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Council Building
2 High Street
Perth
PH1 5PH

Tuesday, 09 January 2018

A Meeting of the **Planning and Development Management Committee** will be held in the **Council Chamber, 2 High Street, Perth, PH1 5PH** on **Wednesday, 17 January 2018 at 10:00.**

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

BERNADETTE MALONE
Chief Executive

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

Members:

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

Planning and Development Management Committee

Wednesday, 17 January 2018

AGENDA

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

1 WELCOME AND APOLOGIES

2 DECLARATIONS OF INTEREST

3 MINUTE OF MEETING OF THE PLANNING AND DEVELOPMENT MANAGEMENT COMMITTEE OF 6 DECEMBER 2017 FOR APPROVAL AND SIGNATURE
(copy to follow)

4 DEPUTATIONS

5 APPLICATIONS FOR DETERMINATION

(1) APPLICATIONS PREVIOUSLY CONSIDERED

- (i) 16/01256/AMM - BRIDGE OF EARN - ERECTION OF 159 DWELLINGHOUSES WITH ASSOCIATED ROADS, DRAINAGE AND LANDSCAPING AT LAND TO THE NORTH OF A912 AT OUDENARDE, BRIDGE OF EARN** **5 - 40**
Report of Handling by Interim Development Quality Manager
(recommendation - approve) (copy herewith 18/5)

(2) MAJOR APPLICATIONS

- (i) 17/00644/AMM - ALYTH - ERECTION OF 27 DWELLINGHOUSES, GARAGES AND ASSOCIATED WORKS (APPROVAL OF MATTERS SPECIFIED IN CONDITIONS 15/01177/FLL) ON LAND SOUTH WEST OF ALYTH PRIMARY SCHOOL, ST NINIAN'S ROAD, ALYTH** **41 - 62**
Report of Handling by Interim Development Quality Manager
(recommendation - approve) (copy herewith 18/6)

(3) LOCAL APPLICATIONS

- (i) **17/01227/FLL - BLAIRINGONE - CHANGE OF USE OF AGRICULTURAL SHED AND YARD TO GENERAL STORAGE AND DISTRIBUTION (CLASS 6) AT LAMBHILL, BLAIRINGONE** **63 - 82**
Report of Handling by Interim Development Quality Manager
(recommendation - approve) (copy herewith 18/7)
- (ii) **17/01626/FLL - GLENLYON - CHANGE OF USE FROM HOLIDAY ACCOMMODATION UNIT TO DWELLINGHOUSE AND ANCILLARY BOTHY TO HOLIDAY ACCOMMODATION UNIT, SITING OF A YURT TO FORM A HOLIDAY ACCOMMODATION UNIT AND ERECTION OF ANCILLARY SAUNA AND SHED FOR HOLIDAY ACCOMMODATION USE (IN RETROSPECT) AT WEST COTTAGE STABLES, GLENLYON, ABERFELDY, PH15 2PL** **83 - 102**
Report of Handling by Interim Development Quality Manager
(recommendation - approve) (copy herewith 18/8)
- (iii) **17/01694/FLL - MONEYDIE - FORMATION OF A HOLIDAY PARK AND SITING OF 20 ACCOMMODATION UNITS, ERECTION OF A RECEPTION/MAINTENANCE BUILDING, FORMATION OF CAR PARKING, LANDSCAPING AND ASSOCIATED WORKS ON LAND NORTH EAST OF KINVAID FARM, MONEYDIE** **103 - 132**
Report of Handling by Interim Development Quality Manager
(recommendation - approve) (copy herewith 18/9)
- (iv) **17/01862/FLL - PERTH - CHANGE OF USE FROM RETAIL UNIT TO CAFE/RESTAURANT (CLASS 3) AND HOT FOOD TAKEAWAY AT 19 COUNTY PLACE, PERTH, PH2 8EE** **133 - 144**
Report of Handling by Interim Development Quality Manager
(recommendation - approve) (copy herewith 18/10)
- (4) **PROPOSAL OF APPLICATION NOTICE (PAN)**
- (i) **17/00009/PAN - AUCHTERARDER - ERECTION OF RESIDENTIAL DEVELOPMENT, FORMATION OF OPEN SPACE, LANDSCAPING AND ASSOCIATED INFRASTRUCTURE WORKS ON LAND NORTH EAST OF STEWART MILNE HOMES, HUNTER STREET, AUCHTERARDER** **145 - 154**
Pre-Application Report by Interim Development Quality Manager
(copy herewith 18/11)

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Perth and Kinross Council
Planning and Development Management Committee – 17 January 2018
Report of Handling by Interim Development Quality Manager

Erection of 159 dwellinghouses with associated roads, drainage and landscaping at land to the north of A912 at Oudenarde, Bridge Of Earn, Perthshire
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Ref. No: 16/02156/AMM

Ward No: N9 Almond and Earn

Summary

This report is an update on the approval of the matters specified by condition application for residential development of 159 dwellings at Oudenarde, Bridge Of Earn, following Committee approval on 18 October 2017.

The applicant expressed concern regarding the validity of the condition requested by Transport Scotland to be included in the decision notice. Following extensive dialogue we are now seeking to withdraw that condition approved by the Committee. Overall, this proposal remains consistent with the approved masterplan and is therefore recommended for approval, subject to conditions.

BACKGROUND AND PROPOSAL

- 1 This application was previously considered by this Committee at its meeting on 18 October 2017. A copy of the previous Committee Report is appended for information (Appendix1).
- 2 The reason for reporting back to Committee is that the applicant expressed concern regarding the validity of the condition requested by Transport Scotland to be included in the decision notice. That condition was put forward by officers and agreed by the Committee on 18 October 2017 and does not appear as a recommended condition in the previous Committee Report. Following extensive dialogue with all parties including Legal Services we are now seeking to withdraw that condition.
- 3 To address this we need to present the application back to committee for that condition to be removed.
- 4 This Committee Report also presents an opportunity to advise that the submitted Draft Phasing Arrangement, Draft Landscape Design Guide; Draft Structural Planting Specification; Draft Specifications; and Draft Specification Approval Timetable submitted with this (first) Approval of Matters Specified by Condition (AMSC) application as per the Section 75 requirements are acceptable. They were, unfortunately, not referred to in the 18 October 2017 Committee Report.
- 5 All other issues in relation to the application remain the same.

CONSULTATIONS

- 6 No additional consultations were required.

REPRESENTATIONS

- 7 No re-notification has been required. All representations associated with the original application are as detailed in the previous Committee Report.

APPRAISAL

Transport Scotland Condition

- 8 The following is the condition requested by Transport Scotland and subsequently approved at the 18 October 2017 Planning and Development Management Committee.

Within 12 months of this decision notice the exact design specification and delivery timescale of interchange improvements to be provided at the M90 /A912 junctions (northbound and southbound) and widening of the northbound merge road with the M90 will be submitted for written approval to the Planning Authority in consultation with Transport Scotland. The details shall generally be in accordance with the following TA Millard Partnership/Millard Consulting Drawings 2394/03/20 Revision C and 2394/03/15 Revision A associated with application 02/01482/IPM and Roads Construction Consent (RCC) drawing 316/03/408 (dated June 2009). The works shall be carried out and completed in accordance with the agreed design specification and delivery timescale.

Reason: To minimise interference with the safety and free flow of traffic on the trunk road.

- 9 Following legal advice our view is that it is not a valid condition that can be imposed on an Approval of Matters Specified by Condition (AMSC) application. The reasons for this are as follows:
- The condition refers to off-site works requiring the widening of the northbound merge road with the M90. These off-site works are not covered under the 02/01482/IPM consent, the associated Section 75 legal agreement or in the approved masterplan.
 - The requirement for a delivery timescale for works was not adequately expressed within the condition.
- 10 In terms of the northbound merge works onto the M90, this is outwith the scope of the In Principle consent and this means we cannot condition these off-site works as the condition is both unlawful and unreasonable.
- 11 Traffic safety is an important consideration and we fully understand why Transport Scotland requested the condition. It is considered the other avenue for the north bound merge works to be delivered by the developer is via the employment land to the south (Brickhall Farm) which has had conditions requested by Transport Scotland attached to its most recent consent 10/01411/FLL.

Section 75 and First Matters Specified by Condition Application

- 12 This Committee Report also advises that a Draft Phasing Arrangement; Draft Landscape Design Guide; Draft Structural Planting Specification; Draft Specifications; and Draft Specification Approval Timetable were submitted with this (first) Approval of Matters Specified by Condition (AMSC) application as per the requirements of the Section 75 legal agreement. Whilst they were not referred to specifically in the 18 October 2017 Committee Report, I can confirm the submitted information is acceptable as it shows clearly how the development will come forward on a phased basis in line with the S75 requirements and triggers for delivery of future infrastructure, such as the primary school, sports pitches, play areas, bridge over rail line, rail halt site and business land.

LEGAL AGREEMENTS

- 13 No additional work on the legal agreement is required. This site has planning consent under 02/01482/IPM. The associated Section 75 legal agreement determines the Developer Contribution requirement and sets out the payment time scales.

DIRECTION BY SCOTTISH MINISTERS

- 14 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

- 15 Section 25 of the Act requires that determination of the proposal should be made in accordance with the provisions of the Development Plan, unless material considerations indicate otherwise. Whilst the additional condition requested by Transport Scotland is considered to be invalid, overall the proposal remains consistent with the approved masterplan.
- 16 Residential development at Oudenarde is a committed development site and allocated in the both the Strategic Development Plan and Local Development Plan. The site is well placed to deliver a new sustainable community, serving as a well-connected satellite settlement to Perth. This phase and the overall site will provide a significant contribution toward meeting the projected population growth of Perth and Kinross.
- 17 The proposed development accords with the Development Plan and will lead to the creation of new homes to meet the predicted population growth, which will significantly assist in meeting local and national targets in a sustainable and measured fashion.
- 18 Accordingly, the proposal is recommended for approval subject to the following conditions.

RECOMMENDATION

A Approve the application subject to the following conditions:

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

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

- 2 Prior to the occupation of any dwelling, 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 dwelling, details of the specification including materials of all footpaths and cycleways shall be submitted to the Planning Authority for further approval. The agreed detail shall thereafter be implemented prior to the completion of the 50th dwelling.

Reason: In the interests of pedestrian and cycle safety.

- 4 The detailed landscaping and planting scheme as approved shall be commenced at the same time as commencement of the residential development and thereafter maintained and competed 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 and in pursuance of suitably satisfying placemaking policy criteria of the adopted Perth and Kinross Local Development Plan 2014.

- 5 Any planting failing to become established within five years shall be replaced in the following planting season with others of similar sizes and species 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 and in pursuance of suitably satisfying placemaking policy criteria of the adopted Perth and Kinross Local Development Plan 2014.

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

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

- 7 Prior to the commencement of development full details of proposed site boundary openings forming new access onto the spine road shall be submitted to the Planning Authority for further written approval. The opening details as approved shall thereafter be implemented prior to the occupation of any residential plot.

Reason: In order to ensure that the associated roads infrastructure is suitably upgraded in order to adequately accommodate the impact of the development proposed.

- 8 No development shall commence until a detailed delivery plan confirming the programmed delivery of the site and construction works has been submitted and approved in writing by the Planning Authority. Once approved, the development shall be implemented in accordance with the delivery plan.

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

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

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

- 10 No removal of hedgerows, trees or shrubs or works to or demolition of any 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 and agreed by 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).

- 11 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.

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

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

- 13 Prior to occupation of any buildings on site a minimum of 30% (41 units) of all completed 2 storey houses shall incorporate a minimum of 2 bat bricks (e.g. build-in Woodstone Bat Box) and swift nest bricks (e.g. WoodStone Build-in Swift Nest Box A) shall be incorporated at eaves height.

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

- 14 Prior to the commencement of development, any Orchids identified in the applicant's Habitat Survey shall be translocated to the landscape buffer area to allow them to be retained and thereafter maintained to the satisfaction of the Council as Planning Authority.

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

- 15 Prior to the commencement of development a Construction Traffic Management Plan (CTMP) shall be submitted to and be approved in writing by the Planning Authority. Thereafter the development shall be fully undertaken in accordance with the CTMP.

Reason: In the interest of protecting environmental quality.

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

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

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 NOTE

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 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 Should any archaeology be discovered during construction, the applicant is advised to contact Mr David Strachan, Archaeologist – Perth and Kinross Heritage Trust to discuss what is required. Tel: 01738 477080.
- 6 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, PH1 5GD.
- 7 Please consult the Street Naming and Numbering Officer, The Environment Service, Perth and Kinross Council, Pullar House, 35 Kinnoull Street, Perth PH1 5GD
- 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 The applicant should ensure that access and operations during construction and the routes for any services for the site take account of both the servitudes of the Shell UK and BP pipelines.
- 10 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.
- 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 Council's Community Waste Adviser in the Environment Service should be contacted to clarify the bin storage and recycling requirements for the development.
- 13 No work shall be commenced until an application for building warrant has been submitted and approved.

Background Papers:	None
Contact Officer:	Steve Callan Ext 75337
Date:	22 December 2017

Anne Condcliffe
Interim Development Quality Manager

Perth and Kinross Council
Planning & Development Control Committee – 18 October 2017
Report of Handling by Interim Head of Planning

Erection of 159 dwellinghouses with associated roads, drainage and landscaping at land to the north of A912 at Oudenarde, Bridge Of Earn, Perthshire
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Ref. No: 16/02156/AMM

Ward No: N9 Almond and Earn

Summary

This report recommends approval of the matters specified by condition application for residential development of 159 dwellings with associated roads, drainage and landscaping at land to the north of A912 at Oudenarde, Bridge Of Earn, Perthshire.

The development is considered to comply with the current Development Plan. The application is Phase 2 of 'In Principle' planning approval 02/01482/OUT for residential, commercial and industrial development with associated school provision, open space and landscaping at Oudenarde. This proposal is consistent with the approved masterplan for the site and is therefore recommended for approval, subject to conditions.

BACKGROUND AND PROPOSAL

- 1 The application site (known as Oudenarde) is an area of level ground in between the A912 road to the south and the railway line to the north to the east of Bridge of Earn. The site is Phase 2 within the Oudenarde Village development. In Principle planning consent was granted in October 2002 under application 02/01482/OUT for the formation of residential, commercial and industrial development with associated school provision, open space and landscaping. The Section 75 legal agreement was concluded in 2016 which allowed the release of the decision notice. Phase 1 of 150 affordable houses was consented in advance of the Section 75 and 112 have been completed by Hillcrest Housing Association to the north of the rail line and accessible via Clayton Road.
- 2 The A912 road intersecting the Oudenarde site has recently been upgraded to facilitate the development of both the approved residential and commercial/employment areas. A roundabout has been constructed to provide access roads to the north and south to serve the site
- 3 Oudenarde (including the proposed site) is identified in the TAYplan Strategic Development Plan (2012) as a strategic development area and is allocated (H47) in the Perth and Kinross Local Development Plan (LDP) 2014 for residential development with an indicative density of 1,600 dwellings.
- 4 This proposal is for the erection of 159 dwellings ranging from 2 to 5 bedroom by two developers (Taylor Wimpey and GS Brown) including landscaping and infrastructure on an area of ground just off the roundabout on the A912. The proposed mix of housing is as follows.

Taylor Wimpey

2 bedroom – 24 units

3 bedroom – 48 units

4 bedroom – 57 units

5 bedroom – 8 units

- 5 All the above will be two storey dwellings.

GS Brown

3 bedroom bungalows – 22 units

- 6 The proposal provides a landscape buffer along the southern end adjacent to the A912 and another landscape buffer is proposed along the eastern boundary. Cycling and walking facilities run through the proposed landscape buffers to connect up with the rest of the Oudenarde site and the wider area including Bridge of Earn. Within the eastern landscape buffer a play area is proposed.

ENVIRONMENTAL IMPACT ASSESSMENT (EIA)

- 7 As the proposal is a Matters Specified by Condition application the environmental impact of Oudenarde was assessed at 'In Principle' stage. An Environmental Report is not required to be submitted at this stage of the planning process.

PRE-APPLICATION PROCESS

- 8 The proposed development is classed as a Major development under class 9 of the Town and Country Planning (Hierarchy of Developments) (Scotland) Regulations 2009. However, because the proposal is a Matters Specified by Condition application the requirements for pre-application consultation are not required at this stage of the planning process.

NATIONAL POLICY AND GUIDANCE

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

National Planning Framework

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

The Scottish Planning Policy 2014

- 11 The SPP is a statement of Scottish Government policy on land use planning. The following sections of the SPP will be of particular importance in the assessment of this proposal:-
- Sustainability : paragraphs 24 - 35
 - Placemaking : paragraphs 36 – 57
 - Valuing the Natural Environment : paragraphs 193 – 218
 - Maximising the Benefits of Green Infrastructure: paragraphs 219 – 233
 - Managing Flood Risk and Drainage: paragraphs 254 – 268
 - Promoting Sustainable Transport and Active Travel: paragraphs 269 - 291
- 12 The following Scottish Government Planning Advice Notes (PAN) are also of interest:
- PAN 2/2010 Affordable Housing and Housing Land Audits
 - PAN 1/2011 Planning and Noise
 - PAN 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 65 Planning and Open Space
 - PAN 67 Housing Quality
 - PAN 68 Design Statements
 - PAN 69 Planning & Building Standards Advice on Flooding
 - PAN 75 Planning for Transport
 - PAN 79 Water and Drainage
 - PAN 83 Masterplanning

Designing Places 2001

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

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 and is intended to sit alongside the 2001 planning policy document Designing Places, which sets out Government aspirations for design and the role of the planning system in delivering these.

National Roads Development Guide 2014

- 15 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

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

TAYplan Strategic Development Plan (June 2012)

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

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

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

Policy 1 – Location Priorities

- 19 Seeks to focus the majority of development in the region’s principal settlements. Perth Core Area which Oudenarde is in 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

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

Policy 3: Managing TAYplan’s Assets

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

Policy 5: Housing

- 22 Confirms that local development plans should identify specific sites for the Strategic Development Areas and allocate land uses set out in the TAYplan. This includes a strategic development area of Oudenarde.

Policy 6: Energy and Waste/Resource Management Infrastructure

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

Policy 8 – Delivering the Strategic Development Plan

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

Perth and Kinross Local Development Plan 2014

- 25 The Local Development Plan (LDP) was adopted by Perth and Kinross Council on 3 February 2014. It is the most recent statement of Council policy and is augmented by Supplementary Guidance.
- 26 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.”*
- 27 Under the LDP, the following policies are of particular importance in the assessment of this application.

Policy PM1A - Placemaking

- 28 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

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

Policy PM3 - Infrastructure Contributions

- 30 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

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

Policy RD4 - Affordable Housing

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

Policy TA1A - Transport Standards and Accessibility Requirements

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

Policy TA1B - Transport Standards and Accessibility Requirements

- 34 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

- 35 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

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

Policy HE1B - Scheduled Monuments and Non Designated Archaeology

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

Policy NE2B - Forestry, Woodland and Trees

- 38 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

- 39 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

- 40 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

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

Policy EP2 - New Development and Flooding

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

Policy EP3A - Water, Environment and Drainage

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

Policy EP3B - Water, Environment and Drainage

- 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.

OTHER POLICIES

- 46 The following supplementary guidance and documents are of particular importance in the assessment of this application.

- Developer Contributions and Affordable Housing Supplementary Guidance April 2016.
- Flood Risk and Flood Risk Assessments – Developer Guidance June 2014.
- Sustainable Design and Zero Carbon Development Supplementary Guidance May 2014.
- Perth and Kinross Retail Study 2014.

Planning Site History

- 47 The following planning history is relevant.

- **00/00573/OUT** Proposed new settlement development including residential, commercial and industrial development with associated roads, school provision, open space and landscaping. Application Withdrawn December 2001.
- **01/01822/OUT** Formation of residential commercial and industrial development with associated school provision, open space and landscaping (in outline). Appeal on non-determination August 2002 but was withdrawn by the applicant.
- **02/01482/IPM** Formation of residential, commercial and industrial development with associated school provision, open space and landscaping (In Principle). Application approved by Development Management Committee September 2002. An update on the proposal with a revised Heads of Terms was presented to Development Management Committee in November 2012. The Section 75 legal agreement was concluded September 2016 and decision notice issued September 2016.
- **05/00410/FUL** Erection of 75 affordable dwellinghouses. Application approved by Development Management Committee September 2005.
- **06/01881/FUL** Erection of 193 dwellinghouses with associated roads, open space, landscaping and other ancillary works. Pending decision but will be withdrawn should 16/02156/AMM be approved.
- **07/00401/FUL** Construction of a Road Bridge over railway at Oudenarde. Approved under delegated powers March 2007.

- **07/01791/FUL** Erection of a new primary school with community facilities including parking and access road. Approved under delegated powers. August 2008.
- **08/00582/FUL** Formation of roads and associated infrastructure for associated residential development (partly in retrospect). Approved under delegated powers May 2008.
- **08/00610/OUT** Outline application for (a) an opportunity site for a Travel Lodge and other uses falling within classes 3, 7 and 8 and (b) a Business Park for Classes 1, 4, 5 and 6 at Brickhall Farm, Bridge Of Earn. Approved by Development Management Committee February 2009.
- **08/01458/FUL** Erection of 75 affordable dwellinghouses with associated road access and landscaping. Approved by Development Management Committee December 2008.
- **08/01815/MOD** Modification of existing consent (08/00582/FUL) for formation of roads and associated infrastructure. Approved under delegated powers October 2008.
- **08/02298/FUL** Formation of roads and associated infrastructure. Approved under delegated powers December 2008.
- **08/02303/FUL** Formation of roads and infrastructure for associated residential development. Approved under delegated powers December 2008.
- **10/01411/FLL** Modification of consent (08/00610/OUT) to delete conditions 11 and 12, modify planning conditions 13, 14, 15 and 16 and add conditions 2 and 3 as per Transport Scotland consultation. Approved under delegated powers November 2010.
- **14/00268/FLL** Modification to existing planning permission (08/00582/FUL) to form an additional arm on roundabout and installation of feature on roundabout. Approved under delegated powers April 2014.

CONSULTATIONS

External

Transport Scotland

- 48 Have requested conditions that were applied to the adjacent site at Brickhall Farm.

Historic Environment Scotland (HES)

- 49 No objection.

Scottish Environmental Protection Agency (SEPA)

50 No objection.

Scottish Water

51 No response received.

Shell UK Limited

52 No objection.

British Petroleum (BP)

53 No objection.

Network Rail

54 No objection.

Perth and Kinross Heritage Trust (PKHT)

55 No objection but comment that the site may have some archaeological potential and development will require monitoring.

Earn Community Council

56 No response received.

Internal

Transport Planning

57 No objection.

Flood Risk and Structures

58 Following submission of further information on SUDs they are supportive of the proposal.

Biodiversity Officer

Following submission of a Habitat Survey, no objection provided certain conditions are applied.

Community Greenspace

59 No objection to the proposal.

Waste Services

- 60 No objection to the proposal.

Developer Negotiations including Affordable Housing and Transport Infrastructure

- 61 The site has planning consent under 02/01482/IPM. The associated Section 75 legal agreement has determined the Developer Contribution requirement and sets out the payment time scales. This S75 applies to this phase.

REPRESENTATIONS

- 62 The application has attracted 1 representation which has asked if walking and cycling connectivity with Bridge of Earn can be improved with this proposal. This is addressed in the Appraisal section of the report.

63 ADDITIONAL STATEMENTS

Environment Statement	Not required
Screening Opinion	Not required
Environmental Impact Assessment	Not required
Appropriate Assessment	Not required
Design Statement/Design and Access Statement	Not required
Report on Impact or Potential Impact	SUDs Modelling; Habitat Survey; Landscaping Plans and Supporting Landscape Statement.

APPRAISAL

Policy

- 64 Sections 25 and 37(2) of the Town and Country Planning (Scotland) Act 1997 (as amended) require that planning decisions be made in accordance with the Development Plan unless material considerations indicate otherwise. The determining issues here are whether the proposals in principle comply with current Development Plan policy, or if there are other material considerations, which justify departure from policy.
- 65 TAYplan Policy 1 (Location Priorities) states that Tier 1 settlements have the potential to make a major contribution to the regional economy over the next 20 years. The site is within the Tier 1 settlement of the Perth Core Area and is identified as a strategic development area. The LDP allocates the site for mixed use development. Residential development of this site complies with these policies and therefore the principle of residential use on the site is established and considered to be acceptable. A first phase development of 150 affordable units has already been consented, with 112 built out and occupied on the north western section of the site.

