32 requires proposals for new buildings to demonstrate that at least 10% of the current carbon reduction emissions will be met through the installation and operation of zero and low-carbon generating technology. A Sustainability Checklist has been submitted in support of this matter, it advises that the development will use passive design and energy efficiency as the primary means to reduce energy demand and lower carbon monoxide emissions and commits to this. The Checklist concludes that the buildings will achieve a much lower emission standard that required under Scottish Building Standards and that the installation and operation of zero and low-carbon generating technology, such as solar photo-voltaic panels or ground source heat pumps, will provide at least 10% of the carbon reduction emissions for the proposed development.

- 122 The proposal does not, however, demonstrate the precise technical details as to how this will be achieved, although it is recognised that this can be technically achieved. The exact nature and specification of these technologies can be verified prior to development commencing and for the technology to be in place prior to occupation of the buildings to ensure the objectives of LDP2 Policy 32 are met (Condition 7).

Contaminated Land

- 123 As required by the PPP, a contamination and geotechnical survey has been submitted in support of the proposal and has been examined by both SEPA and the Council's Land Quality Officer. Both are satisfied that there are no contamination issues and that no mitigation measures are required.
- 124 Review of the data in relation to the proposed development, the site has remained unaffected by any source of contamination which may pose a constraint to the proposed end use of the site. Risk assessments undertaken confirm that gas protection measures are not required.
- 125 There is no constraint to the proposed development from past historical use and thereby the proposal complies with LDP Policy 58A: Contaminated Land.

Waste Collection

- 126 The PPP requires a plan specifying the bin storage areas and kerbside collection points be submitted with each AMSC application. These details have been included in the submitted Site Layout plans.
- 127 The Council's Waste Services team confirm they are supportive of the layout and arrangements for waste storage and collection. A suitable location for the provision of a recycling centre is required, to complement the existing kerbside recycling services offered in the area. This can be addressed through a planning condition (Condition 19).

Developer Contributions

- 128 LDP2 Policy 5 - Infrastructure Contributions requires consideration of the individual or cumulative impact of new development on infrastructure and facilities and to secure contributions to address this impact where the development exacerbates impacts or generates additional need.
- 129 The Developer Contribution Officer advised that a Section 75 Legal Agreement is required to secure the necessary infrastructure and associated contribution payments, covering the following subject areas:
- Affordable Housing provision
 - Primary Education provision
 - Transport Infrastructure Contribution towards Broich Road improvements
 - Open Space provision and maintenance
 - Play area provision and maintenance

Affordable Housing

- 130 The S75 and LDP2 Policy 20 require an Affordable Housing contribution equivalent to 25% of the units being developed. It is confirmed that the full requirement (64 units) for this AMSC application will be delivered on-site. This provision will ensure the PPP and LDP2 requirements are met.

Primary Education

- 131 Primary Education contributions of £1,175,720 are required to ensure there will be capacity within the adjacent Crieff Primary School. The contribution will be phased to ensure the objectives of the PPP and LDP2 Policy 5 is met.

Transport Infrastructure Contribution

- 132 As per other recent approvals on Broich Road, a single payment of £64,819.96 must be made towards improvements at Broich Road which have recently been delivered by the Council. This contribution ensures the objectives of the PPP and LDP2 Policy 60 are met.

Health Provision

- 133 The site is allocated in LDP2 and National Health Service Tayside (NHST) were formally consulted during the plan-making process. However, neither NHST or the Perth & Kinross Healthcare and Social Partnership (HCSP) provided detailed feedback at the time of the site being allocated within LDP2 on whether there may be an impact will be on the local health infrastructure. As the proposed number of dwellings is below the maximum number allocated within LDP2 or approved in the PPP application, it is not necessary to consider this matter further at this stage.

Economic Impact

- 134 The impact to the local economy both during construction and occupation will be reasonably significant with additional available expenditure on local facilities and services.

LEGAL AGREEMENTS

- 135 A Section 75 is required to deal with a financial contribution towards primary education, affordable housing, transport infrastructure improvements, open space and play area provision and maintenance. Consent shall not to be issued until the Section 75 Agreement has been signed and registered to take account of this application. The legal agreement should be concluded and completed within 4 months of the date of any Committee approval. Failure to conclude a legal agreement within 4 months will result in the planning application being re-assessed through failing to comply with the associated developer contributions policy and will be ultimately recommended for refusal under delegated powers.

DIRECTION BY SCOTTISH MINISTERS

- 136 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

- 137 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.
- 138 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 development hereby approved being completed or brought into use, all matters regarding access, car parking, in curtilage electric car charging, 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 2019.

- 3 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 road safety.