Design and Layout

- 66 Through Designing Places (2001) the Scottish Government signalled the importance they attach to achieving improvements in the design and quality of new development, and bringing long-term benefits to the urban and rural environment. It should be noted that good design should be the aim of everyone in the planning and development process with it being important at all scales of development.
- 67 Designing Streets (2010) published by the Scottish Government suggests that streets should be designed as social spaces, being well-connected at all levels. It aims to move away from vehicle dominated road layouts in favour of streets designed for people that achieve a sense of place, producing interesting and useable street layouts.
- 68 In terms of site layout, permeability of places is a crucial component in good street design. Internal permeability is important, but any area should also be properly connected with adjacent areas. A development with poor links to the surrounding area creates an enclave which encourages movement to and from it by car rather than by other modes. In this case the proposal includes three vehicular and up to 24 pedestrian/cyclist access points and is thereby considered to be a very permeable and well connected site within the approved Oudenarde masterplan site and also with the wider area including Bridge of Earn. In terms of cycling and pedestrian connection it will link up with both existing networks and future infrastructure required to be delivered by the Section 75 legal agreement. The proposal therefore accords with the National Roads Development Guide 2014 and LDP Policy TA1 Transport Standards and Accessibility Requirements.
- 69 When considering the layout of any new development, one of the most important issues to consider is creating the opportunity for natural surveillance. Buildings, spaces and pedestrian routes should be located to maximise natural observation from pedestrians and passing motorists. Active frontages should be encouraged wherever possible i.e. doors leading onto the street and windows overlooking all public areas. The proposed layout takes cognisance of Designing Streets and incorporates appropriate natural surveillance of all areas of space and the main pedestrian routes. The proposal is in line with PAN 77 - Designing Safer Places and LDP Policy PM1 Placemaking.
- 70 The proposal consists of two storey detached, semi-detached, terraced and single storey properties by two developers Taylor Wimpey and GS Brown providing a good mixture of open market housing to a wide variety of potential purchasers. Much of the site contains shared surfaces that help achieve a sense of place and provides several linkages to ensure the site is extremely permeable for all modes of transport especially pedestrians and cyclists with existing and future path connections to Bridge of Earn.
- 71 In terms of materials, both developers propose a reasonably standard but acceptable palette of materials. Taylor Wimpey proposed a range of exterior wall colours and materials from white and buff render to yellow and red brick, whilst all their roof tiles will be slate grey in colour. GS Browns main finishes of

white roughcast render, yellow facing brick and base course, and slate grey roof tiles. This will deliver a reasonably consistent design approach with the nearby affordable housing development by Hillcrest Housing Association and will help integrate the development into the locale.

- 72 The massing and scale of the dwellings can be accommodated within the plots without having an adverse impact on the amenity of each other. As a result of the site's location at the edge of a settlement, it is considered that the proposed density is acceptable and is in line with the approved masterplan.
- 73 Overall this phase is in line with the approved masterplan, phasing plan and S75 legal agreement associated with the In Principle permission and will provide a good mix of open market housing types by two developers.

Transport and Access

- 74 Transport Planning having reviewed the proposal, are satisfied that the local network can accommodate the generated traffic and there are sustainable travel options available in the vicinity.
- 75 In terms of car parking the developers have provided in curtilage parking down the sides of houses at the key access points to the site to help reduce the traditional visual dominance of cars. In other areas there is landscaping proposed to help screen areas of car parking and some properties have car parking within the rear garden areas. The intent to integrate parking as per Government Policy, Designing Streets, appears to be generally undertaken and is considered to be acceptable.
- 76 A Construction Traffic Management Plan will be required prior to the commencement of development and this will tie in with a maintenance agreement for the existing public road which will deal with any liability in respect of abnormal deterioration caused by the construction traffic.
- 77 As this is an Approval of Matters Specified by Condition (AMSC) application, Transport Scotland were consulted in error for this proposal. Notwithstanding this they have requested that certain conditions that have been requested in the past to the adjacent employment site at Brickhall Farm are also repeated for this proposal. Their request relates to the detailed and complex planning history of the site and area.
- 78 Whilst the masterplan for the entire site was approved by the Planning and Economic Committee in August 2001, the 'In Principle' Planning Application (02/01482/OUT) was approved by Development Management Committee in October 2002, but subject to the formulation of conditions and the signing of a Section 75 legal agreement. A further report was presented to Development Management Committee in November 2012 to advise that the S75 had not been concluded due to the economic downturn. The report also presented a revised Heads of Terms for the Section 75 and a list of conditions.

- 79 The proposed Heads of Terms relating to Transport included:
- I. Park and Ride/ Rail Halt (Land to be reserved for 12 years)
 - II. Access Works (two roundabouts on the A912 and A912/M90 slip roads) and
 - III. Traffic calming: Bridge of Earn
 - IV. Short Term improvements pending main works
 - V. Clayton Road to footway/ cycle way plus maintain as emergency access
- 80 Reference is also made to the provision of the road bridge over the railway and to be completed before the sale of the 100th mainstream house.
- 81 The proposed conditions included reference to the Heads of Terms of the Section 75 Agreement. However Transport Scotland advise there is no reference to any of the conditions previously advised by them on the masterplan in their consultation response for application 01/01822/OUT, which was never determined because it was appealed on the grounds of non-determination but subsequently withdrawn by the applicant .
- 82 Transport Scotland consultation response to application 08/00610/OUT for the employment land south of the A912 (Brickhall Farm) included two conditions advising that prior to commencement of any development that designs for modifications to the M90 Junction 9/ A912 east and west roundabouts be submitted for approval and that prior to occupation of any part of the development that the approved modifications to the M90 junction 9/ A912 east and west roundabouts shall be completed. Transport Scotland advise that the Decision Notice for 08/00610/OUT did not include these two conditions advised by them.
- 83 The subsequent decision notice for 10/01411/FLL to modify the 08/00610/OUT decision did add the two additional conditions back in that were originally missed to reflect Transport Scotland's consultation response.
- 84 In contrast, the decision notice for 02/01482/OUT issued in September 2016 following conclusion of the Section 75 identifies the infrastructure mitigation only through the Heads of Terms for the S75 Agreement. The Section 75 removes reference to development modifications for the M90/A912 northbound merge and capacity improvements to the A9 Broxden roundabout and introduces the requirement for two roundabouts to be constructed on the M90 slips/ A912.
- 85 Transport Scotland have requested that conditions they recommended for 08/00610/OUT and 10/01411/FLL be imposed for this application.
- 86 Whilst it is regrettable that requested conditions were not included in a past decision but fundamentally they are for a different site and they can still be applied should the employment site at Brickhall Farm come forward. In any event, we have an In Principle planning permission in place with a signed Section 75 legal agreement. It is considered too late in the planning process and unreasonable to try and impose conditions for an Approval of Matters Specified by Condition (AMSC) application for a different development site.

Failing to apply conditions requested by a government agency such as Transport Scotland normally means a planning application is required to be sent to Scottish Ministers to see if they wish to call the application in or return to the Planning Authority to issue its decision. However, the Scottish Government has recently confirmed that there is no referral process in place for AMSC applications to go to Scottish Ministers and therefore a decision notice can be issued by the Planning Authority

- 87 The proposal complies with LDP Policy TA1 because the transport network can accommodate the proposed level traffic generation with minimal impact.

Drainage and Flooding

- 88 The site is not located within a recorded area of flood risk. However, because the site topography is very flat and predominantly clay, a Drainage Strategy was submitted by the applicant. Drainage calculations were submitted that included an assessment of the 200 year return period including 20% for climate change.
- 89 The drainage calculations show that the proposed development site is not at risk of surface flooding up to this design standard. What it did show was that other undeveloped phases of the Oudenarde site were at risk of some surface water flooding. Evidence has been provided by the applicant confirming attenuation within the surface water design of the undeveloped phases of Oudenarde can mitigate this flood risk.
- 90 The Flood Risk team are therefore content that the current proposal is not at risk of flooding and during the development of future phases additional storage can be accommodated within a suitably designed surface water drainage system/SUDS.
- 91 Scottish Environment Protection Agency (SEPA) also confirm there should be no adverse impact on flooding or drainage capacity in the area. The proposal therefore complies with LDP Policies EP2 and EP3.

Open Space and Recreation Provision

- 92 The approved masterplan looks to provide a wide range of open space, play area and sports pitches to meet the needs of the existing and future residents and primary school.
- 93 A landscape buffer is proposed along the southern boundary with the A912 and along the western boundary. Within the western boundary landscape buffer a play area is proposed and is consistent with the approved masterplan. Community Greenspace commented that they would prefer to see the play area in a more central position within the current application site.
- 94 However the proposed play area location is consistent with the approved masterplan and will in time be located centrally within this part of the Oudenarde site as there will be another residential phase immediately east of it in the future. It will then be located centrally and will benefit from natural surveillance.

- 95 It is considered that the proposed open space and play area for this phase is acceptable and will be a benefit to future residents in the area. As a result the proposal complies with LDP Policies CF1 – Open Space Retention and Provision and CF3 – Social and Community Facilities.

Residential Amenity

Overlooking

- 96 None of the proposed residential units will result in an unreasonable level of overlooking due to acceptable separation distances between dwellings and proposed buffer planting along the eastern perimeter of the site.

Overshadowing, loss of sunlight and daylight

- 97 The Building Research Establishment (BRE) document 'Site Layout Planning for Daylight and Sunlight-a guide to good practice 1991' sets out guidelines on how to assess the potential impact, it should be noted that the standards are not mandatory and should be interpreted flexibly.
- 98 Taking cognisance of the BRE document, the distances between new and existing properties and site levels at the southern end of the site, I consider an acceptable level of daylight and sunlight will be provided to each property.
- 99 Overall, in terms of residential amenity the proposal complies with LDP Policy PM1 – Placemaking.

Ecology

- 100 The Councils Biodiversity Officer is disappointed that some of the structure planting will be lost along the boundary with the A912. Much of this planting has however already been removed and a new landscape buffer is proposed as part of this phase.
- 101 He also recommended that an ecological survey including tree survey be carried out. Even though this is a Matters Specified by Condition application and technically too late in the planning process to request further ecological investigations, the applicants have provided a Habitat Survey. This has been reviewed by the Biodiversity Officer.
- 102 Of note is the presence of a species of Orchid and as some orchid species are listed in the Tayside Local Biodiversity Action Plan (LBAP), they should be protected. Any Orchids should be translocated, where possible, to an area of the site which will allow them to be retained, such as SUDS area of the development.
- 103 Birds identified at the time of the survey included skylark and snipe, both protected species which nest on the ground. Prior to commencement of development, if during the breeding times of March to August that an ornithological survey will need to be undertaken to identify nest sites of all

ground nesting birds. As the Habitat Survey was undertaken outside of the breeding bird season it is highly likely that other species could be nesting on site and a breeding bird survey will be required to identify species that may be affected and possible nest locations.

- 104 The Habitat Survey does provide recommendations and mitigation measures which should be conditioned into any approval, including landscaping and the incorporation of swift nest bricks and bat bricks. The timing of vegetation clearance, including hedges and ground flora is restricted to a period from 1 September to end of February unless an Ecological Clerk of Works is available to undertake pre-work surveys. Protection for animals falling into excavations should also be conditioned into any approval.

Archaeology

- 105 PKHT have confirmed that whilst they have no records the area may contain some archaeology. However as this is an AMSC application it is not the correct stage of the planning process to request archaeological investigations or conditions be applied. However, an informative can be added to the decision notice to make sure the developers are aware that should any archaeology be found during construction that they report it to Perth and Kinross Heritage Trust.

Waste

- 106 The Councils Waste Services team provided guidance as part of their consultation response to ensure all properties have the required number and type of bins and that there should adequate space within each property to accommodate the required bins and that the road network will be able to accommodate the required refuse vehicles to service the site. An informative will ensure the collection of waste will be addressed.

Oil and Gas Pipelines

- 107 Both Shell and BP have confirmed that their infrastructure located at the eastern end of the overall site will not be affected by this proposal.

Rail Line

- 108 Network Rail have confirmed that their infrastructure located north of this phase will not be affected by the proposal.

Developer Contributions including Affordable Housing

- 109 This site has planning consent under 02/01482/IPM. The associated Section 75 Legal Agreement determines the Developer Contribution requirement and sets out the payment time scales.
- 110 As part of the overall development of Oudenarde, there is a requirement to provide 300 affordable houses. Hillcrest Housing Association Ltd have planning consent for 150 affordable houses, 112 of these houses are now occupied. GS Brown has transferred further land to Hillcrest Housing Association which can

accommodate a further 150 affordable houses and this will satisfy the affordable housing requirement for the overall development. Affordable housing is not therefore required as part of this phase.

Economic Impact

- 111 According to Homes for Scotland, the development of 159 dwellings is predicted to provide 652 (4.1 per dwelling) jobs (construction and afterwards) and this will impact on the level of in-direct jobs that the construction activity and home owners will generate from spending on local goods and services.
- 112 Once operational it is predicted that new residents should help fill job vacancies and support numerous existing employers in the local area.
- 113 The development of 159 dwellings will provide a significant increase in available expenditure for the local economy in particular and further afield. The Perth and Kinross Retail Study in 2014 estimates that average convenience goods available expenditure in 2019 per household will be £2,047 per annum and the average comparison goods available expenditure per household will be £3,634 per annum. Based on these figures and 159 dwellings the estimated annual expenditure on convenience and compassion goods will be in the region of £329,107. This expenditure should have a significant positive impact on the local area and its facilities in particular.

LEGAL AGREEMENTS

- 114 This site has planning consent under 02/01482/IPM. The associated Section 75 legal agreement determines the Developer Contribution requirement and sets out the payment time scales.

DIRECTION BY SCOTTISH MINISTERS

- 115 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

- 116 Section 25 of the Act requires that determination of the proposal should be made in accordance with the provisions of the Development Plan, unless material considerations indicate otherwise. The proposal seeks to formally establish detailed development on a strategic site and it is consistent with the objectives of the Development Plan and the approved masterplan for the site.
- 117 Residential development at Oudenarde is a committed development site and allocated in the both the SDP and LDP. The site is well placed to deliver a new sustainable community, serving as a well-connected satellite settlement to Perth. This phase and the overall site will provide a significant contribution toward meeting the projected population growth of Perth and Kinross.

- 118 The proposed development is therefore considered to accord with the Development Plan. It will lead to the creation of new homes to meet the predicted population growth, which will significantly assist in meeting local and national targets in a sustainable and measured fashion.
- 119 Accordingly the proposal is recommended for approval subject to the following conditions.

RECOMMENDATION

A Approve the application subject to the following conditions:

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

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

- 2 Prior to the occupation of any dwelling, 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 dwelling, details of the specification including materials of all footpaths and cycleways shall be submitted to the Planning Authority for further approval. The agreed detail shall thereafter be implemented prior to the completion of the 50th dwelling.

Reason: In the interest of pedestrian and cycle safety.

- 4 The detailed landscaping and planting scheme as approved shall be commenced at the same time as commencement of the residential development and thereafter maintained and competed 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 and in pursuance of suitably satisfying placemaking policy criteria of the adopted Perth and Kinross Local Development Plan 2014.

- 5 Any planting failing to become established within five years shall be replaced in the following planting season with others of similar sizes and species 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 and in pursuance of suitably satisfying placemaking policy criteria of the adopted Perth and Kinross Local Development Plan 2014.

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

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

- 7 Prior to the commencement of development full details of proposed site boundary openings forming new access onto the spine road shall be submitted to the Planning Authority for further written approval. The opening details as approved shall thereafter be implemented prior to the occupation of any residential plot.

Reason: In order to ensure that the associated roads infrastructure is suitably upgraded in order to adequately accommodate the impact of the development proposed.

- 8 No development shall commence until a detailed delivery plan confirming the programmed delivery of the site and construction works has been submitted and approved in writing by the Planning Authority. Once approved, the development shall be implemented in accordance with the delivery plan.

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

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

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

- 10 No removal of hedgerows, trees or shrubs or works to or demolition of any 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 and agreed by 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).

- 11 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.

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

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

- 13 Prior to occupation of any buildings on site a minimum of 30% (41 units) of all completed 2 storey houses shall incorporate a minimum of 2 bat bricks (e.g. build-in Woodstone Bat Box) and swift nest bricks (e.g. WoodStone Build-in Swift Nest Box A) shall be incorporated at eaves height.

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

- 14 Prior to the commencement of development, any Orchids identified in the applicant's Habitat Survey shall be translocated to the landscape buffer area to allow them to be retained and thereafter maintained to the satisfaction of the Council as Planning Authority

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

- 15 Prior to the commencement of development a Construction Traffic Management Plan (CTMP) shall be submitted to and be approved in writing by the Planning Authority. Thereafter the development shall be fully undertaken in accordance with the CTMP.

Reason: In the interest of protecting environmental quality.

- 16 The hours of operation at the construction stage shall be Monday to Friday 07:00 to 19:00 hours, Saturday 08:00 to 13:00 hours and no workings on a Sunday, unless otherwise agreed in writing with the planning authority.

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

B JUSTIFICATION

- 1 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 NOTE

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 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 Should any archaeology be discovered during construction, the applicant is advised to contact Mr David Strachan, Archaeologist – Perth and Kinross Heritage Trust to discuss what is required. Tel: 01738 477080.
- 6 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, PH1 5GD.

- 7 Please consult the Street Naming and Numbering Officer, The Environment Service, Perth and Kinross Council, Pullar House, 35 Kinnoull Street, Perth PH1 5GD
- 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 The applicant should ensure that access and operations during construction and the routes for any services for the site take account of both the servitudes of the Shell UK and BP pipelines
- 10 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.
- 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 Council's Community Waste Adviser in the Environment Service should be contacted to clarify the bin storage and recycling requirements for the development.
- 13 No work shall be commenced until an application for building warrant has been submitted and approved.

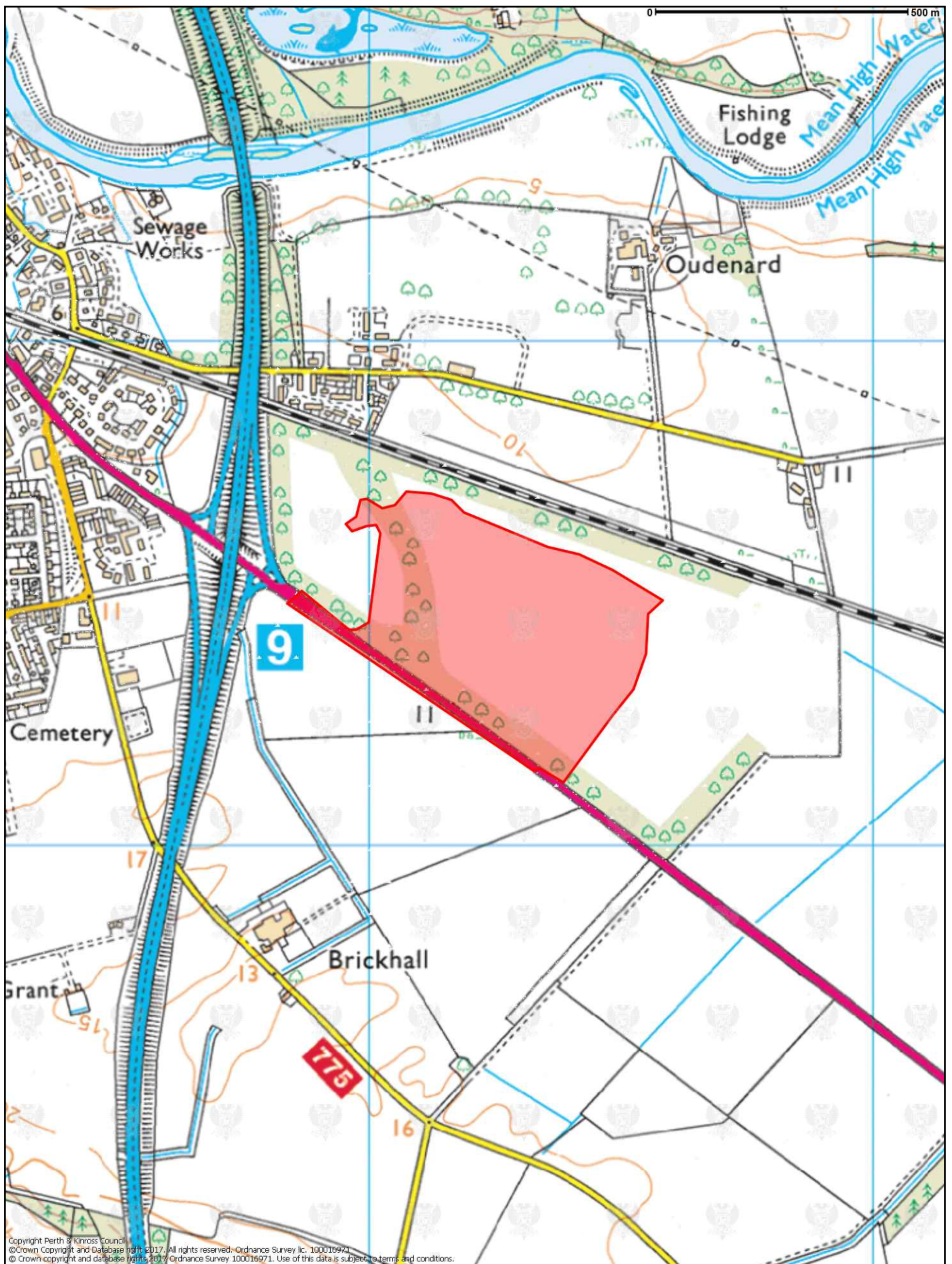
Background Papers: 1 letter of representation
Contact Officer: Steve Callan Ext 75337
Date: 4 October 2017

Nick Brian
Interim Head of Planning

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**Planning & Development
Management Committee**

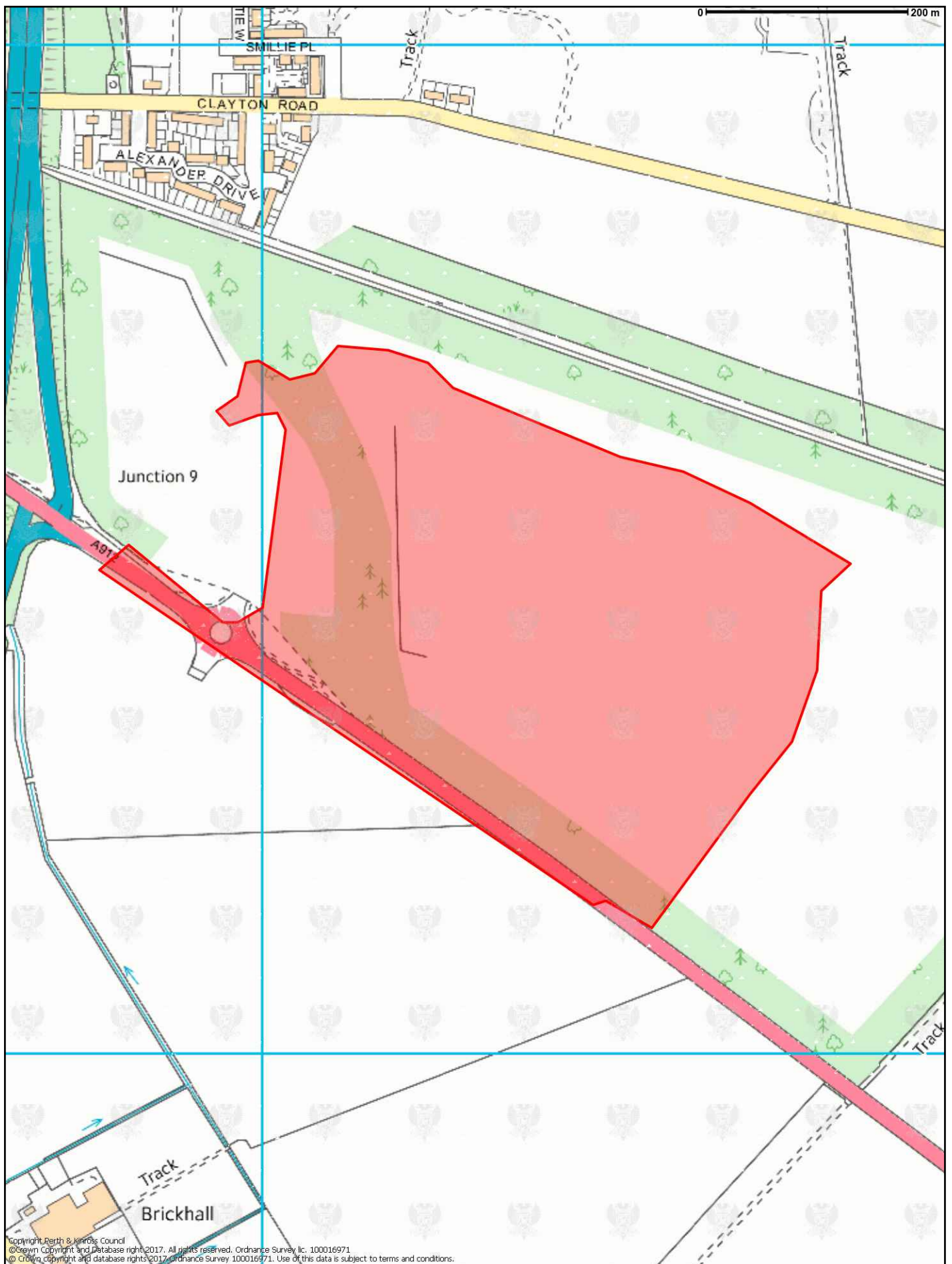


Scale 1:10000

16/02156/AMM

Erection of 159 dwellinghouses with associated roads, drainage and landscaping at Land To The North Of A912 at Ourdenarde, Bridge of Earn





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**Planning & Development
 Management Committee**



Scale 1:5000

16/02156/AMM

**Erection of 159 dwellinghouses with associated
 roads, drainage and landscaping at Land To The
 North Of A912 at Ourdenarde, Bridge of Earn**



Perth and Kinross Council
Planning & Development Management Committee – 17 January 2018
Report of Handling by Interim Development Quality Manager

PROPOSAL: Erection of 27no. dwellinghouses, garages and associated works
 (approval of matters specified in conditions 15/01177/FLL)

LOCATION: Land 200 Metres South West of Alyth Primary School, St Ninian's
 Road, Alyth

Ref. No: 17/00644/AMM
 Ward No: N2- Strathmore

Summary

This report recommends approval of the Associated Matters Specified by Condition application to develop a northern section phase of a larger residential development that was approved under application 09/00577/IPM and was subsequently extended under application 15/01177/FLL at land to the west of Alyth Primary School.

The proposal is considered to comply with the relevant provisions of the Development Plan and there are no material considerations apparent which would outweigh the Development Plan. It is therefore recommended for approval, subject to conditions and conclusion of a Section 75 legal agreement.

BACKGROUND AND DESCRIPTION OF PROPOSAL

- 1 This application is for the formation of 27 dwellinghouses. The development offers a variety of house designs. Most of the house designs are bungalows with 4 alternative designs and 2 house types being 1 ½ storey. They contain 3 or 4 bedrooms. The housing layout utilises a vehicular through connection from Albert Street and travels south east straight through the site before turning to finish in an offset hammerhead in the southern corner. An area of open space is incorporated into the layout which also acts as a pedestrian link to the core path network. To the north of the site is housing Albert Street and associated garden ground. Alyth Primary School and playing fields are to the East. Housing on St Ninians Road is to the South with some mature landscaping and varying boundary treatment. A post and wire fence on the West boundary.
- 2 There is a considerable amount of history associated with this site. An earlier application for this site was made in 2009. At that point in time the residential development was contrary to the Eastern Area Local Plan however the Housing Land Supply figures showed that additional housing sites were required within the Eastern Area. The requirement to meet housing supply was considered to be a significant material consideration which justified a departure from the Local Plan and the application was approved by committee subject to conditional control and the conclusion of a legal agreement.

- 3 Following the implementation of off-site drainage works (previously to be secured by legal agreement) the decision notice was released in 2012. Condition 1 of that consent required reserved matters to be submitted for approval not later than 3 years from the date of the planning permission (i.e. by 26 September 2015).
- 4 A further application was submitted in 2015 which effectively renewed the earlier application; 15/01177/FLL refers. This application took account of the updated policy position as the site was now incorporated into an allocated housing site (H60) of the Perth and Kinross Local Development Plan 2014.
- 5 This application seeks to deal with conditions associated with the in-principle consent to allow the development of the northern section of allocated site H60. This report refers to the corresponding conditions of the 'In Principle Consent' and how they are proposed to be addressed through the current application.
- 6 It should be noted that a separate application 17/00784/FLL has consent for the construction of a dry detention basin to the west of the site. This would treat and attenuate run-off from the site this proposed site as Scottish Water will not accept surface water run-off from the proposed development.

ENVIRONMENTAL IMPACT ASSESSMENT (EIA)

- 7 Directive 2011/92/EU requires the 'competent authority' (in this case Perth and Kinross Council) when giving a planning permission for particular large scale projects to do so in the knowledge of any likely significant effects on the environment. The Directive therefore sets out a procedure that must be followed for certain types of project before 'development consent' can be given.
- 8 This procedure, known as Environmental Impact Assessment (EIA), is a means of drawing together, in a systematic way, an assessment of a project's likely significant environmental effects. This helps to ensure that the importance of the predicted effects, and the scope for reducing any adverse effects, are properly understood by the public and the relevant competent authority before it makes its decision.
- 9 The proposed development, as an urban development project with a site area exceeding 0.5ha, falls under Schedule 2 (10(b)) of the Environmental Impact Assessment (Scotland) Regulations. An assessment of a project's likely significant environmental effects has already been undertaken via a screening process associated with the earlier application, an Environmental Statement was not required.

PRE-APPLICATION CONSULTATION

- 10 The proposed development is classed as a Major development under class 9 of the Town and Country Planning (Hierarchy of Developments) (Scotland) Regulations 2009. However, because the proposal is a Matters Specified by Condition application the requirements for pre-application consultation are not required at this stage of the planning process.

NATIONAL POLICY AND GUIDANCE

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

National Planning Framework

- 12 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

- 13 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.

- 14 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

Planning Advice Notes

- 15 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 65 Planning and Open Space
- PAN 67 Housing Quality
- PAN 69 Planning and Building standards Advice on Flooding

- PAN 75 Planning for Transport
- PAN 77 Designing Safer Places

Creating Places – A policy statement on architecture and place for Scotland

- 16 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.

Designing Streets 2010

- 17 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.

National Roads Development Guide 2014

- 18 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

- 19 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

- 20 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:
- 21 *“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.”*
- 22 The following sections of the TAYplan 2016 are of particular importance in the assessment of this application.

Policy 1: Locational Priorities

- 23 Seeks to focus the majority of development in the region’s principal settlements. Alyth is identified as a Tier 3 principal settlement which has the potential to play an important but more modest role in the regional economy. It is required to accommodate a small share of the additional development.

Policy 2: Shaping Better Quality Places

- 24 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

- 25 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

- 26 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

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

Policy 9: Managing TAYplans Assets

- 28 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

- 29 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.

- 30 The principal relevant policies are, in summary:

Policy PM1A - Placemaking

- 31 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

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

Policy PM3 - Infrastructure Contributions

- 33 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

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

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 CF2 - Public Access

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

Policy HE2 - Listed Buildings

- 40 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 EP2 - New Development and Flooding

- 41 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

- 42 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

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

SITE HISTORY

- 44 09/00577/IPM Residential development (in principle) 26 October 2012 Application permitted by Development Management Committee.
- 45 15/01177/FLL Application to extend the time period for the commencement of development associated with application 09/00577/IPM (Residential development) 24 September 2015 Application permitted by Development Management Committee.
- 46 16/01842/FLM Deletion of condition 5 of permission 15/01177/FLM to remove the requirement for an equipped area of play 27 January 2017 Application refused by Development Management Committee.
- 47 17/00784/FLL Installation of drainage infrastructure 26 October 2017 Application permitted under delegated powers.

CONSULTATIONS

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

External

- 49 **Scottish Environment Protection Agency** – Originally objected to the application. However with updated information being provided in a Flood Risk Assessment (FRA) associated with the drainage works that are located outwith the site (see application 17/00784/FLL) they have no objection to the measures within the FRA.
- 50 **Alyth Community Council** - No response.
- 51 **Scottish Water** – No objection. The consultation response confirms there is sufficient capacity at the Alyth waste water treatment works.

Internal

- 52 **Transport Planning** – No objection.
- 53 **Contributions Officer** – No objection subject to contribution being secured towards affordable housing.

- 54 **Community Waste Advisor** – No objection subject to incorporating infrastructure within the development to promote recycling.

REPRESENTATIONS

- 55 The following points were raised in the one letter of representation received:
- Impact on foul sewer. No mention of upgrading the sewer impact on existing drainage infrastructure.
 - Development will exacerbated surface water run-off.
 - Concerns regarding overlooking.
 - No site levels.
 - Concern with landscaping and impact on trees.
 - Concern with access arrangements into the site from St Ninians road.
 - Noise impact from construction.

- 56 These issues are addressed in the Appraisal section of this report.

ADDITIONAL STATEMENTS

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

APPRAISAL

- 57 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.

Principle

- 58 TAYplan Policy 1 (Location Priorities) seeks to focus the majority of development in the region's principal settlements. Alyth is identified as a Tier 3 principal settlement which has the potential to play an important but more modest role in the regional economy. It is required to accommodate a small share of the additional development thus the 27 units detailed in this application at this location satisfies this Tayplan Policy.

- 59 The site is also part of the LDP H60 allocated housing site. The principle of residential development has been established through the in principle consent 09/00577/IPM which was subsequently renewed via 15/01177/FLL. It is considered that the proposal accords with the majority of the policy requirements detailed in the Development Plan for this part of the LDP H60 site. The development of residential units as detailed in layout plan is consistent with the conditional control imposed on the in principle consent.

Design and Layout

Movement:-

- 60 The importance of movement within the environment is discussed in the Scottish Government's document on Designing Streets: A policy Statement for Scotland. This notes that: - Providing for movement along a street is vital, but it should not be considered independently of the street's other functions. The need to cater for motor vehicles is well understood by designers, but the passage of people on foot and cycle has often been neglected. Walking and cycling are important modes of travel, offering a more sustainable alternative to the car, making a positive contribution to the overall character of a place, public health, social interaction and to tackling climate change through reductions in carbon emissions.
- 61 There have been amendments to the earlier development layout for this site. It now incorporates improved permeability with linkages to the adjacent core path network through open space. It is considered that this adheres to the placemaking policies as well as Policy CF2 of the LDP which relates to public access. The agent has noted that they will be looking for the Council to take title to the open space and make a one off payment to the Council for future maintenance. This can be incorporated into the legal agreement.

Design and density:-

- 62 An important outcome of the planning process is the quality of development on the ground as ill-conceived and poorly designed development cannot be easily or cheaply rectified.
- 63 The proposal is for the erection of detached dwellings with a variety of house types for the current market. Most of the house designs are bungalows with 4 alternative designs and 2 house types being 1 ½ storey. They either contain 3 or 4 bedrooms. External finishes consist of Tuscanay beige dry dash render, dark grey concrete tiles, white upvc windows, doors, fascias and soffits, white composite cladding and black upvc gutters and down pipes. 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 broadly achieves Designing Streets (2010) policy objectives.

- 64 The massing and scale of the dwellings can be accommodated within the plots without having an adverse impact on the amenity of nearby properties or the landscape. These matters are assessed in greater detail under the residential amenity and landscape heading.

Private Amenity Space:-

- 65 The extent in which private amenity space is used relates specifically to the dwellings occupant. It is therefore particularly difficult to forecast the extent of garden ground required and ultimately overtime this will change with any new inhabitant. Nevertheless it is important to seek an outside area that can perform the minimum to be expected of a garden i.e. clothes drying, dustbin storage and sitting out. In this case a sufficient amount of private amenity space to the rear of dwellings is provided to perform the minimum expected of a garden ground taking account of the proposed dwelling type.

Landscape

- 66 Development and land use change should be compatible with the distinctive characteristics and features of Perth & Kinross's landscape. Development proposals will be supported where they do not conflict with the aim of maintaining and enhancing the landscape qualities of Perth and Kinross. In this case the formation of a residential development on this site is not considered significantly erode the quality of the landscape and was accepted under previous application.
- 67 It should also be noted that the applicant has incorporated changes to the scheme and pulled the garages away from the established landscaping located on east boundary with the school which consists of woodland and shrubs. There is a requirement for an equipped play area as part of the in-principle application; however I note that the applicant intends to incorporate this into the southern section of the H60 housing allocation which is located to the South of St Ninians Road. An Informative to this effect is proposed (Informative No. 11)

Residential Amenity

- 68 An acceptable level of amenity for the proposed property is required and in this case cognisance of the surrounding land uses has to be taken into account.
- 69 Although overshadowing is not a matter specifically referred to in ministerial guidance, the protection of neighbouring developments from unreasonable loss of light is a well-established proper planning consideration. Having had the opportunity to assess the plans which includes site levels and cross-section I do not consider that it will impact on neighbouring properties to an extent that would be unacceptable.
- 70 The fact that new development would overlook existing residential property and affect privacy is a common planning issue, and has been held by the courts to be a proper planning consideration. There is a need to take account of overlooking and impact on residential amenity. The impact of overlooking can

vary due to site layout and the types of rooms involved, it is therefore necessary to assess each application on a case by case basis.

- 71 As a rule of thumb a minimum 18 metres window to window distance at 90 degrees is usually sought between properties to achieve a reasonable level of residential amenity however this requires to be applied flexibly taking account of site specific circumstances. This distance is reduced as the angle between the windows change and become more acute. There are no overlooking issues between the proposed development and the existing properties on St Ninians Road as the window to window distances are in excess of 18 metres. To the North of the site there will be some windows within 18 metres between the proposed development and the existing housing. However, where this occurs I do not consider that a privacy issue will arise as there are intervening garden structures, some of the windows are bathroom windows which incorporate obscure glass, others are on the acute angle. In addition a 1.8m fences is proposed along the northern boundary which will also secure privacy.
- 72 With regards to the internal layout and relationship between the plots I consider a suitable level of amenity will be achieved taking account of window to window distances, the use of obscure glazing as specified in the applicant's plans and the application of boundary treatment.

Noise

- 73 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.
- 74 I do not consider the development would result in such an increase in noise to a level which would conflict with surrounding land uses. I note the concern regarding construction noise in the representations received, however this will likely be a short term change to the status quo and I do not consider that conditional control is required in this case. If issues did arise then this could be addressed satisfactorily through the use of powers under the Environmental Protection Act 1990.
- 75 The proposal is considered to comply with Policy EP8 of the LDP.

Roads and Access

- 76 Policy TA1B is concerned with providing safe access and appropriate car parking. Transport Planning has been consulted and they offer no objection.
- 77 The National Roads Development Guide confirms that to meet the objectives outlined in this guidance, developments need to be well connected to their surroundings. A key aspect of connectivity is adaptability and to consider connections for future adjacent developments without leaving ransom strips. In

this case the layout results in the road end stopping short of the adjacent field. There is a requirement to ensure that the road is constructed hard against the development boundary to ensure connection can occur if future expansion occurs to the west of Alyth, conditional control is required, (Condition 2).

Drainage and Flooding

- 78 The foul drainage will be connected to the public network and a sustainable urban drainage system to deal with surface water next to the site has already been submitted and approved. SEPA have been consulted on the Flood Risk Assessment associated with the drainage works that are located out with the site see application 17/00784/FLL and they have no objection.
- 79 There is not considered to be any conflict with Policy - EP2 New Development and Flooding or EP3B and EP3C Water, Environment and Drainage of the LDP, or the requirements imposed by condition 12 of the in-principle consent.

Waste Collection

- 80 The Council's Waste Service team seeks the incorporation of a mini glass recycling point within the development to compliment the kerbside recycling services that will be provided. However, it is considered that this should be incorporated in the second phase of the H60 site. This would ensure that the recycling point is designed into the scheme and an Informative to this effect is therefore proposed (Informative No.10).

Cultural Heritage

- 81 The in principle application recognised that the development site may have archaeological potential and incorporated a pre-start condition to secure a programme of archaeological work. The applicant's agent recognises the requirement to meet condition 1 of the in-principle consent and notes this will be undertaken prior to development and in discussion with Perth and Kinross Heritage Trust.
- 82 While the word setting is not defined in planning legislation Historic Scotland's Technical Guidance Notes (formerly part of the Memorandum of Guidance on Listed Buildings and Conservation Areas 1998) specifies that authorities are firmly encouraged not to interpret the word narrowly. It highlights at all times the listed building should remain the focus of its setting.
- 83 Alyth Primary School is a category B listed school dating to 1878. The proposed development site is to the south west of the school. Visual separation is provided by the school's new extension, and the open space maintained by the playing fields to the west. The proposed development is therefore not considered to have a significant adverse impact on the listed building and its immediate setting. Accordingly, there is no conflict with Policy HE2 of the LDP

Developer Contributions

Affordable Housing:-

- 84 The Council's Affordable Housing Policy requires that 25% of the total number of houses, above a threshold of 5 units, for which planning consent is being sought is to be in the form of affordable housing.
- 85 The affordable housing requirement is 6.75 units (27 x 25%). Due to the location of the proposal and ongoing discussions regarding development viability it has been agreed that a commuted sum payment can be made in lieu of onsite provision. The commuted sum contribution for the Strathmore and Glens HMA is £11,500 per unit.

Primary Education :-

- 86 The Council Developer Contributions Supplementary Guidance requires a financial contribution towards increased primary school capacity in areas where a primary school capacity constraint has been identified. A capacity constraint is defined as where a primary school is operating, or likely to be operating following completion of the proposed development and extant planning permissions, at or above 80% of total capacity.
- 87 This proposal is within the catchment of Alyth Primary School. This site has been subject of ongoing discussions regarding the viability of the development. At the time of these discussions no contributions were being sought towards Alyth Primary School and to support the delivery of the site it was agreed to fix this position for a period of time to allow an application to progress. This application has been submitted within the agreed timescale and no contribution towards primary education will be required as detailed by Development Negotiations Officer.
- 88 The applicant's agent has confirmed they would intend to enter into a legal agreement to secure the affordable housing contributions for this development.

Economic Impact

- 89 There will be a positive economic impact associated with the delivery of the 27 residential dwellings. Employment opportunities will exist during the construction phase and consequently achieve increased available expenditure through net growth in residential occupation, resulting in a positive impact on consumer spend within the Strathearn Market Area.

LEGAL AGREEMENTS

- 90 Required if contributions are not paid upfront to release consent.

DIRECTION BY SCOTTISH MINISTERS

- 91 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

- 92 To conclude, the application must be determined in accordance with the adopted Development Plan unless material considerations indicate otherwise. In this respect, I have taken account of the LDP and material considerations and in this case I am content that the development proposed does not conflict with the Development Plan.
- 93 Accordingly the proposal is recommended for approval subject to the following conditions and completion of a Section 75 legal agreement.

RECOMMENDATION

A Approve the application subject to the following conditions:

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 development an updated site plan shall be provided which shall include the road being installed hard up against the west application site boundary. Thereafter the road shall be installed in accordance with the approved plans prior to the completion of the last house associated with this application.

Reason: To ensure that connectivity is future proofed thus meeting the requirements on the National Roads Development Guide.

- 3 Concurrent with the initiation of the development hereby approved and for the duration of construction, a temporary surface water treatment facility which accords with SUDS principles shall be implemented on site and maintained for the duration of the approved development works. The temporary surface water treatment facility shall remain in place until the permanent surface water drainage scheme is implemented to the satisfaction of the Planning Authority.

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

- 4 The drainage infrastructure approved under application 17/00784/FLL shall be constructed in accordance with the agreed scheme and be operational prior to the bringing into use of the development hereby approved.

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

- 5 The detailed landscaping and planting scheme which is hereby approved shall be implemented as part of the site development programme and thereafter maintained.

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

- 6 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 to the satisfaction of the Council as Planning Authority.

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

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

- 1 Consent shall not to be issued until a Section 75 Agreement relating to planning contributions has been completed and signed to reflect the current planning reference 17/00644/AMM. 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 may 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.
- 2 The legal agreement to cover the developer contributions for the site as detailed by the developer contributions officer along with the transfer of the open space and one off payment associated with the maintenance of the open space to the Council.

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 For information, foul flows only will be allowed to discharge to the public system. The developer should arrange to dispose of surface water privately, to the satisfaction of the statutory drainage Authority.
- 5 The applicant is advised that in terms of Sections 21 of the Roads (Scotland) Act 1984 he/she/they must obtain from the Council as Roads Authority consent to construct a new road prior to the commencement of roadworks. Advice on the disposal of surface water must be sought at the initial stages of design from Scottish Water and the Scottish Environmental Protection Agency.
- 6 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.
- 7 The applicant is advised that the granting of planning permission does not guarantee a connection to Scottish Water's assets. The applicant must make a separate application to Scottish Water Planning & Development Services team for permission to connect to the public wastewater system and/or water network and all their requirements must be fully adhered to.
- 8 The applicant should be aware of the requirements of the Council's Environment and Regulatory Services in relation to waste collection from the site and should ensure adequate measures are provided on site to allow for the collection of waste.
- 9 No work shall be commenced until an application for building warrant has been submitted and approved.
- 10 Recycling facilities should be incorporated into the second phase of the H60 site to ensure the sustainable disposal of waste.
- 11 Play provision should be incorporated into the second phase of the H60 site to ensure the terms of the in-principle consent are met.
- 12 This development will require the 'Display of notice while development is carried out', under Section 27C(1) of the Town and Country Planning Act 1997, as amended, and Regulation 41 of the Development Management Procedure (Scotland) Regulations 2013. The form of the notice is set out in Schedule 7 of

the Regulations and a draft notice is included for your guidance. In accordance with Regulation 41 the notice must be:

Displayed in a prominent place at or in the vicinity of the site of the development

Readily visible to the public

Printed on durable material.