- 4 Prior to the commencement of development, schemes to provide:

- a) a signalised pedestrian crossing(s) on Broich Road and into the site; and
- b) a vehicular link along the eastern boundary connecting with the approved PPP site,

Shall be submitted to, and approved in writing by, the Council as Planning Authority. Each scheme shall confirm the location, specification, detailed design and delivery timescales of the pedestrian crossing(s) and vehicular linkage. The scheme for the approved crossing shall thereafter be implemented in full, prior to the occupation of the first dwellinghouse. The scheme for the approved vehicular link shall be implemented prior to the occupation of the 200th dwellinghouse.

Reason: In the interests of road, pedestrian safety and connectivity with the remainder of the PPP site.

- 5 No part of the development shall be occupied until an updated Travel Plan, aimed to encourage more sustainable means of travel, has been submitted to, and approved in writing by, the Council as Planning Authority. The Travel Plan will have regard to provision for walking, cycling and public transport access to and within the site and will identify the measures to be provided (including the provision of new and/or enhanced public transport services), the system of management, monitoring, review, reporting and the duration of the plan.

Reason: In the interests of sustainable transport.

- 6 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.

- 7 Prior to the commencement of development hereby approved, a scheme shall be submitted to, and approved in writing by, the Council as Planning Authority that demonstrates how at least 10% of the current carbon emissions reduction set by the Scottish Buildings Standards will be met through the installation and operation of low and zero-carbon technologies. This scheme shall detail for each building:

- a) the technology types;
- b) illustrate, through technical calculations, that these will meet at least the 10% reduction;
- c) their siting and location; and
- d) ongoing operation and maintenance.

Once approved, the development shall be completed in accordance with the approved scheme and no individual unit shall be occupied until the scheme has been installed and operating.

Reason: To embed low and zero-carbon technologies within the development in the interest of environmental sustainability.

- 8 Prior to the commencement of development, and in conjunction with the other details of the approved landscaping scheme, an updated planting scheme with greater numbers of native species should be submitted to and approved in writing by the Council as Planning Authority. Thereafter, the approved planting scheme shall be implemented in full as part of the approved landscaping scheme.

Reason: To ensure the satisfactory implementation of the proposed planting scheme.

- 9 The landscaping scheme, as approved, shall thereafter be implemented in full, in accordance with the approved scheme. Further, any planting which, within a period of 5 years from the completion of the approved phase of development, in the opinion of the Planning Authority is dying, has been severely damaged or is becoming seriously diseased, shall be replaced by plants of similar size and species to those originally required to be planted.

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

- 10 The children's play area (plan reference 19/01165/74) shall be designed, laid out and equipped in accordance with the Planning Authority's current criteria for play area provision within six months of the occupation of the first dwelling. The play area and its facilities/equipment shall thereafter be maintained.

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

- 11 Two months prior to commencement of development an updated Construction Environment Management Plan (CEMP) shall be submitted for the approval of the Planning Authority in consultation with Environmental Health. The CEMP shall incorporate detailed pollution avoidance and mitigation measures for all construction elements. Thereafter the development shall be fully undertaken in accordance with the agreed CEMP.

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

- 12 Prior to the commencement of development an updated Ecological Assessment including Protected Species Assessment shall be submitted for the approval of the Council as Planning Authority in consultation with the Council's Biodiversity Officer. Thereafter the development shall be fully undertaken in accordance with the agreed assessments.

Reason: To ensure an up-to-date record of biodiversity in the area; In the interest of protecting environmental quality and of bio-diversity.

- 13 Two months prior to the commencement of development a Biodiversity Management Plan (BMP) shall be submitted for the approval of the Planning Authority in consultation with the Council's Biodiversity Officer. Thereafter the development shall be fully undertaken in accordance with the agreed BMP.

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

- 14 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.

- 15 Prior to the commencement of development, details of the location and specification of the bat and swift brick(s) shall be submitted and approved in writing by the Council as Planning Authority. A minimum of 30% of all completed two storey houses shall incorporate one bat brick and one swift brick each and shall be incorporated at eaves height and positioned appropriately. The agreed detail shall be installed prior to the occupation of the relevant residential unit.

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

- 16 No removal of hedgerows, trees or shrubs that may be used by breeding birds shall take place between 1 March and 31 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: To ensure adequate protection for the trees on the site during the construction, in the interests of the visual amenity of the area.

- 17 All existing trees and hedgerows shown to be retained including those trees outwith the site with Root Protection Areas within the site shall be protected by suitable fencing in accordance with BS5837:2012 (Trees in Relation to Construction). No materials, supplies, plant, machinery, soil heaps, changes in ground levels or construction activities shall be permitted within the protected areas without the written agreement of the Council as Planning Authority.

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

- 18 All road gullies within 500m of a waterbody or Sustainable Urban Drainage System (SUDs) pond shall have wildlife kerbs installed adjacent to the gully.

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

- 19 Prior to the occupation of the first dwelling the developer will incorporate a suitable location agreed by the Planning Authority for the provision of a recycling facility to complement the existing kerbside recycling services offered in the area. The facilities/equipment shall thereafter be maintained.