Background Papers: 1 letter of representation

Contact Officer: John Russell 01738 475346

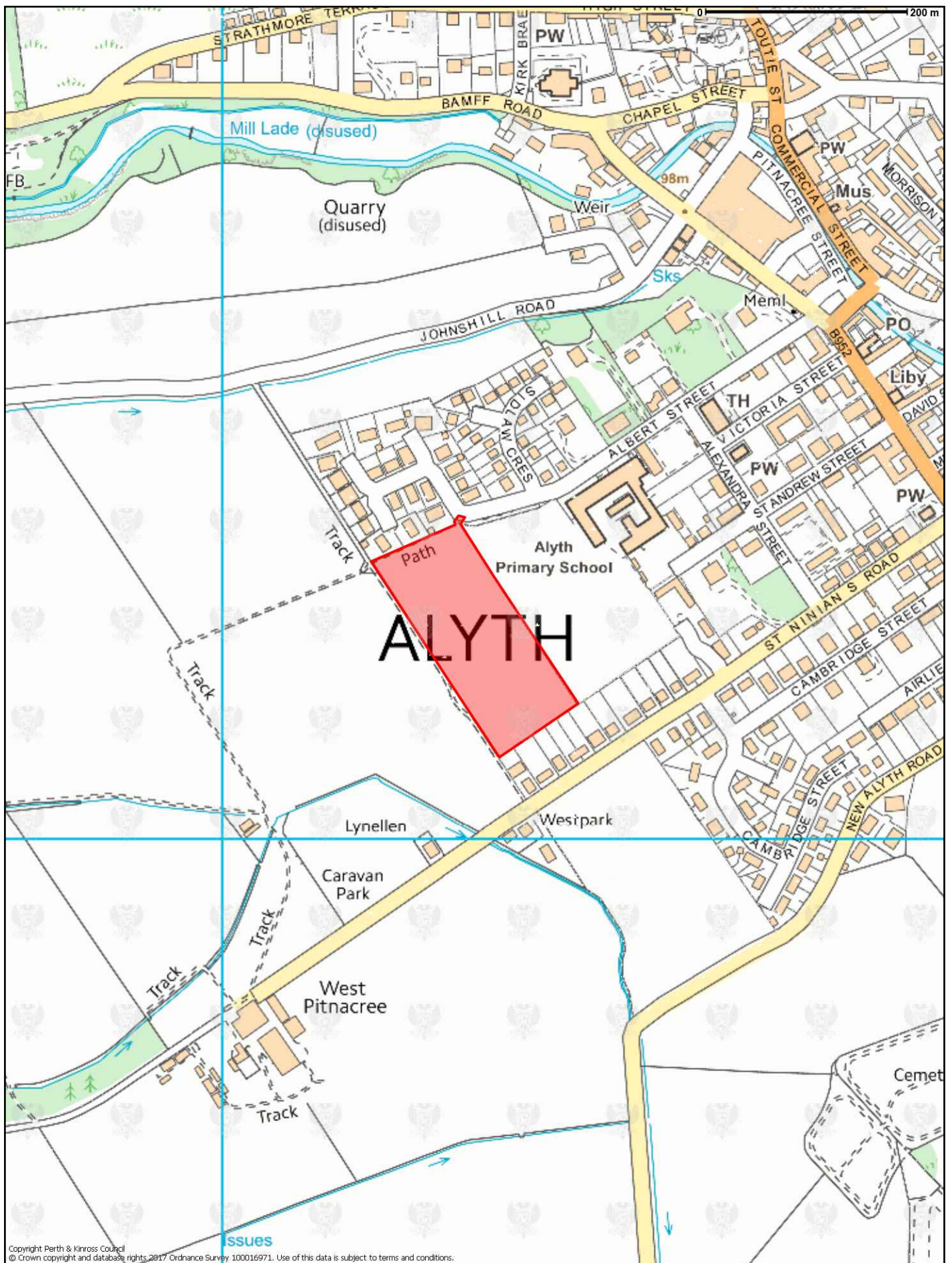
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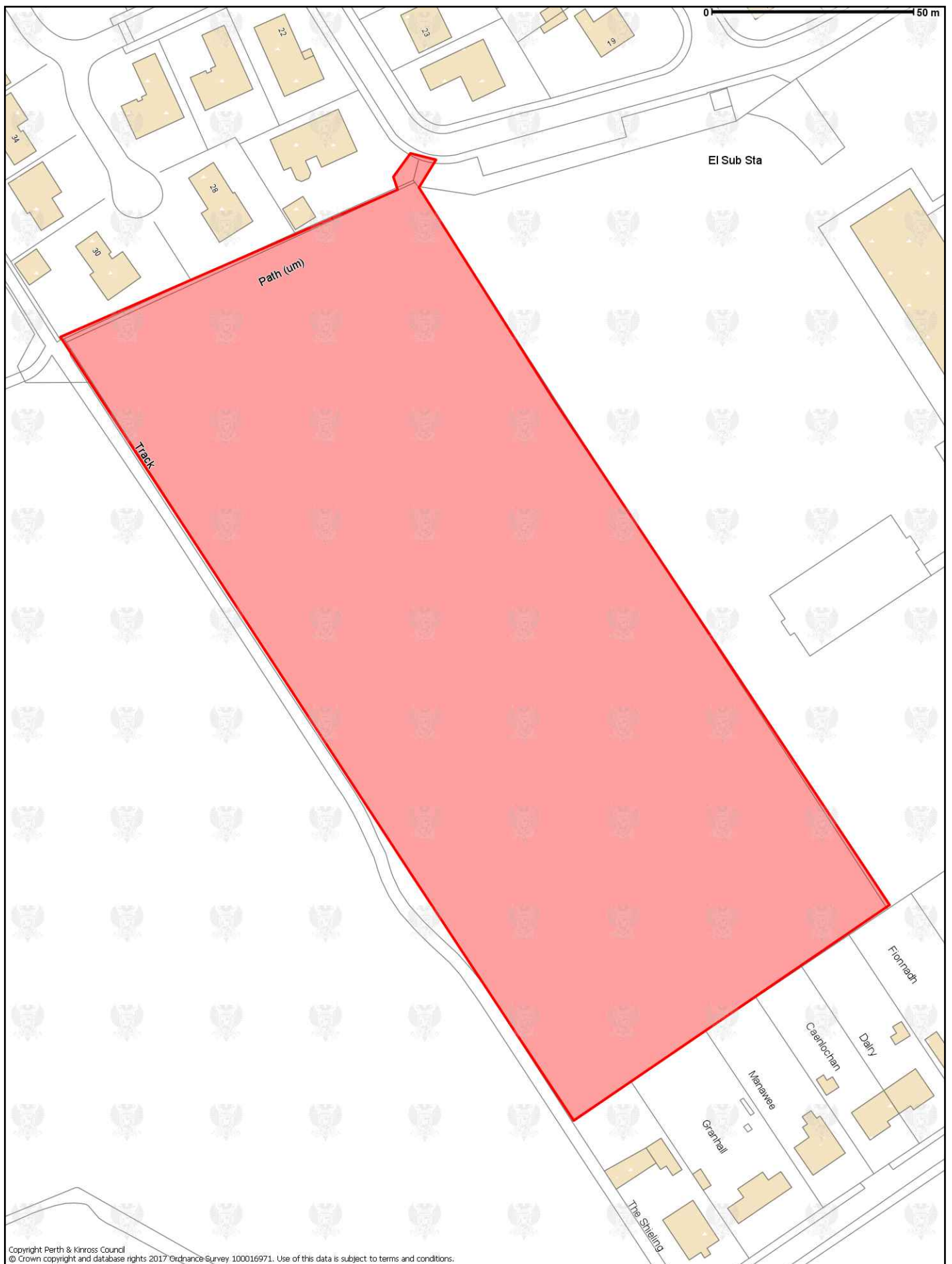
**Planning & Development
Management Committee**



17/00644/AMM

Erection of 27no. dwellinghouses, garages and associated works (approval of matters specified in conditions 15/01177/FLL) Land 200 Metres South West Of Alyth Primary School, St Ninian's Road, Alyth





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**Planning & Development
 Management Committee**



17/00644/AMM

Erection of 27no. dwellinghouses, garages and associated works (approval of matters specified in conditions 15/01177/FLL) Land 200 Metres South West Of Alyth Primary School, St Ninian's Road, Alyth



Perth and Kinross Council
Planning & Development Management Committee – 17 January 2018
Report of Handling by Interim Development Quality Manager

PROPOSAL: Change of use of agricultural shed and yard to general storage and distribution (Class 6)

LOCATION: Lambhill, Blairingone

Ref. No: 17/01227/FLL

Ward No: P8- Kinross-shire

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 The application site forms part of an area of land at Lambhill Farm which is situated 0.5km to the south east of the village of Blairingone and which was formerly part of a wider open cast mining site operated by British Coal. When the open cast mining finished the land was restored to agricultural use at Lambhill Farm. Established woodland planting surrounds and screens the site and there is a man-made settlement pond to the south west. In April 1998 planning consent was granted on the former open cast mining hardstanding area for the erection of 2 agricultural buildings and the use of an area of hardstanding for agricultural and forestry purposes under application PK 97/1655.
- 2 An application which was submitted on another part of the wider site for a change of use of the agricultural shed consented under PK97/1655 for the processing and storage of biomass materials was withdrawn on the 8 May 2013 (12/00912/FLL).
- 3 Application 12/01354/FLL was a retrospective application for the storage of waste wood material on a lower hardstanding area. This application was approved with conditional control.
- 4 The current application seeks consent for the change of use of the upper pad and the existing agricultural building/cattle shed to storage and distribution, as defined in Class 6 of the Town and Country Planning (Use Classes) (Scotland) Order 1997. It should be noted that this site has been subject to enforcement investigation and action.

ENVIRONMENTAL IMPACT ASSESSMENT (EIA)

- 5 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.
- 6 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.
- 7 An Environmental Statement was not required to be submitted with the proposal as the scale of development falls below the EIA thresholds.

NATIONAL POLICY AND GUIDANCE

- 8 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

- 9 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

- 10 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.

- 11 The following sections of the SPP will be of particular importance in the assessment of this proposal:
- Sustainability : paragraphs 24 – 35
 - Supporting Business and Employment : paragraphs 92 – 108
 - Promoting Sustainable Transport and Active Travel: paragraphs 269 – 291

Planning Advice Notes

- 12 The following Scottish Government Planning Advice Notes (PANs) and Guidance Documents are of relevance to the proposal:
- PAN 40 Development Management
 - PAN 75 Planning for Transport

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.”*

Perth and Kinross Local Development Plan 2014

- 17 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.
- 18 The relevant principal policies are, in summary:

Policy PM1A - Placemaking

- 19 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

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

Policy ED1A - Employment and Mixed Use Areas

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

Policy ED3 - Rural Business and Diversification

- 22 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 TA1B - Transport Standards and Accessibility Requirements

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

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

- 24 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 EP5 - Nuisance from Artificial Light and Light

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

Policy EP8 - Noise Pollution

- 26 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 EP14 - Blairingone Ground Conditions

- 27 Within Blairingone, applications for new development will require to be supported by an engineer's report into the stability of ground conditions with particular regard to old mine workings.

SITE HISTORY

- 28 97/01345/FUL Erection of a general agricultural store on 3 October 1997 Application Withdrawn
- 29 97/01660/FUL Erection of 2 agricultural buildings at Lambhill/Broomhill Farms, Blairingone 3 April 1998 Application Permitted by Committee.
- 30 99/00102/FUL Approval of land restoration plan in accordance with a condition on planning permission PK/97/1665 (erect 2 agricultural buildings) and extension of time to complete restoration of opencast coal extraction site (PK/88/0374MW) on 27 July 1999 Application Refused by Committee.
- 31 00/00259/FUL Approval of land restoration plan in accordance with a condition on planning permission PK/97/1665 (erect 2 agricultural buildings) and extension of time for completion of restoration works (PK/98/0374) at 16 October 2000 Application Refused by Committee.
- 32 12/00912/FLL Modification of existing consent (PK/97/1665) to allow change of use of agricultural shed for the processing and storage of biomass materials Application Withdrawn 8 May 2013
- 33 12/01354/FLL Storage of waste wood material on concrete hardstanding in retrospect. 15 May 2013 Application Permitted under delegated powers.
- 34 13/01174/FLL Change of use of agricultural shed for the processing and storage of biomass materials (in retrospect) 25 March 2015 Refused and appeal dismissed by Local Review Body
- 35 16/01352/FLL Change of use of agricultural shed and yard to general storage and distribution (class 6) 23 February 2017 Application Withdrawn
- 36 17/00737/FLL Siting of static caravan for use as staff accommodation for a temporary period 14 June 2017 Application Refused under delegated powers.

CONSULTATIONS

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

External

- 38 **Fossoway Community Council:-** Object. Ambiguous figures in the Transport Consultant's submission. Concern with extent of HGV traffic movement and impact on residential amenity. The site is identified as a protected area for agriculture and not suitable for a Class 6 use. Noise Impact Assessment not changed significantly and there will still be disruption to neighbours. Application is contrary to PM1A and EP8.

Internal

- 39 **Transport Planning:-** No objection.
- 40 **Environmental Health:-** No objection subject to conditions to control noise and dust.
- 41 **Strategy and Policy:-** In terms of Policy ED3 they note that employment opportunities outwith settlements may be acceptable where they offer opportunity to diversify an existing business or are related to a site specific resource or opportunity.

REPRESENTATIONS

- 42 The following points were raised in the fifteen representations received (which includes the Fossoway and District Community Council comments):-
- Site is zoned for agriculture not industrial, loss of prime agricultural land, loss of open space
 - Lorry movements are excessive, road safety concerns and traffic congestion
 - Noise
 - Inappropriate land use, out of character with area, impact on quality of life.
 - Over intensive development
 - Potential to change building from Class 6 use to Class 4 use.
 - Contrary to development plan
 - Scottish Government stated that Blairingone should be left in peace following petition (Scottish Parliament reference PE327)
- 43 These issues are addressed in the Appraisal section of the appraisal.

44 **ADDITIONAL STATEMENTS**

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

APPRAISAL

- 45 Sections 25 and 37(2) of the Town & Country Planning (Scotland) Act 1997 (as amended) require the determination of the proposal to be made in accordance with the provisions of the Development Plan, unless material considerations indicate otherwise. The adopted Development Plan comprises the TAYplan Strategic Development Plan 2016–2036 and the LDP 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 also detailed above.
- 46 This application seeks to bring the upper pad and the existing agricultural building/cattle shed into a storage and distribution use. This would fall under Class 6 of the Town and Country Planning (Use Classes) (Scotland) Order 1997. Accordingly there will be an element of open storage on the upper pad as well as internal storage associated with the shed.
- 47 Open storage uses raise one issue in common, that of visual amenity. Other problems often arise with storage uses such as traffic generation and noise. These issues are addressed in greater detail under the headings below.

Principle

- 48 Policy ED1A identifies areas for employment uses which should be retained for such uses and any proposed development must be compatible with surrounding land uses. These zoned sites are generally located within or adjacent to the main settlements.
- 49 Policy ED3 Rural Business and Diversification provides favourable consideration to the expansion of existing businesses and the creation of new business. While ED3 has a preference for proposals to be within or adjacent to existing settlements it confirms that proposals may be acceptable where they offer opportunities to diversify an existing business or are related to a site specific resource or opportunity when located outwith settlements.

- 50 In this case the site at Lambhill is considered to relate to a site specific opportunity and will allow the expansion of storage from the lower pad area to the upper pad area and shed building. In addition Environmental Health's concern about potential impact on amenity suggests that if its location was proposed within a settlement boundary it would likely negatively impact on residential amenity. Based on these factors I consider the principle of the development to be acceptable.
- 51 It is worthwhile referring to the Town and Country Planning (Use Classes) (Scotland) Order 1997 at this stage as this piece of legislation allows a change from Class 6 Storage and Distribution to Class 4 Business without requiring planning permission. Class 4 Business encompasses the following:-
- 52 Use-
- (a) as an office, other than a use within Class 2 (financial, professional and other services);
 - (b) for research and development of products or processes; or
 - (c) for any industrial process; being a use which can be carried on in any residential area without detriment to the amenity of that area by reason of noise, vibration, smell, fumes, smoke, soot, ash, dust or grit.
- 53 This potential allowance to change from Class 6 to Class 4 in this case has the potential to undermine the Local Plan and other designated sites associated with ED1A. Accordingly there is a requirement to limit the extent of this consent and ensure that this change cannot occur without the merits of the change being fully appraised. Conditional control is therefore recommended to be applied (condition 2).
- 54 I note that representation has raised concerns regarding the loss of prime agricultural land and the loss of open space however the land is classed as 3.2 non-prime agricultural land and the site is not zoned as open space in the LDP. It is also worth noting that this application relates to a change of use of an existing shed and an existing area of hardstanding.

Landscape

- 55 Inappropriately sited development can have negative visual impacts and cause damage to their landscape settings. Criterion (b) of LDP Policy ED3 requires the proposal to be satisfactorily accommodated within the landscape. There is also landscape protection associated with Policy ER6.
- 56 Open storage uses often raise visual amenity and landscape concerns. Currently the existing landscape framework around the site works well in screening the existing lower pad storage area. That same framework can also accommodate and screen the open storage proposed on the upper pad. However as the upper pad is raised in height it will require the height of the open storage to be restricted to ensure it will not have any adverse visual

impact on the immediate surrounding area including the village of Blairingone or the wider countryside.

- 57 In my view the storage should be limited to the eave height of the existing building on site at some 6.0 metres (condition 3). This would ensure compliance with criterion (b) of LDP Policy ED3 and Policy ER6.

Residential Amenity

- 58 While there is an existing consent in place which relates to storage on the lower pad there is a requirement to take account of the potential cumulative impacts associated with bringing the upper pad into this use.

Noise:-

- 59 Environmental Health confirm that the previous application 16/01352/FLL was withdrawn as they could not support the application due to adverse effects on residential amenity due to noise from operational traffic during the night time period 23:00 hours to 07:00 hours; as indicated in the Noise Impact Assessment AS0566Lambhill dated 7 December 2016 submitted with the application.
- 60 This application is still for the change of use to Class 6 (storage and distribution) however there is now a reduction in the proposed operational hours at the site.
- 61 The applicant has submitted a revised assessment, AS0566Lambhill Rev04 dated 30 June 2017. The updated revised assessment carried out separate assessments for daytime and evening operations, based on four vehicle movements, one vehicle unloading and one vehicle loading per hour and assumed that there were no scraping operations during the evening period.
- 62 The NIA stated that in terms of BS4142:2014 the impact on residential properties during the daytime and evening operations would have a predicted increase in ambient sound of < 1dBA. In terms of TAN assessment this would be a negligible increase of neutral/slight adverse significance; except on a Sunday after 22:00 hours when the background level falls below 30dB LA₉₀. A site visit dated 29 June 2017 established that there was no tonal, impulsive or intermittent noise characteristics from the operations carried out at the time of the visit.
- 63 Environmental Health are in agreement with the consultant with regards to character corrections. They do however recommend that conditional control is applied to limit noise and protect residential amenity, this relates to plant and equipment as well as the operational hours at the site as detailed in conditions (see condition 5). With conditional control in place I do not consider there will be a conflict with Policy EP8.

Dust:-

- 64 The application is for the storage of waste wood material within the existing building and hard standing. Dust particles are produced when the material is being loaded onto the vehicles.
- 65 Environmental Health have concern that during drier weather there is the potential for dust migration from the site. However due to the separating difference between the facility and the closest residential properties they not believe a formal dust assessment is required. However a dust management plan should be secured by conditional control to detail measures to control dust at the site. (See condition 5).
- 66 I note that reference has been made in letters of representation to a petition made to the Scottish Parliament where there is reference made to Blairingone being left in peace. Taking the above into account with the conditional control in place there is not considered to be a conflict with Policy EP8 and that a suitable level of residential amenity to neighbouring dwellings and the settlement of Blairingone would be maintained.

Roads and Access

- 67 The applicant has now provided additional information relating to the existing and proposed vehicle movement to/from the site and provided a comparison to the existing traffic conditions on the A977, based on 2016 traffic data, provided by the Department for Transport (DfT).
- 68 I would note that the assessment undertaken by the Council's Transport Planning Team is based on technical standards and the capacities of the local road network using industry standard guidance. Issues relating to amenity, noise etc will be commented on by other consultees.
- 69 The development site is accessed from the U213 which between the A977 and the site access is of a high standard. The U213 after the site access is not suitable for HGV traffic and is signed as such.
- 70 The junction between the U213 and the A977 is also of a high standard with a ghost island configuration to the standards set in the Design Manual for Roads and Bridges (DMRB) that is adequate for the existing and proposed traffic levels.
- 71 The applicant has indicated that a maximum of 100 HGV movements per day will be generated by the development, however no trip distribution information has been provided and instead a "worst case" situation of all vehicles using the A977 to the east of the U213/A977 junction has been assessed.

- 72 The applicant has stated that the traffic volumes of the A977 1.5km east of Blairingone are 5992 vehicles per day (annual average daily traffic) with 767 of these being HGV traffic – representing 13% of total traffic. Based on this data, an increase of 100 HGV's represents a 1.7% increase in total traffic and a 13% increase in HGV traffic. This is based on 2016 DfT data.
- 73 The Council collected traffic survey data for the A977 at Blairingone in 2017 and this indicated the current traffic volume as 7473 vehicles per day (based on a 7 day average) with 431 of these being HGVs. Based on these figures, the development traffic would represent a 1.3% increase in total traffic and a 23% increase in HGV traffic. The percentage of the total traffic being HGV's would increase from 6% to 7%.
- 74 Outwith the settlements, the A977 can be broadly classed as a DMRB S2 road which has an indicative capacity of up to 16000 vehicles per day. It can therefore be demonstrated that the A977 is operating significantly below capacity.
- 75 Within urban areas, it is appropriate to class the A977 as a "urban all purpose" UAP3 which the DMRB describes as a "variable standard road carrying mixed traffic with frontage access, side roads, bus stops and at-grade pedestrian crossings".
- 76 Based on the lowest width classification of this type of road, the capacity is stated as being 900 vehicles per hour (one way). The DMRB advises that no correction to capacity is required if the proportion of HGVs is below 15%.
- 77 Referring to the 2017 survey data collected by the Council, the maximum hourly flow is 296 vehicles. This would indicate that within the urban areas, the A977 is currently operating well within capacity which would still be the case with the proposed development traffic.
- 78 As part of the consultation process, Transport Planning consulted with the Council's Traffic and Network Team as well as the Roads Maintenance Partnership. No concerns were raised with regard to network performance, road safety statistics or adverse impacts on road maintenance. Therefore, in so far as roads matters are concerned, the proposed development does not conflict with Policy TA1B.

Drainage and Flooding

- 79 Policy EP2 relates to flooding and states that 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 possibility of flooding from any source. There are no flooding or drainage concerns.

Natural Heritage and Biodiversity

- 80 Policy NE3 of the LDP requires new development to take account of any potential impact on natural heritage including protected species and states that the Council should seek to protect and enhance all wildlife and wildlife habitats whether formally designated or not.
- 81 Concerns have been raised in representation that the proposal will have an adverse impact on wildlife. However, I do not consider that this change of use proposal raises any conflict with bio-diversity interests in this area as there will be no loss of habitat.

Economic Impact

- 82 The proposed storage and distribution use is not considered to have a significant economic impact in terms of employment numbers however it is acknowledged that there will be some economic benefits associated with expanding the operation of the site to the upper pad area and building.

LEGAL AGREEMENTS

- 83 None required.

DIRECTION BY SCOTTISH MINISTERS

- 84 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

- 85 To conclude, the application must be determined in accordance with the adopted Development Plan unless material considerations indicate otherwise. In this respect, I have taken account of the LDP and material considerations and in this case I am content that the development proposed does not conflict with the Development Plan.
- 86 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 Notwithstanding the provisions of The Town and Country Planning (Use Classes) (Scotland) Order 1997, as amended and The Town and Country Planning (General Permitted Development) (Scotland) Order 1992, as amended or any other subsequent order revoking and re-enacting those orders with or without modification, the site shall only be used for Class 6 Use Storage and Distribution and shall be used for no other uses including uses within The Town and Country Planning (Use Classes) (Scotland) Order 1997 as amended except with the prior permission of the Local Planning Authority obtained through the submission of a planning application.

Reason - In order to control and restrict the use of the building.

- 3 The storage of equipment, goods or materials shall not exceed 6 metres in height from the ground level within the application site other than within the building.

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

- 4 No processing of waste wood shall be carried out on the application site to the satisfaction of the Planning Authority.

Reason - In accordance with the terms of the application.

- 5 Prior to bringing the upper pad and building into use an operational management plan (OMP) for the whole Lambhill site shall be submitted to and approved in writing by the Planning Authority. The OMP Shall include:-

- A Dust Management Plan covering all operational activities detailing measures to control dust and prevent its migration from the site.
- Hours of operations that shall be restricted to Monday to Saturday 07:00 to 23:00 and Sunday 07:00 to 22:00
- That no scraping operations shall take place on site during the evening period Monday to Saturday 19:00 to 23:00 hours, Sunday evening period 19:00 to 22:00 hours

- That no deliveries or operations shall take place on site during the night time period 23:00 to 07:00 hours

Thereafter the approved measures contained within the OMP shall be implemented and records kept for perusal of the Planning Authority.

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

- 6 All plant or equipment shall be so enclosed, attenuated and/or maintained such that any noise therefrom shall not exceed Noise Rating 35 between 0700 and 2300 hours daily, or Noise Rating 20 between 2300 and 0700 hours daily, within any neighbouring residential property, with all windows slightly open, when measured and/ or calculated and plotted on a rating curve chart.

Reason - In order to safeguard the residential amenity of the area.

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.

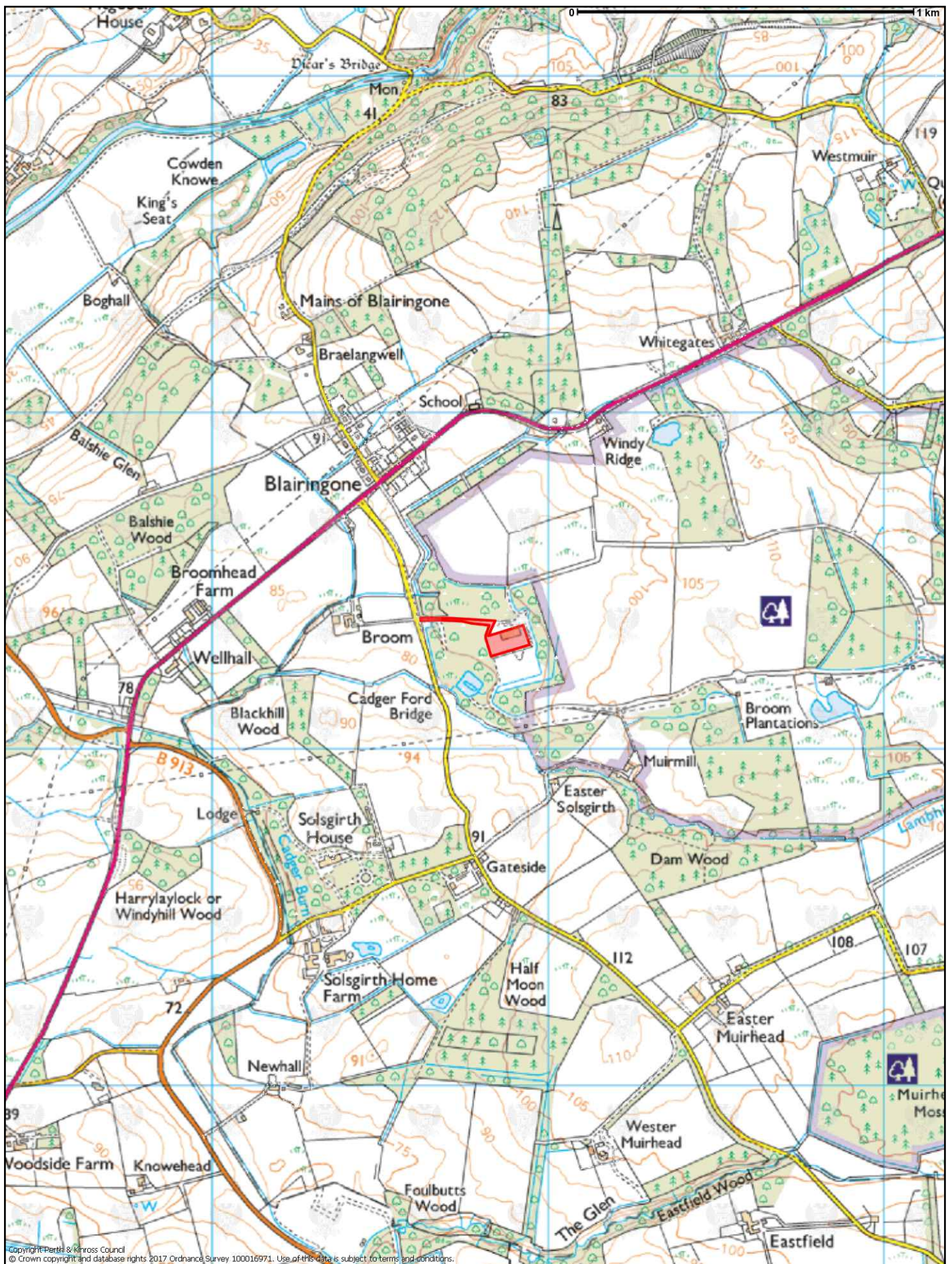
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**Planning & Development
Management Committee**

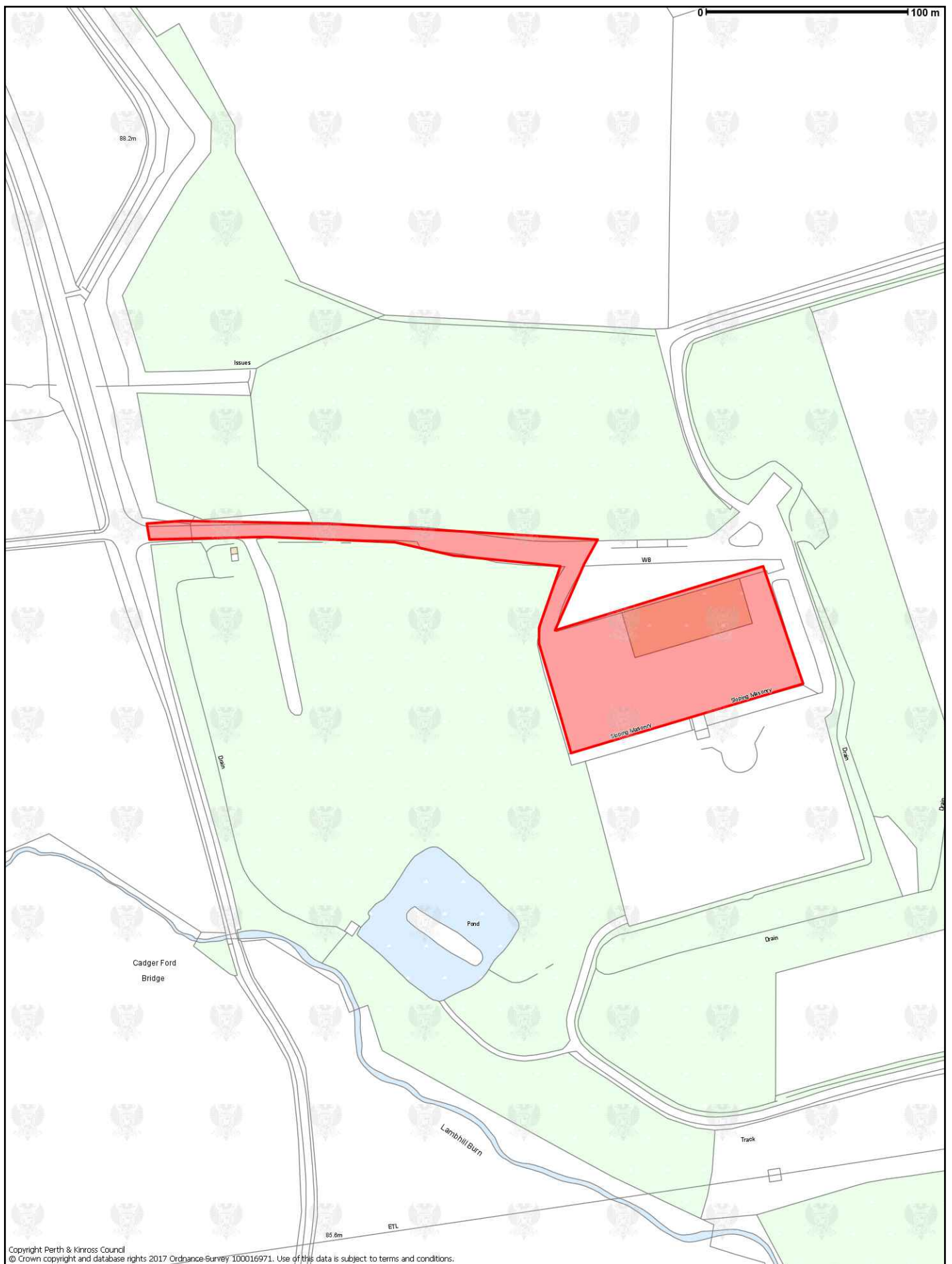


Scale 1:15000

17/01227/FLL

**Change of use of agricultural shed and yard
to general storage and distribution (class 6) at
Lambhill, Blairingone**





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**Planning & Development
Management Committee**



Scale 1:2500

17/01227/FLL

**Change of use of agricultural shed and yard
to general storage and distribution (class 6) at
Lambhill, Blairingone**



Perth and Kinross Council
Planning & Development Management Committee –17 January 218
Report of Handling by Interim Development Quality Manager

PROPOSAL: Change of use from holiday accommodation unit to a dwellinghouse and ancillary bothy to holiday accommodation unit, siting of a yurt to form a holiday accommodation unit and erection of ancillary sauna and shed for holiday accommodation use (in retrospect)

LOCATION: West Cottage Stables, Glenlyon, Aberfeldy, PH15 2PL.

Ref. No: 17/01626/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 The application site is West Cottage Stables, Glenlyon, by Aberfeldy, and falls within the Breadalbane Environmentally Sensitive Area and the Loch Rannoch and Glen Lyon National Scenic Area. The application seeks detailed planning permission for a number of changes, in retrospect. These include the change of use from a holiday accommodation unit to a dwellinghouse and the change of use from an ancillary bothy to a holiday accommodation unit. Also included is the siting of a yurt and the erection of an ancillary sauna and shed for holiday accommodation use.
- 2 There are some minor changes to the main building to accommodate the change of use to dwellinghouse. These include a small timber-clad extension on the rear of the property to house a biomass boiler and flue. The existing chimney is also reduced in height by approximately 1 metre. Some works approved under the 2011 permission are now to be deleted from the overall scheme including the conservatory extension on the west elevation. A number of rooflights have also been altered.

ENVIRONMENTAL IMPACT ASSESSMENT (EIA)

- 3 An Environmental Statement was not required to be submitted with the proposal as the scale of development falls below the EIA thresholds.

NATIONAL POLICY AND GUIDANCE

- 4 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

- 5 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

- 6 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.
- 7 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

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

Designing Places 2001

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

Designing Streets 2010

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

National Roads Development Guide 2014

- 11 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

- 12 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

- 13 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."

- 14 Whilst there are no specific policies or strategies directly relevant to this proposal, the overall vision of TAYplan, as stated above, should be noted.

Perth and Kinross Local Development Plan 2014

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

Policy PM1A - Placemaking

- 17 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

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

Policy PM3 - Infrastructure Contributions

- 19 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

- 20 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. Out-with 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 RD3 - Housing in the Countryside

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

Policy TA1B - Transport Standards and Accessibility Requirements

- 22 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 NE1B – National Designations

- 23 Proposals will only be supported in an area that is a National Designation if it does not negatively affect the qualities for which it has been designated or affect the integrity of the area.

Policy NE2B - Forestry, Woodland and Trees

- 24 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

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

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

- 26 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

- 27 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.

Policy EP3B – Foul Drainage

- 28 In settlements where there is little or no public sewerage system, a private system may be permitted provided it does not have an adverse effect on the natural and built environment, surrounding uses and amenity of the area.

Policy EP5 – Nuisance from Artificial Light and Light Pollution

- 29 Consent will not be granted for proposals where lighting would result in obtrusive and/ or intrusive effects.

Policy EP8 - Noise Pollution

- 30 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.

SITE HISTORY

- 31 05/01688/FUL - Conversion of stables into dwellinghouse 21 October 2005:
Application Permitted under delegated powers

11/00703/FLL - Convert stables into single dwellinghouse (for holiday use) 27
June 2011: Application Permitted under delegated powers

CONSULTATIONS

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

External

- 33 None.

Internal

Environmental Health

- 34 No objection to the proposed development subject to 2 conditions being added to any consent in relation to plant noise and stove operation. Environmental Health also recommended an informative in relation to private water supply.

Flooding and Structures

- 35 The Flooding Officer initially objected on grounds of flood risk. The agent submitted further information in respect of this objection and the Flooding Officer has now removed the objection as it has been demonstrated that the proposal is acceptable. The Flooding Officer now recommends an Informative to be added to any consent in relation to construction within a flood risk area.

Transport Planning

- 36 No objection to the development.

Contributions Officer

- 37 No contributions required.

REPRESENTATIONS

- 38 7 letters of representation were received objecting to the proposal. In summary, the letters highlighted the following concerns:

- Visually intrusive
- Over-developed
- Out of character with the area
- Road intensification / road safety

- Lack of parking facilities
- Overlooking / privacy
- Flood risk
- Private water supply and drainage / toilet concerns
- Light Pollution
- Unsuitable amenity space

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

40 **ADDITIONAL STATEMENTS**

Environmental Statement	Not Required
Screening Option	Not Required
Environmental Impact Assessment	Not Required
Appropriate Assessment	Not Required
Design Statement / Design & Access Statement	Submitted (Supplementary Statement)
Reports on Impact or Potential Impact	Not Required

41 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 the Development Contributions and Affordable Housing Guide 2016 and the Housing in the Countryside Guide 2014.

Development Contributions and Affordable Housing Guide 2016

42 This document sets out the Council's Policy for securing contributions from developers of new homes towards the cost of meeting appropriate infrastructure improvements necessary as a consequence of development.

Housing in the Countryside Guide 2014

43 A revised Housing in the Countryside Guide was adopted by the Council in October 2014. The guide applies over the whole local authority area of Perth and Kinross except where a more relaxed policy applies at present. In practice this means that the revised guide applies to areas with other LDP policies and it should be borne in mind that the specific policies relating to these designations will also require to be complied with. The guide aims to:

- Safeguard the character of the countryside;
- Support the viability of communities;
- Meet development needs in appropriate locations;
- Ensure that high standards of siting and design are achieved.

- 44 The Council's "Guidance on the Siting and Design of Houses in Rural Areas" contains advice on the siting and design of new housing in rural areas.

Principle

Change of use from holiday accommodation unit to dwellinghouse

- 45 The LDP through Policy PM4 - Settlement Boundaries specifies that development will not be permitted, except within the settlements identified by a defined settlement boundary in the Plan.
- 46 However, through Policy RD3 - Housing in the Countryside, it is acknowledged that opportunities do exist for housing in rural areas to support the viability of communities, meet development needs in appropriate locations while safeguarding the character of the countryside as well as ensuring that a high standard of siting and design is achieved. Thus the development of single houses or groups of houses which fall within the six identified categories will be supported. The Council will support proposals for the erection, or creation through conversion, of single houses and groups of houses in the countryside which fall into at least one of the following categories:
- a) Building Groups
 - b) Infill site
 - c) New houses in the countryside on defined categories of sites as set out in section 3 of the Supplementary Guidance
 - d) Renovation or replacement of houses
 - e) Conversion or replacement of redundant non-domestic buildings
 - f) Development on rural brownfield land
- 47 In this case, the proposed change of use to a dwellinghouse is considered against criterion (e) conversion. As the proposed change of use is the conversion of an existing building, the principle of a residential unit is therefore acceptable and in accordance with Policy RD3 – Housing in the Countryside. The previous use of the building as a dwellinghouse is also noted.

Provision of holiday accommodation units

- 48 Policy ED3 - Rural Business and Diversification of the LDP gives favourable consideration to the expansion of existing businesses and the creation of new business in rural areas. 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. In this instance, as the proposal creates additional tourism facilities, the proposal is considered acceptable in principle. Furthermore, the change of use of the bothy to a holiday accommodation unit is considered as an appropriate re-use of an existing building.

Design and Layout

Change of use from holiday accommodation unit to dwellinghouse

- 49 There have been some minor changes to the building itself to accommodate the change of use. These include a modest timber clad extension on the rear of the property to house a biomass boiler and flue in addition to the permanent blocking of doors on the east elevation. The existing chimney is also reduced in height by approximately 1 metre and the previously approved conservatory extension on the west elevation will be omitted as part of the current proposals. A number of rooflights are also altered. These changes are considered to be acceptable and do not compromise the overall character and amenity of the host building, which is traditional in nature.
- 50 It is noted that there has been concern through the letters of representation received regarding issues of overlooking and invasion of privacy. As this element of the proposal changes the use of the holiday accommodation unit back to its previous use as a dwellinghouse, it is considered that there are no adverse concerns in relation to design and layout. Appropriate standards of amenity for the existing dwellinghouses and that proposed are provided.

Change of use from ancillary bothy to holiday accommodation unit

- 51 The existing ancillary bothy lies to the south-west of West Cottage against the woodland backdrop. It is proposed to change the use of this unit to a holiday accommodation unit. The existing building is approximately 7.5metres at maximum length and 4 metres at maximum width and is finished in board on board timber cladding coated with light brown preservative. The roof is finished in galvanised corrugated tin sheeting. The unit contains a small kitchen, utility and bathroom and has a sleeping loft accessed by a small staircase / ladder. This design is considered to be appropriate as it is respectful to the surrounding woodland and rural environment and thus does not appear out of place. The location of the bothy against the woodland backdrop is also not considered to appear out of place.

Erection of yurt

- 52 The retrospective application incorporates the siting of a yurt for holiday accommodation use. The yurt is approximately 6 metres in diameter and approximately 3.5 metres at maximum height. The yurt is constructed with timber joists and supporting posts with a white cotton / polyester sheeting with a decorative frieze. The proposal is located in an area of woodland to the south-west of the said bothy.

- 53 Whilst the design of the yurt differs from the traditional design of the neighbouring structures, it is considered acceptable. This is due to yurts generally appearing as tent-like structures. The scale and massing of the proposed yurt is considered to be acceptable without detracting from the woodland environment in which it is located.
- 54 With regards to layout, the siting of the yurt in the woodland environment is considered acceptable. There is no tree felling required to accommodate the proposal and developments of this nature require a rural environment, such as a woodland setting, for optimum experience. The proposal is well screened from the surrounding area and does not compromise the existing character of the area.

Erection of an ancillary sauna and shed

- 55 The proposed sauna is relatively small scale measuring approximately 3.5 metres at maximum length and 2.6 metres at maximum width. The sauna is of timber board cladding to match that of the existing bothy and has a mineral felt roof covering. The sauna is located to the immediate south-west of the bothy, against the boundary of the woodland.
- 56 The proposed shed is approximately 3.4 metres at maximum length and 1.9 metres at maximum width and is also board on board timber clad with a mineral felt roof covering. The shed is located to the immediate rear (west) of the existing bothy at the boundary of the woodland area.
- 57 Due to the small scale of the sauna and shed, their sensitive positioning behind the existing bothy against the boundary wall and combined with a suitable palette of materials for a woodland setting, the design and layout is considered to be acceptable.

Landscape and Visual Amenity

- 58 Development and land use change should be compatible with the distinctive characteristics and features of Perth & Kinross's landscape. Development proposals will be supported where they do not conflict with the aim of maintaining and enhancing the landscape qualities of Perth and Kinross. In this case, the site falls within the Loch Rannoch and Glen Lyon National Scenic Area. The proposal must therefore be assessed against the landscape framework available.
- 59 With regards to the change of use elements, as these relate to existing buildings, it is considered that there are no landscape impacts arising. The siting of the yurt, sauna and shed are also not considered to raise any adverse concerns. This is due to the shed and the sauna being appropriately sited in close proximity to the existing bothy, sensitively located behind the garden boundary wall, whilst the yurt is effectively screened by the surrounding woodland.

- 60 Overall, the proposal is not considered to erode local distinctiveness, diversity and quality of the landscape and the features that give rise to the designation of the Loch Rannoch and Glen Lyon National Scenic Area.

Residential Amenity

- 61 Within some of the letters of representation received, there were a number of points raised as concerns in relation to residential amenity. These points included light and noise pollution, overlooking and privacy, and the provision of toilet facilities.
- 62 Environmental Health department have highlighted that they have no objection to the proposed development subject to two conditions being added to the permission (conditions 2 and 3) and an informative (Informative 3). These conditions relate to plant noise and the operation of the proposed stoves, whilst the informative is in relation to private water supply.
- 63 With regard to the change of use elements of the proposal, as these relate to existing buildings, no adverse concerns are anticipated. As previously mentioned, the existing holiday unit is to be changed to a dwellinghouse, which was the previous use of the building. As such, this becoming a residential unit once again is considered acceptable. With regards to the bothy, the orientation of windows and the siting of the unit do not result in any adverse amenity issues.
- 64 The yurt, sauna and shed, whilst new structures, are also not considered to have any adverse impact upon residential amenity. Environmental Health identified that, as the yurt is approximately 50 metres from the nearest residential receptor, they have little concerns that cannot be controlled via a condition. Whilst light pollution was raised as a concern within the letters of representation received, as there are no external lights proposed, it is considered that there will be no adverse impacts in relation to light pollution.
- 65 Some letters of representation received raised the lack of toilet facilities in the yurt as a concern. Whilst this is not uncommon for this type of development, the agent was consequently contacted regarding this and has stated that the yurt will have its own separate composting toilet facility. Furthermore, Environmental Health was consulted as part of this application and did not raise any concerns. It is therefore considered that there are no sanitation issues arising from the development which would have an adverse impact upon residential amenity.

Roads and Access

- 66 The site incorporates a car parking area which is capable of accommodating at least 4 vehicles. This is in addition to a small parking area in front of the existing holiday unit. This is considered to be sufficient for the level of traffic likely to be generated by the proposals. Whilst the letters of representation are noted which raise parking and access as a concern, the proposal has been assessed by Transport Planning who have confirmed that there is no objection

to the proposed development. Overall, it is considered that there are no adverse road or access implication arising.

Drainage and Flooding

- 67 The site falls within the SEPA 1 in 200 year flooding envelope. As such, the Flooding Officer was consulted as part of this proposal. It should also be noted that a number of representations received also identified that the site falls within the flooding envelope.
- 68 The Flooding Officer initially objected to the proposed development as it was not effectively demonstrated that there was acceptable emergency access/ egress in a flooding event. As a result, the agent submitted further information which highlighted an emergency access/ egress route whilst also conveying that the yurt is not within an area of land likely to flood.
- 69 The additional information submitted has been reviewed and the objection from the Flooding Officer removed as it is considered that the proposal is now acceptable in relation to flood risk. However an informative has been recommended (Informative 6) to be added to any permission in relation to construction within a flood risk area.
- 70 Overall, on receipt of the further information requested it is considered that there is no drainage or flooding implications associated with the proposed development.

Natural Heritage and Biodiversity

- 71 The site falls within the Breadalbane Environmentally Sensitive Area and the woodland setting is a sensitive receptor. There is however no tree felling proposed as part of this application and the new build elements of the proposal are relatively small scale. It is therefore considered that there will be minimal impact upon the natural heritage and biodiversity of the area. Informatives are recommended to be added to the consent in relation to protected species and nesting birds as a precaution (Informatives 4 and 5).

Developer Contributions

Primary Education

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

Economic Impact

- 74 The development of this site would generate short term economic investment through the conversion period and indirect economic investment of future occupiers of the associated development. There will also be some economic impact from the provision of the holiday accommodation units on the site.

LEGAL AGREEMENTS

- 75 None.

DIRECTION BY SCOTTISH MINISTERS

- 76 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

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

RECOMMENDATION

Approve the application.

Conditions and Reasons for Recommendation

- 1 All plant or equipment shall be so enclosed, attenuated and/or maintained such that any noise therefrom shall not exceed Noise Rating 35 between 0700 and 2300 hours daily, or Noise Rating 25 between 2300 and 0700 hours daily, within any neighbouring residential property, with all windows slightly open, when measured and/ or calculated and plotted on a rating curve chart.
- Reason - In order to safeguard the neighbouring residential amenity in the area.
- 2 The stove shall only operate on fuel prescribed and stored in accordance with the manufacturer's instructions. The stove and flue and any constituent parts shall be maintained and serviced in accordance with the manufacturer's instructions. No changes to the biomass specifications shall take place.

Reason - To ensure the correct operation of the stove.

- 3 The holiday accommodation hereby approved (the yurt and the bothy) shall be used solely for holiday accommodation and shall not be occupied as the sole or main residence of any occupant.

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

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 An application for Building Warrant may be required.
- 2 The applicant shall ensure the private water supply for the dwellinghouse/ development complies with the Water Scotland Act 1980 (Section 63), The Private Water Supplies (Scotland) Regulations 2006 and The Water Intended for Human Consumption (Private Supplies) (Scotland) Regulations 2017. Detailed information regarding the private water supply, including the nature, location and adequacy of the source, any storage tanks/ pipework and the filtration and disinfection treatment proposed to ensure provision of an adequate and consistently wholesome water supply shall be submitted to Perth and Kinross Council Environmental Health in line with the above Act and Regulations.
- 3 The presence of protected species, and the extent to which they could be affected by the proposed development, should be established before works commence. Should protected species be identified within the site the developer should ensure that all appropriate measures required to comply with the relevant legislation are carried out. Planning permission for a development does not provide a defence against prosecution under another Act.
- 4 Trees and scrub are likely to contain nesting birds between 1st March and 31st August inclusive. Trees and scrub are present on the application site and are to be assumed to contain nesting birds between the above dates. The applicant is reminded that, under the Wildlife and Countryside Act 1981, as amended (section 1), it is an offence to remove, damage or destroy the nest of any wild bird while that nest is in use or being built. Planning permission for a development does not provide a defence against prosecution under this Act.
- 5 The applicant should be aware of the Perth & Kinross Council Flooding and Flood Risk Guidance Document (June 2014) for advice on construction within a flood risk area.