Reason: In the interests of environmental quality.

- 20 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.

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

- 21 The developer shall ensure that during the construction of the development that all surface water is controlled, treated and discharged under the principles of SUDs all to the satisfaction of the Council as Flood Authority.

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

- 22 Prior to the commencement of development, detailed Micro-Drainage results and mitigation shall be submitted to and approved by the Planning Authority in

consultation with the Council's Structures and Flooding Department. Thereafter the development shall be fully undertaken in accordance with the agreed details.

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

- 23 Prior to the commencement of development a scheme, including a layout plan and cross-sections, that identifies the location and confirms adequate space within the below ground service zone is available to allow for possible future provision of district heating pipes shall be submitted for the further written agreement of the Council as Planning Authority. The scheme must include timescales and any phasing for provision of the service zone within the site. The agreed scheme shall thereafter be implemented in accordance with the agreed details and timescales.

Reason: To allow district heating to be incorporated within the site at a future date.

- 24 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.

- 25 Prior to the occupation of any residential properties, at the site adjacent to the existing commercial use a 2.5 metre acoustic fence and a 30 metre stand-off zone, in which no housing development will be occupied until these commercial properties cease operations, shall be installed in accordance with the recommendation of the submitted Noise Impact Assessment dated 11 July 2019 and the Noise Mitigation Plan (plan reference: 19/0165/31).

Reason: In the interests of residential amenity.

- 26 Prior to the commencement of development the developer shall submit a glazing specification for all windows to bedrooms, for the written approval of the Council as Planning Authority. The windows shall have a minimum sound insulation performance to ensure that first floor bedrooms can achieve the following internal sound levels:

- Daytime 35 dB LAeq, 16 hour
- Night time 30 dB LAeq, 8 hour

Thereafter the approved window specification shall be installed to the satisfaction of the planning authority, prior to the occupation of the dwellings.

Reason: In the interests of residential amenity.

- 27 Prior to the commencement of the development hereby approved, a scheme detailing the provision of electric car charging points for the development shall be submitted for further written approval of the Council as Planning Authority. Thereafter the approved scheme shall be installed to the satisfaction of the Planning Authority.

Reason: In the interests of sustainable transport.

B JUSTIFICATION

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

C PROCEDURAL NOTES

Consent shall not to be issued until a Section 75 Agreement to secure the delivery of affordable housing, primary education contributions and transport infrastructure improvements on Broich Road. The legal agreement should be concluded and completed within 4 months of the date of any Committee approval. Failure to conclude a legal agreement within 4 months will result in the planning application being re-assessed through failing to comply with the associated developer contributions policy and will be ultimately recommended for refusal under delegated powers.

D INFORMATIVES

- 1 The development hereby permitted shall be commenced no later than the expiration of two years from the date of this permission 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 41 of the Development Management Procedure (Scotland) Regulations 2013. The form of the notice is set out in Schedule 7 of the Regulations and a draft notice is included for your guidance. According to Regulation 41 the notice must be:

- Displayed in a prominent place at or in the vicinity of the site of the development.
 - Readily visible to the public.
 - Printed on durable material.
- 5 The applicant is advised that in terms of Sections 21 of the Roads (Scotland) Act 1984 he/she/they must obtain from the Council as Roads Authority consent to construct a new road prior to the commencement of roadworks.
 - 6 The applicant should be 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 Environmental Protection Agency.
 - 7 The applicant should be advised to contact Perth & Kinross Council Street Lighting Department to obtain technical approval for all street lighting provision.
 - 8 Please consult the Street Naming and Numbering Officer, The Environment Service, Perth and Kinross Council, Pullar House, 35 Kinnoull Street, Perth PH1 5GD for a new postal address. The form is downloadable from www.pkc.gov.uk and should be returned to snn@pkc.gov.uk.
 - 9 The applicant is advised that the detailed design of all SUDs shall conform to 'PKC Flooding and Flood Risk Guidance Document (June 2014)', or any subsequent update.
 - 10 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.
 - 11 No work shall be commenced until an application for building warrant has been submitted and approved.
 - 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 applicant is reminded that, under the Wildlife and Countryside Act 1981, as amended, it is an offence to remove, damage or destroy the nest of any wild

birds while that nest is in use or being built. Planning permission for a development does not provide a defence against prosecution under this act.

- 14 The applicant is reminded of existing ongoing obligations pertaining to PPP 18/02213/IPM and the suspensive conditions as set out.
- 15 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.
- 16 There is a Section 75 legal obligation associated with this planning permission, which relates to financial contributions towards primary education, affordable housing, transport infrastructure improvements and the provision and maintenance of open space and play area. A copy is available to view on the Council's [Public Access portal](#).

Background Papers: 1 letter of representation
Contact Officer: Steve Callan 01738 475337
Date: 31 March 2020

DAVID LITTLEJOHN
HEAD OF PLANNING & DEVELOPMENT

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

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

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