Background Papers: 7 letters of representation
Contact Officer: Sean Panton
Date: 22 December 2017

ANNE CONDLIFFE
INTERIM DEVELOPMENT QUALITY MANAGER

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Planning & Development Management Committee

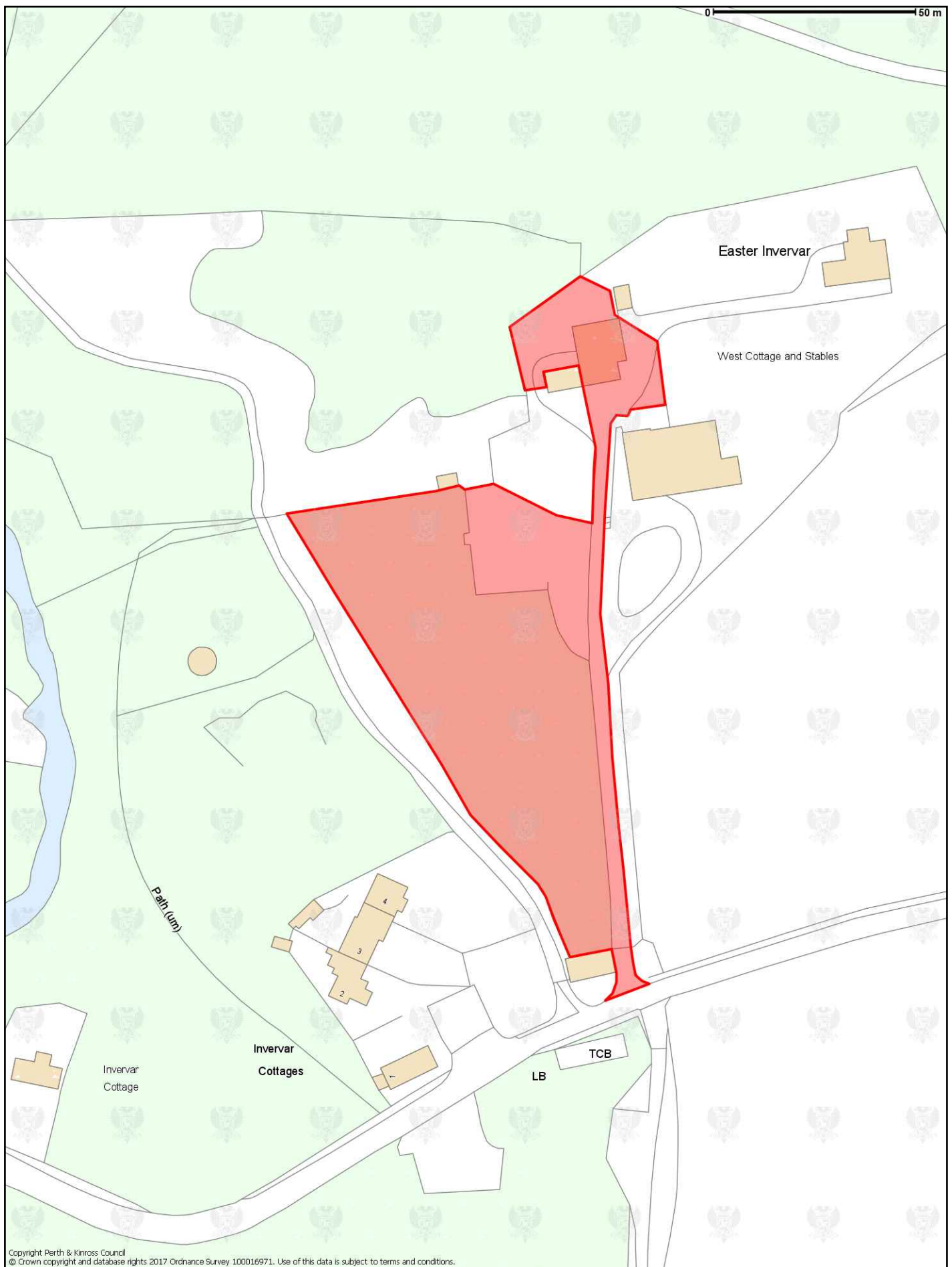


Scale 1:100000

17/01626/FLL

Change of use from holiday accommodation unit to a dwellinghouse and ancillary bothy to holiday accommodation unit, siting of a yurt to form a holiday accommodation unit and erection of ancillary sauna and shed for holiday accommodation use (in retrospect) at West Cottage Stables, Glenlyon, Aberfeldy





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Planning & Development Management Committee



Scale 1:1250

17/01626/FLL

Change of use from holiday accommodation unit to a dwellinghouse and ancillary bothy to holiday accommodation unit, siting of a yurt to form a holiday accommodation unit and erection of ancillary sauna and shed for holiday accommodation use (in retrospect) at West Cottage Stables, Glenlyon, Aberfeldy



Perth and Kinross Council
Planning & Development Management Committee – 17 January 2018
Report of Handling by Interim Development Quality Manager

PROPOSAL: Formation of holiday park and siting of 20 accommodation units, erection of reception/maintenance building, formation of car parking, landscaping and associated works

LOCATION: Land NE of Kinvaid Farm, Moneydie

Ref. No: 17/01694/FLL

Ward No: P5- Strathtay

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 This application relates to the formation of a holiday park including the erection of 20 accommodation units (comprising a mixture of 15 camping pods and 5 lodges) and a reception and maintenance store and associated works. The site is located within an agricultural field approximately 6 miles north west of Perth. The application site extends to 1.98 hectares and is located to the west of the C408 public road to the north of Moneydie.
- 2 The application site forms part of a larger field which has been previously part of a wider agricultural unit but has been sold to the current applicant. There is evidence of small scale woodland on the east and north boundaries of the site. This application is a revised smaller scale proposal following the withdrawal of a larger scheme which occupied the majority of the wider field (17/00281/FLL). The application site slopes gently from north to south and the vehicular access to the site is located in the north east corner onto the C408.
- 3 The application site is bound to the north by a farm track with an agricultural field beyond, to the west is a former farmhouse and steading which is within the applicant's ownership, to the south the land continues to slope down towards Moneydie and is occupied by grazing land and small scale woodland. To the east of the application site is a small area of woodland with the C408 beyond.
- 4 The proposal is to form a new campsite/lodge park on the land. The proposal seeks consent to form a new access track which meanders north to south through the site with car parking for the accommodation proposed adjacent to this access.

- 5 As outlined above a total of 5 lodges are proposed, each of which will accommodate three bedrooms, a kitchen and living area. The lodges are proposed to be 14.2m x 9.2m in footprint and 5.6m in height. 15 camping pods are proposed which are smaller scale units which will accommodate a sleeping area, kitchenette and bathroom. The pods are proposed to be 3.6m x 6m in footprint and 3.4m in height.
- 6 The reception building is proposed in the north east corner of the site which is to be 16.4m x 6.6m in footprint and 5.5m in height.
- 7 A Sustainable Urban Drainage System (SUDS) is proposed on the north west corner of the site.

ENVIRONMENTAL IMPACT ASSESSMENT (EIA)

- 8 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.
- 9 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.
- 10 A screening exercise was undertaken for the previously submitted and withdrawn larger development (17/00281/FLL) which concluded that an Environmental Statement was not required. Since then the regulations have changed and therefore a further screening exercise has been undertaken. This again concludes that no Environmental Statement is required. A copy of the screening exercise is available to view on the Council's Planning Portal.

PRE-APPLICATION CONSULTATION

- 11 The proposed development is not classed as a Major development in terms of the Town and Country Planning (Hierarchy of Developments) (Scotland) Regulations 2009 as the proposal does not fall into any of the categories identified as major development in the regulations. Therefore the applicant was not required to undertake not any formal pre-application consultation with the local community. It should be noted that the applicant was encouraged to undertake informal consultation with the local community by the Planning Officer but it understood he chose not to do so.

NATIONAL POLICY AND GUIDANCE

- 12 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

- 13 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

- 14 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.
- 15 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

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

Designing Places 2001

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

Designing Streets 2010

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

National Roads Development Guide 2014

- 19 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

- 20 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

- 21 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."

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 TA1A - Transport Standards and Accessibility Requirements

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

Policy TA1B - Transport Standards and Accessibility Requirements

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

Policy ED3 - Rural Business and Diversification

- 28 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 ED4B – New or Expanded Transit and Touring Caravan and Camping Sites

- 29 Proposals for new or expanded transit and touring caravan and camping sites will be supported where they comply with policy PM1.

Policy ED4C - Caravan Sites, Chalets and Timeshare Dev

- 30 Favourable consideration will be given to new chalet and timeshare / fractional ownership developments where it is clear that these cannot be used as permanent residences and where they satisfy the criteria set out. There shall be no presumption in favour of residential development if any of the above uses ceases.

Policy HE2 - Listed Buildings

- 31 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 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 CF2 - Public Access

- 33 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 NE1A - International Nature Conservation Sites

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

Policy NE3 - Biodiversity

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

- 36 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

- 37 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

- 38 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

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

Policy EP5 - Nuisance from Artificial Light and Light

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

Policy EP8 - Noise Pollution

- 41 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

- 42 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

SITE HISTORY

- 43 99/01874/FUL Conversion of farm steading to 4 residential units – Approved – Delegated Powers

03/01216/PN Erection of a storage barn at 20 August 2003 Application Refused – delegated powers

03/02131/FUL Erection of an agricultural shed 28 September 2004 Application Permitted – delegated powers

04/00967/FUL Proposed refurbishment of existing farmhouse and conversion of steading buildings into 5 new residential units – Approved – delegated powers

07/00658/FLL Refurbishment of existing farmhouse, conversion of existing steading buildings into 5 no. new dwellings and construction of 4 no. new dwellings attached to existing steading buildings – Application Refused – delegated powers

17/00281/FLL Formation of campsite to site 60no. tent pitches, 33no. accommodation units, 2no. toilet blocks and 1no. toilet/catering block, reception building, community hub, maintenance store, car parking, landscaping and associated works 31 May 2017 Application withdrawn

CONSULTATIONS

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

External

- 45 **Luncarty, Redgorton and Moneydie Community Council** – object to the application and raises concern regarding lack of consultation with the local community, traffic generation and road safety, impact on other road users. Impact on River Tay Special Area of Conservation.

Scottish Water – no objection

Internal

- 46 Transport Planning – no objection subject to condition relating to the design and detail of the access onto the public road.
- 47 Contributions Officer – contribution required – details within contributions section below
- 48 Environmental Health – no objection subject to conditions relating to the provision of a noise management plan, controls on plant and equipment noise, screening and alignment of external lighting and the operation of the stoves.
- 49 Commercial Waste Team – no objection and advice given regarding waste collection
- 50 Biodiversity Officer – concerns expressed regarding details within Bio Diversity Management Plan which can be addressed by condition. Further conditions recommended – details are outlined in the ecology section below.

REPRESENTATIONS

- 51 The following points were raised in the 30 representation(s) received which raised objections to the application:

- Impact on residential amenity

- Impact on visual amenity
- Light pollution
- Noise pollution
- Increased crime and anti-social behaviour
- Impact on existing farm business
- Traffic generation and safety
- Limited access links
- Contrary to policy
- No tourism where none exists - rural farming community
- Limited economic benefit/justification and detrimental impact on other businesses
- Impact on existing farm (pedigree cows)
- Out of character with area
- Requirement for a major application
- Enforcement issues and unauthorised works
- Damage to private water supply.
- Impact on wildlife - wildlife crime
- Impact on landscape and wider character of area
- Lack of recreational facilities on site
- No local facilities to serve site
- Poor quality infrastructure - no existing bus service, lack of footpaths and bus links?
- Flood risk and drainage
- Loss of trees
- Redundancy should development fail
- Future use as dwellings
- Impact on setting of listed Moneydie Church and Manse
- Further expansion at later date
- Impact on River Tay SAC from SUDS through Sauchie Burn
- Accuracy of description
- Extent of neighbour notification and advert
- Lack of identified need
- Use of wider field for campsite outwith red line boundary
- Littering and dog fouling
- No benefit to local community

52 The following points were raised in the 6 representation(s) received which supported the application:

- Creates employment
- Enhances character
- Supports economic development
- On existing cycle route
- Small scale
- Existing tree cover
- Alternative accommodation provision - difference from normal caravan park
- Tranquil experience

- Enhance local habitat
- Renewable energies proposed
- Sustainable start up business
- Engagement with Business Gateway

53 These issues are addressed in the Appraisal section of this report. In addition, a petition of complaint containing 32 signatures was received after the consultation period had expired, relating to the background to and the processing of this application, amongst other issues. Several of the signatories have lodged individual representations to the application, as referred to above.

54 **ADDITIONAL STATEMENTS**

Environment Statement	Not Required
Screening Opinion	Undertaken on earlier larger application
Environmental Impact Assessment	Not Required
Appropriate Assessment	Not Required
Design Statement / Design and Access Statement	Submitted
Reports on Impact or Potential Impact	Drainage Impact Assessment, Transport Statement, Bio Diversity Enhancement and Management Plan, Planning Statement, Phase 1 Habitat Survey, Architectural Design Statement

APPRAISAL

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

Policy Appraisal

56 Policy 1 of the Tayplan advocates the developing of land within the principal settlements rather than developing land outside of them. It does however acknowledge the need to sustain rural economies while protecting the countryside by allowing the development in smaller settlements.

- 57 The implementation of this principle has been translated into the adopted LDP with Policy PM4 - Settlement Boundaries stipulating that for settlements which are defined by a settlement boundary in the Plan, development will not be permitted, except within the defined settlement boundary.
- 58 Although the proposal is not located within the settlement boundary and therefore fails to comply with Policy 1 of Tayplan and Policy PM4 of the LDP there are exceptions that can be made to this presumption against development outwith a settlement boundary through Policy ED3: Rural Business Diversification of the LDP.
- 59 Policy ED3 provides favourable consideration to the expansion of existing rural businesses and the creation of new ones in rural area subject to meeting the entire detailed criterion set out within the policy. This must also be weighed against other policies of the LDP. This is considered under the headings below.
- 60 The proposed development is required to be:

Criterion (a) - compatible with surrounding land uses and not detrimentally impact on the amenity of residential properties within or adjacent to the site

Criterion (b) - the development must be able to be satisfactory accommodated in the landscape

Criterion (c) -the proposal is required to meet a specific need by virtue of its quality or location in relation to an existing business or tourist facility

Criterion (d) - the scale, quality and design of buildings requires to be in-keeping with existing buildings

Criterion (e) and the local road network is capable of accommodating the nature and volume of traffic.

Criterion (f) and (g) do not apply as the proposal is not for retail development and it is not proposed to employ more than 25 people.

- 61 Furthermore policy ED3B states that transit, touring caravan and camping sites will be supported where the proposals are compatible with Policy PM1. Policy ED4C refers to chalets, timeshare and fractional ownership and states that the Council will give favourable consideration to new chalet developments where it is clear that they cannot be used as permanent residence. Criteria (c) is most relevant which states that proposals should meet a specific need by virtue of its quality or location in relation to existing tourism facilities.

Other relevant policies are referred to in the policy section above.

Residential Amenity

- 62 Planning control has a duty to future occupiers not to create situations of potential conflict between neighbours. Cognisance of the surrounding land uses

has to be taken into account. The land is surrounded by agricultural land, but there are dwellinghouses located in the area. The closest property is Kinvaid House which is located 150m to the south west of the site. Beyond that are Kinvaid Cottages which are located 250m to the south of the application site. The small hamlet of Moneydie is located beyond Kinvaid Cottages to the south at a distance of approximately 460m. The surrounding area is generally characterised by scattered residential properties and agricultural buildings.

- 63 With regards to neighbouring residential dwellings I do not consider that there would be any adverse amenity issues (overlooking/overshadowing) to the properties referred to above given the distances between the site and these properties.
- 64 Letters of representation have highlighted concern that the development will not be compatible with surrounding land. It is highlighted that the background noise levels in this rural area are low. Environmental Health is of the view that noise between the land uses would not be significant to preclude granting consent as they consider the 150m distance from the proposed development to the nearest residential property to be appropriate. It is noted that a campsite will likely generate levels of activity which could generate noise, however I do not consider the use of the land as a campsite would generate such significant levels of noise that would disturb the amenity of local residents. Environmental Health have recommended that a Noise Management Plan (NMP) be submitted to protect amenity and this can be secured by planning condition (condition no.13). This could cover issues such as control of amplified music and evening and night time management and control of the site.
- 65 The letters of representation make reference to potential for anti social behaviour and crime in the area associated with the proposal. In my view there is no evidence to suggest that this would be the case and in any case this would be a matter for the police to consider and is not a material planning consideration. The NMP could also dictate what protocols are available to address any issues which may be apparent in terms any perceived anti-social behaviour, particularly during the evening. The site in any case is proposed to be marketed towards the families and individuals interested in outdoor pursuits. The applicant has indicated that options are currently being considered regarding out of hours management of the facility. This includes the potential for a site manager to occupy the adjacent farm house, employment of a locally based site manager and provision of a telephone number to the applicant should any out of hours issues arise.
- 66 Furthermore if anti-social behaviour issues did arise I consider that these could be addressed satisfactorily through the use of powers under the Environmental Protection Act 1990 or the Ant-Social Behaviour etc (Scotland) Act 2004.
- 67 Letters have also raised concern regarding the impact which the proposed use may have on existing agricultural operations including on the wellbeing of livestock. I do not consider the proposal for a campsite to result in a significant impact on the amenity of livestock in the area and believe that tourism and agricultural uses are capable of co-existing in an area.

Lighting

- 68 It is noted that ambient night levels in the area are low but that the overall landscape is characterised by small groups of built development where lighting is apparent. The proposal is to erect low wattage LED lights on the buildings within the site together with low level solar powered LED lighting around the site. The tree cover around the site will serve to provide some screening to light associated with the development. Control of light spill from the site can be addressed through a suitably worded condition (condition 11). This will ensure the Planning Authority maintains control over light spill, brightness and hours of operation. I am satisfied that given the position of the site relative to residential properties that light pollution will not be significant. The proposal therefore complies with policy EP8 of the LDP.

Air Quality

- 69 This application contains provision for a wood burning stove and associated flue. Perth and Kinross Council have a duty to assess biomass boilers of capacity of greater than 50kW based on their effect on air quality in the area, however this will not be necessary with a domestic sized stove.
- 70 Another matter pertaining to the stove which could cause issue is the potential for smoke or odour nuisance. This can be minimised by the applicant using fuel recommended by the manufacturer, therefore I recommend this be included as a condition (condition 12).
- 71 On the basis of the above the proposed tourism use is considered to be compatible with the amenity of the surrounding area I consider the use of the site can be suitably controlled through a detailed NMP as recommended by Environmental Health. The proposal is therefore considered to comply with policy EP8 which relates to noise, EP5 relating to light pollution and to the relevant section of policy PM1A and criterion (a) of ED3 which relate to residential amenity.

Landscape and Visual Impact

- 72 Development and land use change should be compatible with the distinctive characteristics and features of Perth & Kinross's landscape. Development proposals will be supported where they do not conflict with the aim of maintaining and enhancing the landscape qualities of Perth and Kinross.
- 73 Policy ER6 relates to landscape change and seeks to ensure that development and land use change should be compatible with the distinctive characteristics and features of the landscape. Accordingly development proposals will be accepted where they do not conflict with the aim of maintaining and enhancing the landscape qualities of Perth and Kinross. The criteria contained within this policy seeks to safeguard the tranquil qualities of an area's landscape and safeguard local distinctiveness and the visual and scenic qualities of the landscape. Furthermore Policy PM1B(c) seeks to ensure the design and density should complement its surroundings in terms of appearance and scale

amongst other criteria. This requirement is also identified within criterion (b) of policy ED3 and within criterion (c) of ED4C.

- 74 The Tayside Landscape Character Assessment (TLCA) identifies this area as part of the Lowland Hills Landscape Type and states that development in this landscape character type is limited to a scatter of farmsteads and a few small hamlets.
- 75 The application site benefits from some containment in the form of woodland on its north and east boundaries. Furthermore the development seeks to integrate the built form into the existing landscape with the camp grounds laid to grass with a single access track. The original, now withdrawn application, occupied a much larger and more exposed and visible area of the site and it was evident that the full extent of development would be visible from a number of residential receptors to the south and west, including the category B listed buildings of Moneydie Church and Manse. It was considered that the previous proposal introduced new built development over a large area of undeveloped rural area which was out of scale with the overall character of this landscape. The current revised proposal significantly reduces the extent of built development and is now considered to better reflect the scattered nature of development in this landscape type which is referred to within the TLCA.
- 76 The significantly reduced scale of the proposal is now considered to comply with Policy ER6 and criterion (b) of Policy ED3 and with Policy ED4B and C as it is considered to relate to the established landscape character of the area and is considered to respect the quality of Perth and Kinross's landscape character. A detailed landscaping and planting scheme will be requested by condition (condition 4), this will also ensure that the proposed SUDs system is appropriately integrated with the landscape.

Specific Need for Tourism Accommodation

- 77 The proposal is required to meet a specific need by virtue of its quality or location in relation to an existing business or tourist facility (criterion c) within policies ED3 and ED4C. Policy ED3 indicates that the Council will give favourable consideration for the creation of new businesses in rural areas but the policy goes on to state that these should be generally within existing settlements or adjacent to them in order to ensure the development supports a local community and has appropriate accessibility to services. Policy ED4C also states that chalet development will be supported where it is demonstrated that the proposal meets a specific need by virtue of its quality or location in relation to existing tourism facilities. Moneydie is a small rural hamlet with the nearest local towns for key service provision being Luncarty and Perth. The policy goes on to state that sites outwith settlements may be appropriate where they offer opportunities to diversify an existing business or are related to a site specific resource or opportunity. The proposal does not diversify an existing business but rather seeks to create a new one in a rural location outwith a settlement. The policy also indicates that new tourism development will be supported where it can be demonstrated that it extends the quality of facilities, allows a new market to be exploited or extends the tourism season. Very

limited information was presented on this part of policy consideration with the previous application and this has been expanded upon in this submission.

- 78 The Planning Statement makes reference to the overarching desire for the Scottish Government and Perth and Kinross Council to support tourism related development and indicates that the site has been chosen due its combination of a rural setting whilst being located within the immediate vicinity of Perth for amenities and attractions and makes reference to the camp site providing "the best of both worlds". It also makes reference to the proximity of the site to the A9 trunk road providing access north. In terms of Policy ED3 and ED4C they specifically states that new tourism development will be supported where it can be demonstrated that it improves the quality of visitor facilities, meets a specific need, allows a new market to be exploited or extends the tourism season.
- 79 The applicant has indicated that the proposed site will be marketed towards families and outdoor enthusiasts for which the site can be used as a base to explore the wider Perthshire area whilst being easily accessible from Perth and the central belt. The applicant considers there to be a gap in the camping pod market and has identified the high quality camping style holiday as a holiday type which is popular and growing. The applicant identifies Comrie Croft and Eco Camp Glenshee as similar products in the Perthshire area and it is noted that these have proven successful. Furthermore Wigwam Holidays near Bankfoot offers a similar offering but is focused more towards the camping market with a separate shower block. The units proposed on the application site are self-contained units with facilities located within the lodges and pods and therefore would operate within a different market. The submission indicates that the camp site will require four employees.
- 80 There does appear to be some basis for a small scale tourism accommodation site in this location under policy ED3 and ED4C given the proximity to both Perth and the A9 and I note the applicant's reasoning for the location which provides links to both Perth city and rural Perthshire and therefore has the potential to serve differing tourism needs. Overall considering the matters referred to above the site is considered to be a logical site in terms of the identified need and relationship to other tourism facilities in the area.

Scale and Design

- 81 Criterion (d) of Policy ED3 relates to scale, quality and design of buildings. This is also referred to within the placemaking policies of the LDP (PM1A and B). The scale of the camping pods, lodges and reception building are outlined in the introduction of this report. The proposed design of the units are contemporary in their form. The overall density of development on the site is fairly low allowing the units to be spread out and scattered amongst the existing trees. The lodges take the form of a contemporary take on a traditional narrow footprint cottage with the overall footprint broken up into two sections. Each section of the lodge is to be finished in differing materials to break up the scale. The finishing materials include timber cladding and metal profiled sheeting (similar to that seen on agricultural buildings in the area). I consider the contemporary yet simple design to be appropriate and believe the timber

cladding will allow the lodges to sit comfortably with the adjacent woodland and within the wider rural landscape. In terms of the camping pods these are smaller in scale but finished in similar materials. The proposed reception building is the largest of the building proposed but this is located to the north of the site in an area which is well screened. It again proposes to use the same finishing materials.

- 82 I consider the scale and design of development on site to be an appropriate solution for this rural site which seeks to utilise the existing woodland on the site to provide containment and utilises finishing materials which successfully relate to the rural character of the area. The scale and location of the development is also considered appropriate in terms of the setting of the category B listed Moneydie Church and Manse. Whilst the site may be visible from the listed buildings, this is at a considerable distance (430m) and I am satisfied that this intervening distance will ensure the setting of the listed buildings is not impacted upon. The proposal is considered to comply with policies PM1A and B, HE2, criterion (d) of policy ED3 and ED4B.

Traffic and Road Impact

- 83 Criterion (e) of Policy ED3 requires the impact on the road network to be taken into account. Policy TA1B is relevant as this seeks development sites to be easily accessible by all modes of transport in particular walking, cycling and public transport. Representations raise concerns with the local road network and the ability to accommodate the development and identifies traffic generation associated with a recently approved potato shed and ongoing woodland felling. Consultation with Transport Planning has confirmed that they offer no objection on traffic grounds if the application is made subject to conditions. The LUNC 131/1 and 2 core paths run along the public road to the east of the site. This provides walking/horse riding routes and links to the south towards Pitcairngreen, Almondbank and eventually to Perth. The path also provides links to the north towards Bankfoot and to the north west. National Cycle Route (NCR) 77 also travels along the public road to the east of the site. This route is part of a 54 mile route between Dundee and Pitlochry. It also connects into various other NCR in Perthshire. The main access into the site therefore connects to both cycle and walking routes.
- 84 It is noted that the core path is located on the public road and therefore pedestrian access to the site is only available by walking along the road. There is no public transport in the vicinity of the site. The applicant has indicated a proposal to focus marketing at both families and outdoor enthusiasts. As such there is potential for the site to serve cyclists travelling north or south on the NCR 77. Other than cyclists it is highly likely that the remainder of visitors would arrive at the site by car.
- 85 Letters of representation have raised concerns regarding the traffic generation associated with the proposal. A Transport Assessment has been submitted which outlines the likely trip generation. The access into the site is from the unclassified road to the east of the site which links to the B8063 to the south. This road connects to Luncarty and the A9 to the east (approximately 3.3km).

To the west the B8063 continues westwards through Glenalmond eventually linking to the A822 Sma' Glen Road.

- 86 The TA sets out the potential trip generate associated with the proposal. This is based upon TRICS (Trip Rate Information Computer System) data which is a nationally recognised method for calculating trip generation. Letters of representation have identified concerns regarding the traffic generated by the proposal. In terms of weekday trips the development would generate 3 trips in the AM peak and 3 trips in the PM peak. At the weekend the development is likely to generate 9 trips in the AM peak and 7 trips in the PM peak.
- 87 The TA also sets out the frame work for a travel plan aimed at encouraging persons staying at the site to utilise means other than the private car to travel to and from the site during their stay including proposals for cycle hire.
- 88 It is clear the majority of visitors to the site will arrive by private car, however there are direct links to the cycle networks and core path network in the local area. The trip generation figures for the site are considered to be appropriate and the proposal is not considered to generate a level of traffic which would be of significant detriment to the local area or which cannot be accommodated on the existing road network. Transport Planning have offered no objection to the proposal. On that basis the proposal is considered to comply with Policy TA1B and criterion (e) of policy ED3.

Scale of Application Site/Major Application

- 89 The application site area is under 2 hectares and therefore in accordance with the Town and Country Planning (Hierarchy of Development) Regulations the proposal does not constitute major development.

Flooding and Drainage

- 90 A Drainage Impact Assessment (DIA) accompanies the application and indicates that a Sustainable Urban Drainage System is proposed within the north west corner of the site to cater for surface water drainage. Infiltration has been identified as the best option for disposing of surface water in the DIA. In terms of foul drainage the DIA indicates that there is no available connection to a public sewer and therefore a private system is proposed on site. The Council's Flood Officer has commented on the submission and indicated that both of these systems will remain in private ownership. He has also sought further information on the proposed overland flow paths for the surface water drainage, the detailed design of the SUDS basin and to ensure that the recommendations within section 10 of the DIA are implemented. This can all be secured through a suitably worded condition (condition 15). The proposed drainage arrangements are considered to comply with policies EP3B and C of the LDP subject to condition.

Ecology

- 91 The Development Plan framework contains a number of policies that seek to protect important species and sites designated for their natural heritage interest and to ensure that proposals that may affect them are properly assessed. Policy 3: Managing TAYplan's Assets seeks to respect the regional distinctiveness and scenic value and presumes against development which would adversely affect environmental assets. NE1A relates to International Nature Conservation Sites, NE1C covers Local Designations, NE2 relates to Forestry, Woodland and Trees, while NE3 Biodiversity confirms that protection should apply to all wildlife and wildlife habitats, whether formally designated or not.
- 92 A Phase 1 habitat survey accompanies the application which concludes that the site has low ecological value. The proposal also includes a Bio Diversity Management Plan which seeks to improve the bio diversity value of the site. Letters of representation raise concerns regarding the impact which the development may have on wildlife and the potential for wildlife crime.
- 93 The Council's Bio Diversity Officer has raised concerns regarding the overall management plan and considers it to be vague and lacking in detail. There is no specific policy requirement for a detailed enhancement and management plan to be provided and therefore I do not consider the lack of detail in this plan to merit refusal of the application. The plan, does, however require to be more detailed and better reflect the specific proposals on site. As such a revised Bio Diversity Management Plan which reflects and addresses the comments made by the Bio Diversity Officer can be secured through condition (condition 3). This will secure the provision of living roofs on the flat roof camping pods.
- 94 The Bio Diversity Officer has also recommended conditions (4-9) to secure the provision of a detailed landscaping and planting scheme, ensure the retention of trees on site, ensure timings for works are appropriate and ensure measures to protect mammals during construction are employed. On the basis of these conditions the proposal is considered to comply with Policy NE3 of the LDP.

River Tay Special Area of Conservation

- 95 The Sauchie Burn is located to the south of the application site at approximately 165m from the nearest point of the site. The burn forms part of the River Tay Special Area of Conservation (SAC). Concerns have been expressed in letters of representation regarding the impact which the proposal may have on the fishery interests of the SAC. The concerns indicate the potential for surface water to drain above ground or through underground aquifers downhill towards the burn. Given the distance between the application site and the burn and the detail within the proposed drainage strategy I am satisfied that the proposal will not impact on the qualifying interests of the SAC and the proposal therefore complies with Policy NE1A and ED4C where it refers to the SAC. Whilst no formal consultation was undertaken given the distance between the site and the SAC, the opinion of Scottish Natural Heritage (SNH) has also been obtained and they have advised

that they are satisfied with the proposed arrangements and conclude that there be no likely significant effect on the protected interests of the SAC.

Private Water

- 96 There are no private water supplies located within the immediate vicinity of the site which would be impacted upon by works on this site. The Private Water Team have been consulted on the proposal and offered no objection.

Environmental Impact Assessment

- 97 A screening exercise was undertaken to establish whether the previous significantly larger application required an Environmental Statement. This concluded that an Environmental Statement was not required. This proposal is significantly smaller and therefore is also not considered to require an Environmental Statement.

Developer Contributions

- 98 The Council Transport Infrastructure Developer Contributions Supplementary Guidance requires a financial contribution towards the cost of delivering the transport infrastructure improvements which are required for the release of all development sites in and around Perth.
- 99 The site falls within the reduced contributions area. A total of 20 accommodation units are proposed - 15 camping pods and 5 holiday lodges. This type of development is considered as holiday homes in terms of the Guidance and is included under the residential development rate. However, given the more seasonal nature of the camping pods, it is considered reasonable to only seek contributions from the 5 more permanent holiday lodges. The trip rates associated with this type of holiday accommodation are lower than normal residential properties so the contribution will be applied at the Affordable Housing rate of £1,319 per unit. This has been recommended by the Council's Developer Contributions Officer.
- 100 The proposal also includes a maintenance store and reception building. Given that this is likely to be used exclusively by those staying at the campsite no further contribution will be sought. As such the total contribution equates to 5 x £1319 = £6595. The applicant has indicated that this payment will be made upfront to allow any planning consent to be released, the proposal therefore accords with policy PM4 of the LDP.

Waste Collection

- 101 Facilities for waste collection require to be provided on site. The applicant has indicated that he is currently considering two options for waste provision. There is proposed to be a bin/recycling store within the reception building. From there, there will either be a hardstanding area formed close to the access to allow collection by the Council's Commercial Waste Team or alternatively the applicant is considering a business permit from the Council to allow waste to be

taken to an approved recycling centre. The Council's Commercial Waste Team have indicated that if the applicant chooses a Council collection a bin collection area adjacent to the access is required and that this should allow for a minimum of 5 x 1100L, 3 x 240L and 1 x 140L containers. The exact details of waste collection can be secured through an appropriately worded condition (condition 16).

Neighbour Notification

- 102 The neighbour notification and advertisement undertaken for the application has been carried out in accordance with the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013.

Redundancy Should Development Fail

- 103 There is no evidence to suggest that the development would not succeed. Nevertheless any alternative use for the site would require further planning consent and therefore the Planning Authority would retain control.

Further Expansion

- 104 Whilst it is noted that the application site is part of a wider field owned by the applicant, this assessment is based upon the scale of proposal submitted and indicated within the red line. Any proposed expansion or additional development would be subject to a further planning application which would be assessed on its own merits and therefore the possibility of future expansion is not a material consideration of the assessment of this application.

Phasing

- 105 The applicant has indicated that there is an intention to phase development on the site. The first phase would involve construction of the reception building, 6 pods and one lodge, together with the formation of the SUDS pond, road, parking and wildlife habitat. The facility would then open following this phase.
- 106 The second phase would be in the low season (November to March) following the first high season. This would involve erecting a further 6 pods and 2 lodges.
- 107 The final phase would be the last 3 pods and the final 2 lodges after the second year's high season.

Previously Undertaken Works

- 108 Letters of representation have raised concern regarding some groundworks which have been undertaken on the site. The Council's Enforcement Officer is aware of these issues and has been monitoring this. No breach of planning control has taken place.

Economic Impact

- 109 The objective of Scottish Government Economic Strategy (2011), the National Planning Framework 3 and Scottish Planning Policy is to build a more dynamic and faster growing economy that will increase prosperity, help tackle Scotland's health and social challenges and establish a fairer and more equal society. Sustainability is vital to help protect the environment and ensure that future generations can enjoy a better quality of life.
- 110 There will be an economic impact associated with the construction phase of the development. I considered that it is undoubtable that there will be some economic benefit associated with the operation of the site. Notwithstanding the economic benefit this it has to be seen in the context of the spatial strategy and general policies of the LDP. The proposal is considered to comply with these policies and these are considered to be key in the overall conclusions on the proposal.

LEGAL AGREEMENTS

- 111 A Legal Agreement will only be should the developer contributions not be paid up front.

DIRECTION BY SCOTTISH MINISTERS

- 112 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

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

RECOMMENDATION

Approve the application

Conditions and Reasons for Recommendation

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

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

- 2 Prior to any part of the development hereby approved being brought into use, the vehicular access shall be formed in accordance with Perth & Kinross Council's Road Development Guide Type C Figure 5.7 access detail, of Type B Road construction detail.

Reason - In the interests of road safety; to ensure an acceptable standard of construction within the public road boundary.

- 3 Prior to the commencement of any development on site an updated Bio Diversity Management Plan shall be submitted to and approved in writing by the Planning Authority. The updated Management Plan shall fully address the comments outlined within the Bio Diversity Officer's consultation response dated 26th October 2017. The recommendations contained within the updated management plan shall be fully implemented on site.

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).

- 4 Prior to the commencement of the development hereby approved, a detailed landscaping and planting scheme for the site shall be submitted for the further written agreement of the Council as Planning Authority. The scheme shall include details of the height and slopes of any mounding or recontouring of the site, full details of all hard landscaping proposals including materials and installation methods and, species, height, size and density of trees and shrubs to be planted. The scheme shall also include the landscaping and planting proposals to integrate the proposed SUDS system into the landscape. The scheme as subsequently approved shall be carried out and completed within the first available planting season (October to March) after the completion or bringing into use of the development, whichever is the earlier, and the date of Practical Completion of the landscaping scheme shall be supplied in writing to the Council as Planning Authority within 7 days of that date. The scheme as agreed and implemented shall thereafter be maintained to the satisfaction of the Council s Planning Authority.

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

- 5 All trees on site, other than those marked for felling on the approved plans, shall be retained.

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

- 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 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 local planning authority prior to the relevant works being undertaken.

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).

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

- 9 Where it is intended to create semi-natural habitats, all species used in the planting proposals detailed in the approved plans shall be locally native species of local provenance.

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).

- 10 All plant or equipment shall be so enclosed, attenuated and/or maintained such that any noise therefrom shall not exceed Noise Rating 35 between 0700 and 2300 hours daily, or Noise Rating 20 between 2300 and 0700 hours daily, within any neighbouring residential property, with all windows slightly open, when measured and/ or calculated and plotted on a rating curve chart.

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

- 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 residential amenity; to ensure a satisfactory standard of local environmental quality.

- 12 The stove shall only operate on fuel prescribed and stored in accordance with the manufacturer's instructions. The stove and flue and any constituent parts shall be maintained and serviced in accordance with the manufacturer's instructions. No changes to the biomass specifications shall take place.

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

- 13 Prior to the commencement of any development on site a detailed Noise Management Plan (NMP) shall be submitted to and approved in writing by the Planning Authority. This NMP shall be a fluid document and shall be subject to review should any justified noise complaints be received by the Council. Any revisions shall be submitted to and approved in writing by the Planning Authority. All operations on site shall be undertaken in strict compliance with the approved NMP.

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

- 14 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.

Reason - In order to clarify the terms of the permission; to control and restrict the use of the buildings.

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

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

- 16 Prior to the commencement of any development on site full details of the method for waste collection on the site shall be submitted to and approved in writing by the Planning Authority. The details, as approved, shall be implemented as part of the site development and maintained in perpetuity.

Reason - To ensure adequate provision for waste collection on site.

- 17 Prior to the occupation of any unit, a sign shall be erected at the entrance to the site to advise that the site is for holiday accommodation only and will not be used for permanent residence. The details of the sign shall be submitted and approved in writing by the Council as Planning Authority and the sign as approved, shall remain in situ.

Reason - To ensure the site remains as a holiday site and that no buildings are used as permanent dwelling units.

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

- 1 The planning permission decision notice shall not be issued until such time as the required Developer Contributions have been secured or paid in full.
- 2 In the event the applicant does not either make the required payment within 28 days from the date the agent/applicant is advised of the need for the contributions, or complete a legal agreement for delayed payment within a 4 month period from the date the agent/applicant is advised of the need for the contributions the application may be refused under delegated powers without any further discussion with the applicant.

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 that in terms of Sections 56 of the Roads (Scotland) Act 1984 he must obtain from the Council as Roads Authority consent to open

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

- 6 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.
- 7 The applicant is reminded that, under the Wildlife and Countryside Act 1981, as amended, it is an offence to remove, damage or destroy the nest of any wild birds while that nest is in use or being built. Planning consent for a development does not provide a defence against prosecution under this act.

Background Papers: 36 letters of representation
(30 objections and 6 in support)

Contact Officer: John Williamson 01738 475360

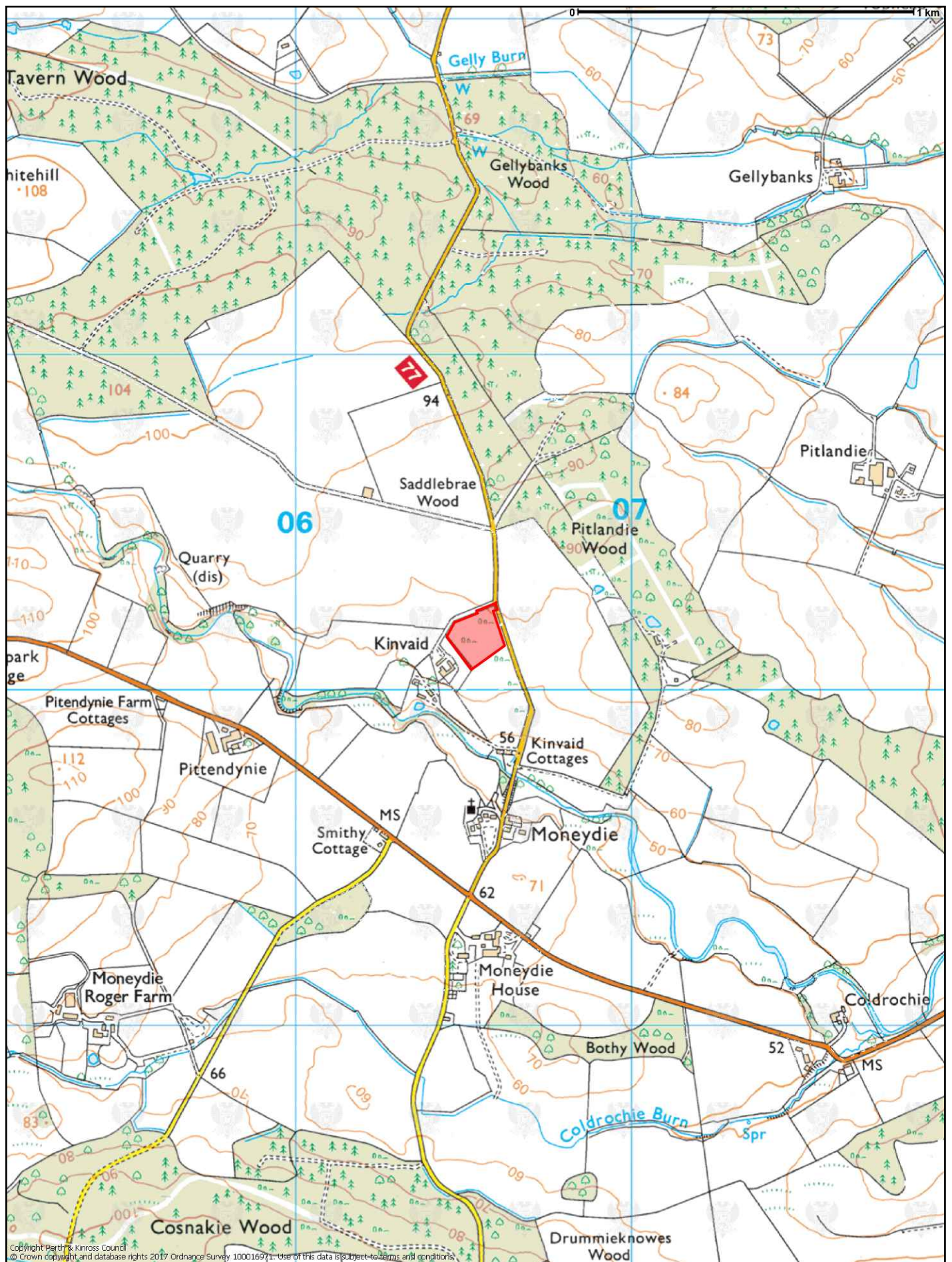
Date: 22 December 2017

ANNE CONDLIFFE
INTERIM DEVELOPMENT QUALITY MANAGER

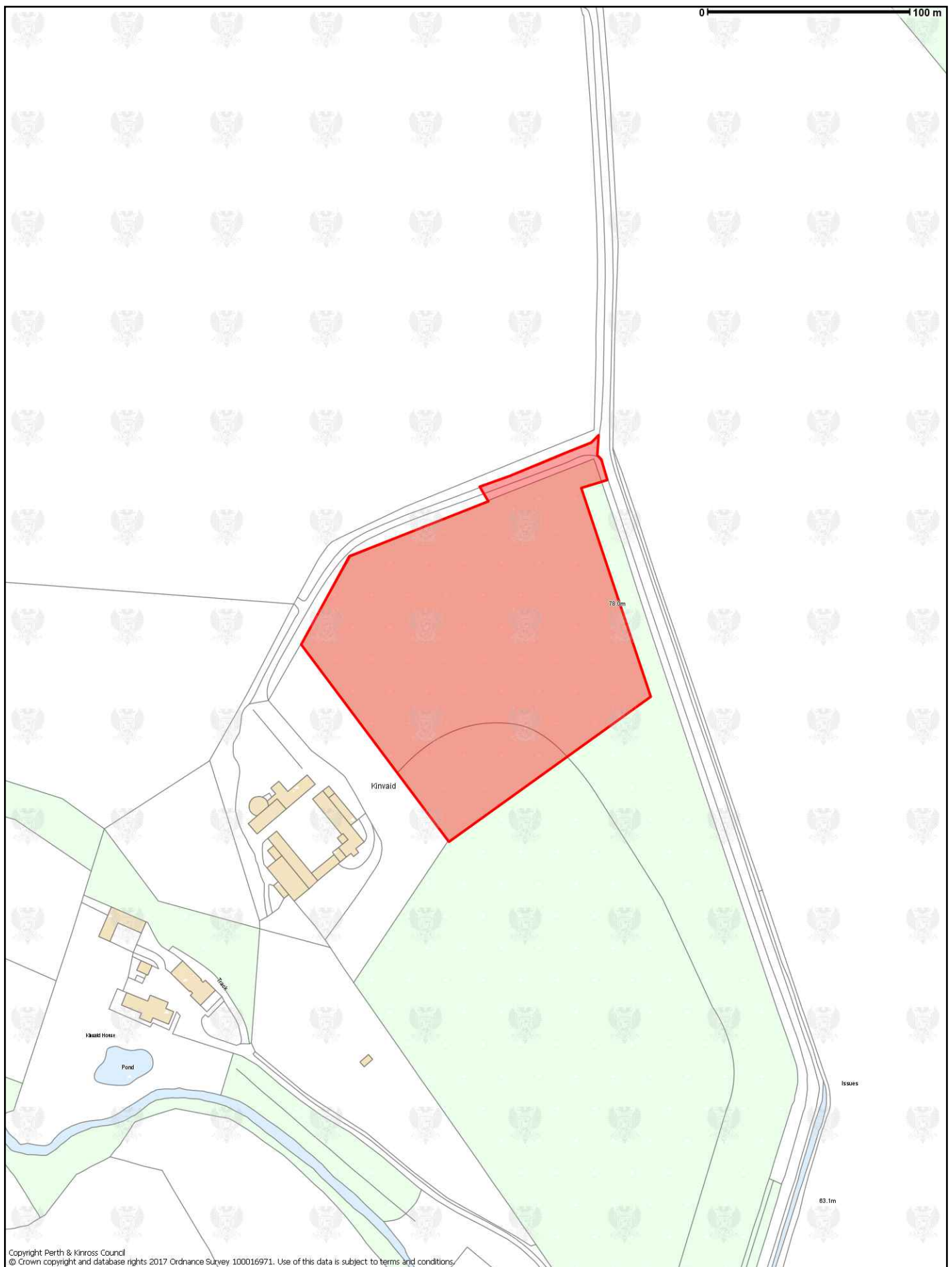
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**Planning & Development
Management Committee**



Scale 1:2500

17/01694/FLL

Formation of holiday park and siting of 20no. accommodation units, erection of a reception/maintenance building, formation of car parking, landscaping and associated works at Land 120 Metres North East Of Kinross Farm, Moneydie



Perth and Kinross Council
Planning & Development Management Committee – 17 January 2018
Report of Handling by Interim Development Quality Manager

PROPOSAL: Change of use from retail unit to café/restaurant (Class 3) and hot food takeaway

LOCATION: 19 County Place, Perth, PH2 8EE

Ref. No: 17/01862/FLL
Ward No: P12- Perth City Centre

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 The application is for change of use of a Class 1 Retail unit to café/restaurant (Class 3) and hot food takeaway.
- 2 The unit is located in the secondary town centre zone and the Perth Conservation Area. The area is characterised by Class 1, 2 and 3 uses with a number of hot food takeaways and a hotel.
- 3 The proposal is for change of use only and no alterations have been detailed.

ENVIRONMENTAL IMPACT ASSESSMENT (EIA)

- 4 The scale of development falls below the EIA thresholds.

NATIONAL POLICY AND GUIDANCE

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

National Planning Framework

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

Scottish Planning Policy 2014

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

Planning Advice Notes

- 9 The following Scottish Government Planning Advice Notes (PANs) and Guidance Documents are of relevance to the proposal:
- PAN 40 Development Management

National Roads Development Guide 2014

- 10 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

- 11 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

- 12 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.”

- 13 Whilst there are no specific policies or strategies directly relevant to this proposal, the overall vision of TAYplan, as stated above, should be noted.

Perth and Kinross Local Development Plan 2014

- 14 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.

- 15 The principal relevant policies are, in summary:

Policy PM1A - Placemaking

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

Policy PM1B - Placemaking

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

Policy PM3 - Infrastructure Contributions

- 18 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 RC2 - Perth City Centre Secondary Uses Area

- 19 Within the area identified, a mix of appropriate uses including shops (particularly small specialist shopping units), residential, offices, restaurants, pubs and clubs will be encouraged.

Policy HE3A - Conservation Areas

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

SITE HISTORY

- 21 No recent site history

CONSULTATIONS

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

External

23 No external consultations required.

Internal

Transport Planning

24 No objection to proposal and no conditions requested.

Environmental Health

25 No objection subject to conditions recommended related to noise and odour.

REPRESENTATIONS

26 The following points were raised in the 34 letters of representation received:

- Loss of a retail shop
- Over provision of cafes/hot food takeaways

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

27 ADDITIONAL STATEMENTS

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

APPRAISAL

28 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.

Principle

- 29 The site is located in an area designated as city centre secondary uses in the LDP.
- 30 Policy RC2 Perth City Centre Secondary Uses Area encourages a mix of uses including shops, offices, restaurants, pubs and clubs. Policy HE3A Conservation Areas seeks to ensure that within conservation areas development preserves or enhances its character and appearance.
- 31 The principle of development would comply with the acceptable uses as outlined in Policy RC2. The use is also not considered to raise any policy concerns in relation to the Conservation Area.

Use

- 32 There has been some concerns raised within the representations about the number of hot food takeaways and restaurants in the area and that the current newsagent occupier is not ending their lease. However this is not a material planning consideration. The consideration is whether or not the use proposed is acceptable in its own right, bearing in mind the nature and makeup of the area in which it is located – and ultimately, I consider the use proposed to be acceptable.

Design and Layout

- 33 No external changes to the building have been proposed. A further application for signage or any proposed alterations to the shopfront would be required and this will be added as an Informative.

Residential Amenity

- 34 This proposal by virtue of the nature of cooking has the potential to impact on residential amenity at nearby properties through odour and noise disturbance.
- 35 In this case the potential is lessened somewhat by the fact that this is a single storey property with no flats above. The applicant has not supplied any details of the type of food to be cooked or the ventilation system to be utilised, however the addition of planning conditions should provide reasonable protection to residential amenity. This is covered under conditions 2 and 3. An Informative will also be added to advise that a further application may be required if, for example, a flue is required.

Conservation Area

- 36 This proposal is for change of use only. As there are no external alterations proposed then it is considered that the use would not detrimentally impact the character or appearance of the Conservation Area.

Roads and Access

- 37 The site is within the town centre so off street parking is available in nearby car parks and is served by public transport. The proposal therefore raises no issues in terms of parking and access.

Drainage and Flooding

- 38 The proposal raises no issues in terms of drainage or flooding issues.

Waste Collection

- 39 The site is located within a town centre location and would be subject to the same waste collection procedure as the nearby takeaways and restaurants.

Developer Contributions

- 40 The Developer Contributions Guidance is not applicable to this application and therefore no contributions are required in this instance.

Economic Impact

- 41 Whilst the economic impact of the proposal is likely to be minimal the approval of this application will provide more consumer choice and hopefully ensure the long term occupancy of the existing building.

LEGAL AGREEMENTS

- 42 No legal agreement required.

DIRECTION BY SCOTTISH MINISTERS

- 43 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

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

RECOMMENDATION

Approve the application

Conditions and Reasons for Recommendation

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

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

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

Reason - In order to safeguard the residential amenity of the area.

- 3 Prior to the development hereby approved being completed or brought into use, an effective ventilation system commensurate with the nature and scale of cooking to be undertaken shall be installed and operated such that cooking odours are not exhausted into or escape into any neighbouring buildings. Thereafter the system shall be maintained.

Reason - In order to safeguard the residential amenity of the area.

B JUSTIFICATION

- 46 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

- 47 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 This development will require the 'Display of notice while development is carried out', under Section 27C(1) of the Town and Country Planning Act 1997, as amended, and Regulation 41 of the Development Management Procedure (Scotland) Regulations 2013. The form of the notice is set out in Schedule 7 of the Regulations and a draft notice is included for your guidance. In accordance with Regulation 41 the notice must be:
- Displayed in a prominent place at or in the vicinity of the site of the development
 - Readily visible to the public
 - Printed on durable material.
- 5 An application for Building Warrant may be required.
- 6 The applicant is advised that any proposed signage will require a further application to be submitted for advertisement consent unless it benefits from express consent as per the Town and Country Planning (Control of Advertisements) (Scotland) Regulations 1984
- 7 This application is for change of use only any external alterations for example shopfront alterations or the installation of a flue may require a further planning application.

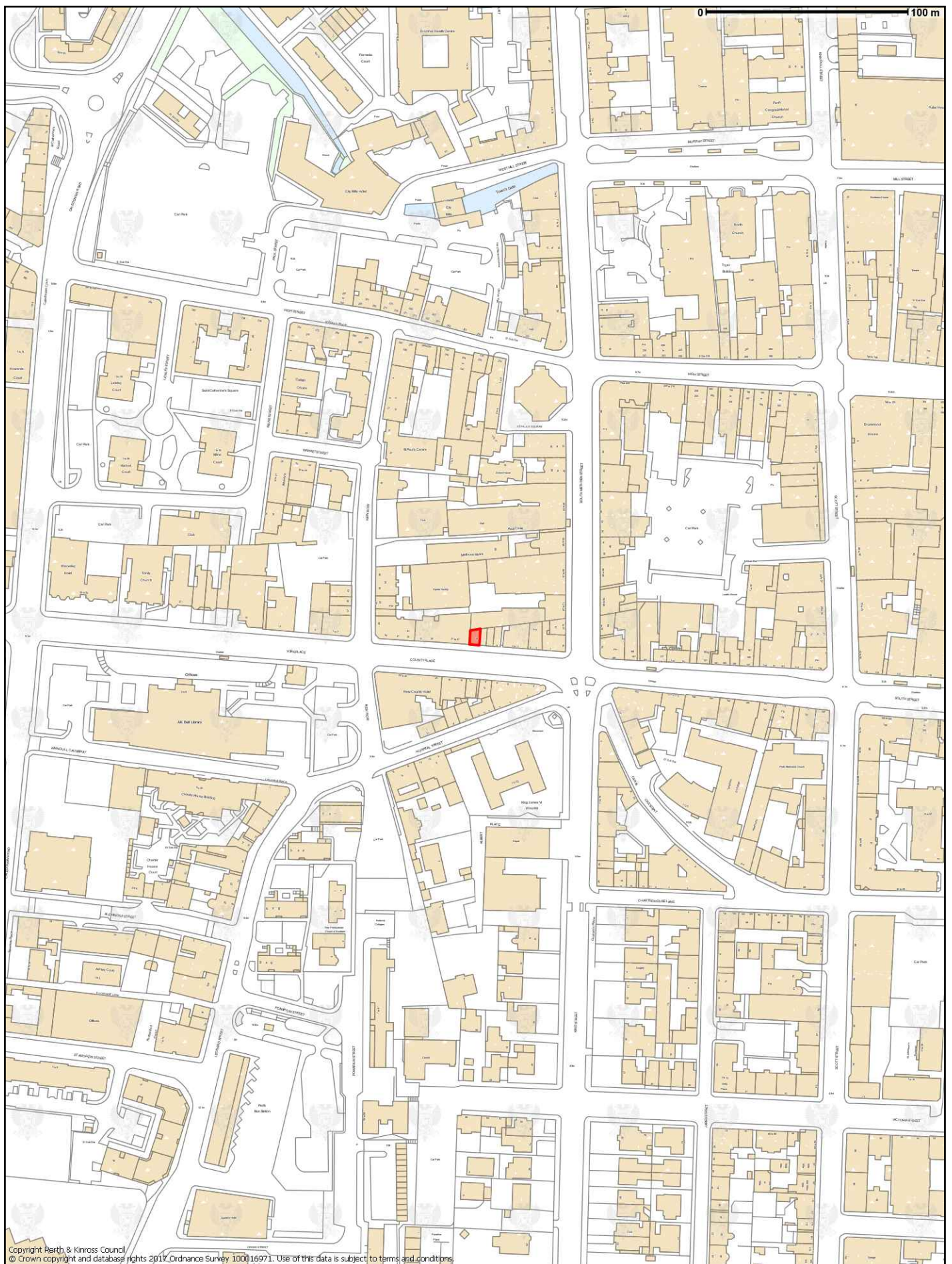
Background Papers: 34 letters of representation
Contact Officer: Joanne Ferguson 01738 475320
Date: 22 December 2017

ANNE CONDLIFFE
INTERIM DEVELOPMENT QUALITY MANAGER

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**Planning & Development
Management Committee**

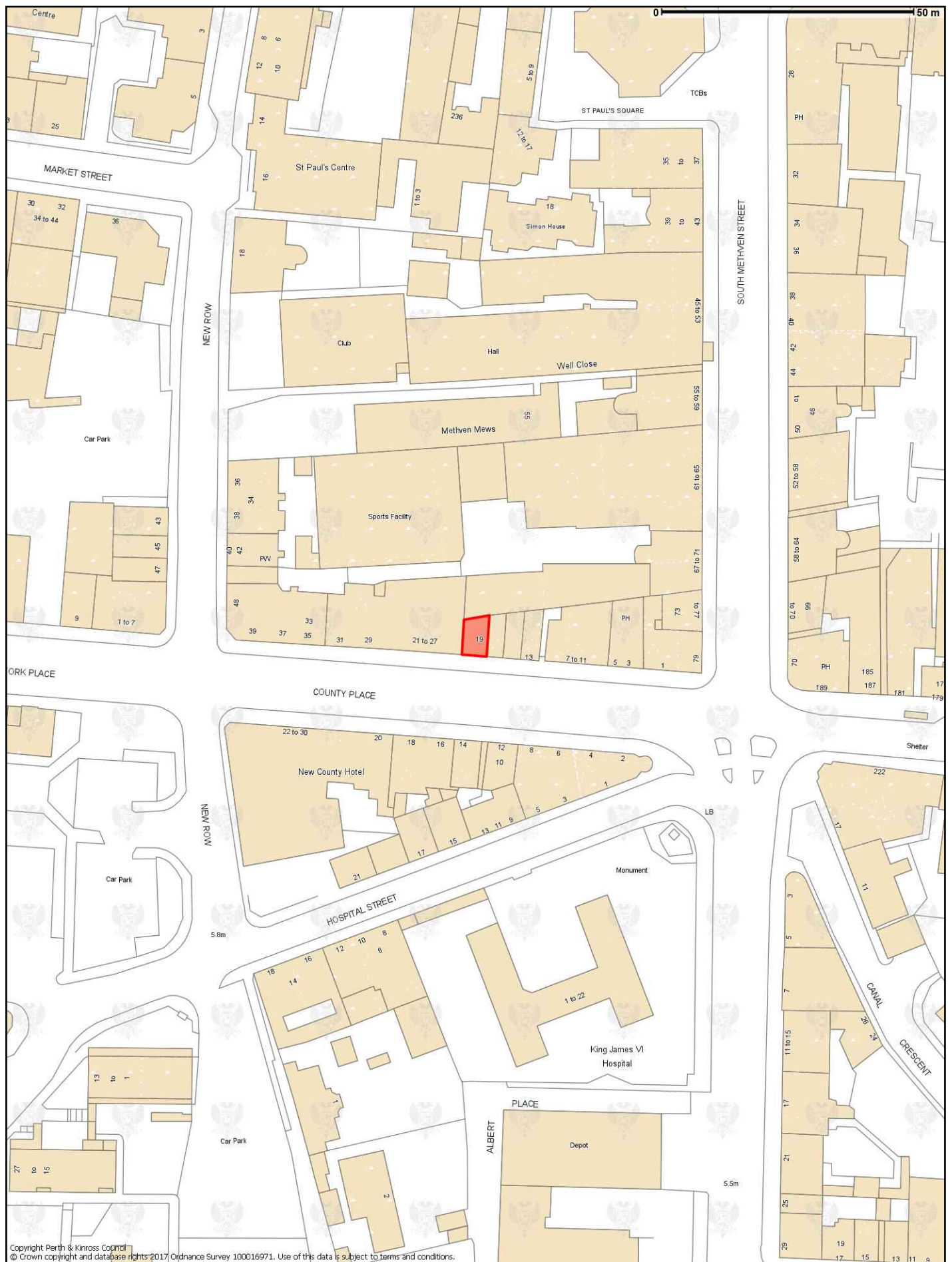


Scale 1:2500

17/01862/FLL

**Change of use from retail unit to
café/restaurant (Class 3) and hot food
takeaway at 19 County Place, Perth**





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**Planning & Development
Management Committee**



Scale 1:1000

17/01862/FLL

**Change of use from retail unit to
café/restaurant (Class 3) and hot food
takeaway at 19 County Place, Perth**



Perth and Kinross Council
Planning & Development Management Committee – 17 January 2018
Pre-Application Report by Interim Development Quality Manager

PROPOSAL: Erection of residential development, the formation of open space landscaping and associated infrastructure works.

LOCATION: Land North East of Stewart Milne Homes, Hunter Street, Auchterarder.

Ref. No: 17/00009/PAN
Ward No: P7 Strathallan

Summary

This report is to inform the Committee of a potential forthcoming planning application in respect of a major development for proposed residential development with associated infrastructure, access, landscaping and open space, departing from detailed planning consent 09/01290/FLM. The report also aims to highlight the key planning policies, the likely stakeholders who would be involved in the decision making process and to offer a brief overview of the key planning issues which are likely to be relevant to the proposal.

BACKGROUND AND DESCRIPTION

- 1 In accordance with the provisions of the Town & Country Planning (Scotland) Act 1997 as amended, the applicants submitted a Proposal of Application Notice (PoAN) on 17 November 2017. The purpose of this report is to inform the Planning and Development Management Committee of a forthcoming planning application in respect of a major development for residential accommodation, along with associated infrastructure and open spaces within the settlement of Auchterarder. Pre-application reports give the Committee an opportunity to raise issues, which it would like to see addressed in the planning application.
- 2 The site area extends to 4.7 hectares and is identified in the current adopted Local Development Plan (LDP) as part of a wider housing site. The site formed part of detailed planning consent 09/01290/FLM, which was issued in January 2014. The site is situated to the north of the Feus and to the east of Hunter Street with open farmland currently extending further north and east. Some initial phases of the wider planning consent have been developed out under the original detailed planning consent forming part of the wider site.
- 3 The site forms part of the original Auchterarder Expansion Development Framework, which was approved by the Council's Enterprise and Infrastructure Committee on 26 March 2008 as supplementary planning guidance. The site remains part of an allocated site in the adopted LDP within the settlement boundary of Auchterarder. A section 42 planning application was submitted in 2016 to vary condition 14 of the original in principle consent 08/01133/IPM.

- 4 The exact design, scale and details of any development proposals will be arrived at during further discussions and subsequent planning application.

ENVIRONMENTAL IMPACT ASSESSMENT

- 5 Due to the scale of the proposal it will require to be screened as to whether the proposal is an Environmental Impact Assessment (EIA) development under current EIA regulations. No screening request has been submitted to date and there is no evidence of the site being screened historically.

PRE-APPLICATION PROCESS

- 6 The Proposal of Application Notice (reference 17/00009/PAN) outlined a public exhibition has been held at Aytoun Hall Auchterarder on the 11th and 12th December 2017. The Ward Councillors (Gray; Lyle; Reid), MSP Roseanna Cunningham, MP Luke Graham and Auchterarder and District Community Council were all notified. The results of the community consultation will be submitted with any application as part of the required Pre-Application Consultation (PAC) Report.

NATIONAL POLICY AND GUIDANCE

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

National Planning Framework

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

The Scottish Planning Policy 2014

- 9 The SPP is a statement of Scottish Government policy on land use planning. The following sections of the SPP will be of particular importance in the assessment of this proposal;
- Sustainability : paragraphs 24 - 35
 - Placemaking : paragraphs 36 – 57
 - Supporting Business and Employment: paragraphs 92 – 108
 - Valuing the Historic Environment: paragraphs 135 - 151
 - Valuing the Natural Environment : paragraphs 193 – 218
 - Maximising the Benefits of Green Infrastructure: paragraphs 219 – 233
 - Promoting Responsible Extraction of Resources: paragraphs 234 - 248
 - Managing Flood Risk and Drainage: paragraphs 254 – 268

- Promoting Sustainable Transport and Active Travel : paragraphs 269 – 291
- 10 The following Scottish Government Planning Advice Notes (PAN) are likely to be of relevance to the proposal;
- PAN 2/2011 Planning and Archaeology
 - PAN 3/2010 Community Engagement
 - PAN 51 Planning, Environmental Protection and Regulation
 - PAN 61 Planning and Sustainable Urban Drainage Systems
 - PAN 68 Design Statements
 - PAN 69 Planning and Building standards Advice on Flooding
 - PAN 75 Planning for Transport

LOCAL POLICY AND GUIDANCE

TAYPlan Strategic Development Plan 2016-2036

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

- 12 The following sections of the TAYplan 2017 are of particular importance in the assessment of this application;
- Policy 1 Location Priorities (Tier 3 Settlement)
 - Policy 2 Shaping Better Quality Places
 - Policy 4 Homes
 - Policy 6 Developer Contributions

Perth and Kinross Local Development Plan 2014

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

- 15 Under the LDP, the following policies are of particular importance in the assessment of this application;
- PM1 – Placemaking
 - PM2 – Design Statements
 - RD4 – Affordable Housing
 - TA1 – Transport Standards and Accessibility Requirements
 - PM3 – Infrastructure Contributions
 - CF2 – Public Access
 - HE1 – Scheduled Monuments and Non-Designated Archaeology
 - NE1 – Environment and Conservation Policies
 - NE3 – Biodiversity
 - NE4 – Green Infrastructure
 - ER6 – Managing Future Landscape Change to Conserve and Enhance the Diversity and Quality of the Area's Landscapes
 - EP1 – Climate Change, Carbon Reduction and Sustainable Construction
 - EP2 – New Development and Flooding
 - EP3 – Water Environment and Drainage
 - EP5 – Nuisance from Artificial Light and Light Pollution
 - EP8 – Noise Pollution
 - RD1 – Residential Areas

16 **OTHER POLICIES**

- Auchterarder Expansion Development Framework March 2008
- Developer Contributions Supplementary Guidance April 2016
- Flood Risk and Flood Risk Assessments – Developer Guidance June 2014
- Perth and Kinross Council Corporate Plan 2013-2018
- Perth and Kinross Community Plan 2013/2023

PLANNING SITE HISTORY

- 17 **08/01133/IPM:** Proposed residential, business, general industry and storage and distribution development (in principle) on land at Castlemains Farm, Auchterarder.31 October 2013 Application Approved by Development Control Committee

08/01591/FUL: Formation of roads and associated infrastructure 17 October 2008 Application Approved under delegated powers.

09/01290/FLM: Erection of 261 dwellinghouses 30 January 2014 Application Approved by Development Control Committee

16/01809/IPM: Deletion of condition 14 (seeking waste advise) of permission 08/01133/IPM (residential, business, general industry and storage and distribution development (in principle) on land at Castlemains Farm, Auchterarder. Presented to Development Management Committee January 2018

CONSULTATIONS

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

External

- Scottish Environmental Protection Agency (SEPA)
- Scottish Water
- Transport Scotland
- Perth and Kinross Heritage Trust (PKHT)
- Auchterarder and District Community Council

Internal

- Environmental Health
- Biodiversity Officer
- Strategic Planning and Policy
- Community Greenspace
- Transport Planning
- Structures and Flooding
- Waste Services
- Contribution Officer

KEY ISSUES AGAINST WHICH A FUTURE APPLICATION WILL BE ASSESSED

- 19 The key considerations against which the eventual application will be assessed Includes;

- a. Landscape and Visual Impact
- b. Scale, Design and Layout
- c. Relationship to nearby land uses
- d. Site Planning History
- e. Natural Heritage and Ecology
- f. Cultural Heritage including Archaeology
- g. Water Resources and Soils
- h. Air Quality
- i. Noise
- j. Transport Implications
- k. Sustainability

ADDITIONAL STATEMENTS WHICH WILL BE REQUIRED

- 20 It is anticipated that the following assessments will be required to cover the following subject matters;

- Habitat Survey
- Air quality Assessment

- Noise Assessment/Management Plan
- Ground Conditions Survey
- Transport Statement/Assessment
- Landscape and Visual Impact Assessment
- Flood Risk and Drainage Assessment including Surface Water Management Plan
- Cultural Heritage including Archaeology Assessment
- Design and Access Statement
- Pre-Application Consultation (PAC) Report
- Sustainability Assessment
- Planning Statement
- Design and Access Statement

CONCLUSION AND RECOMMENDATION

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

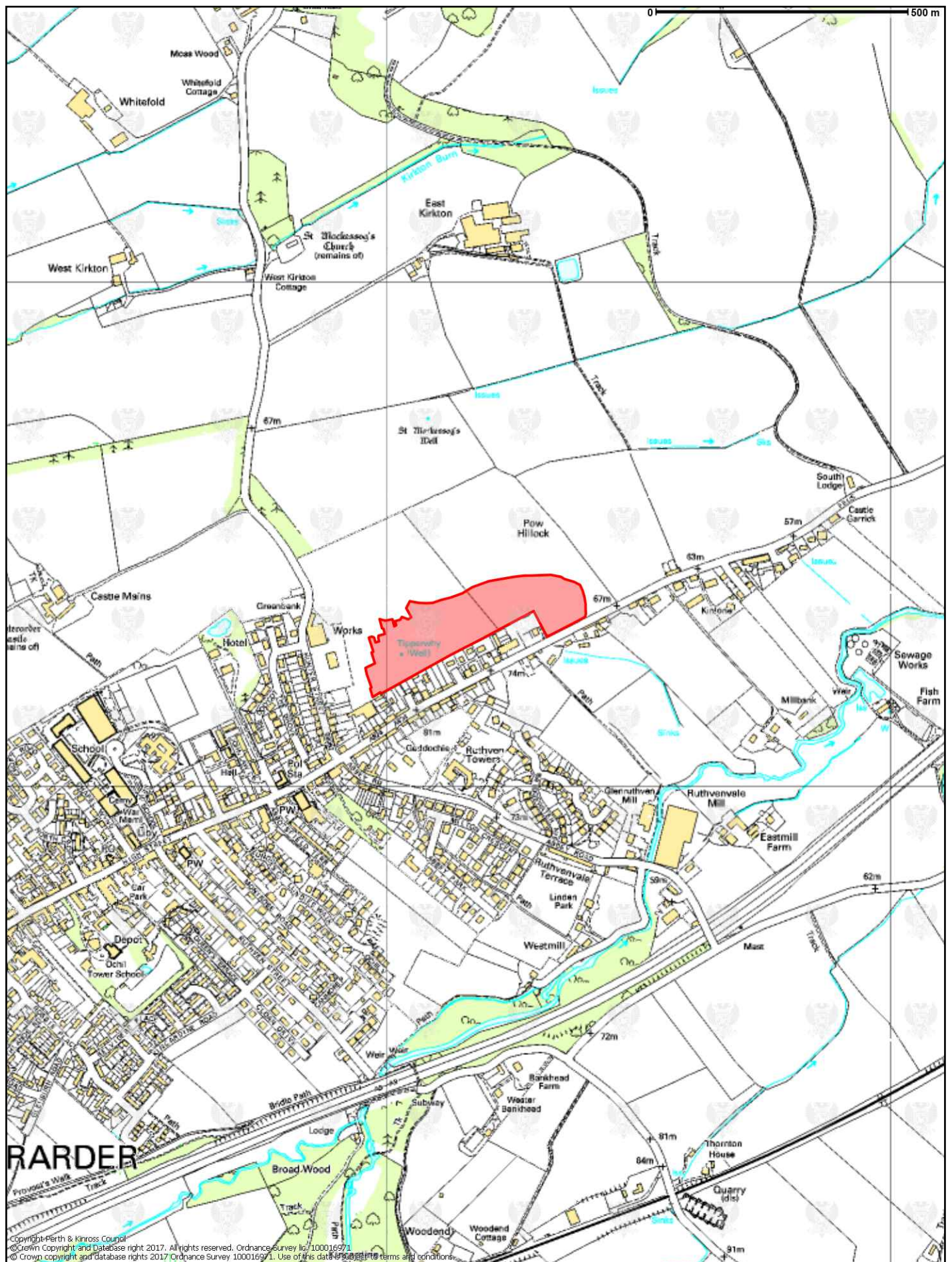
Background Papers: None
 Contact Officer: Callum Petrie – Ext 475353
 Date: 22 December 2017

Anne Condcliffe
Interim Development Quality Manager

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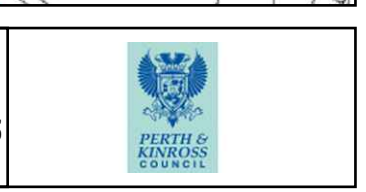
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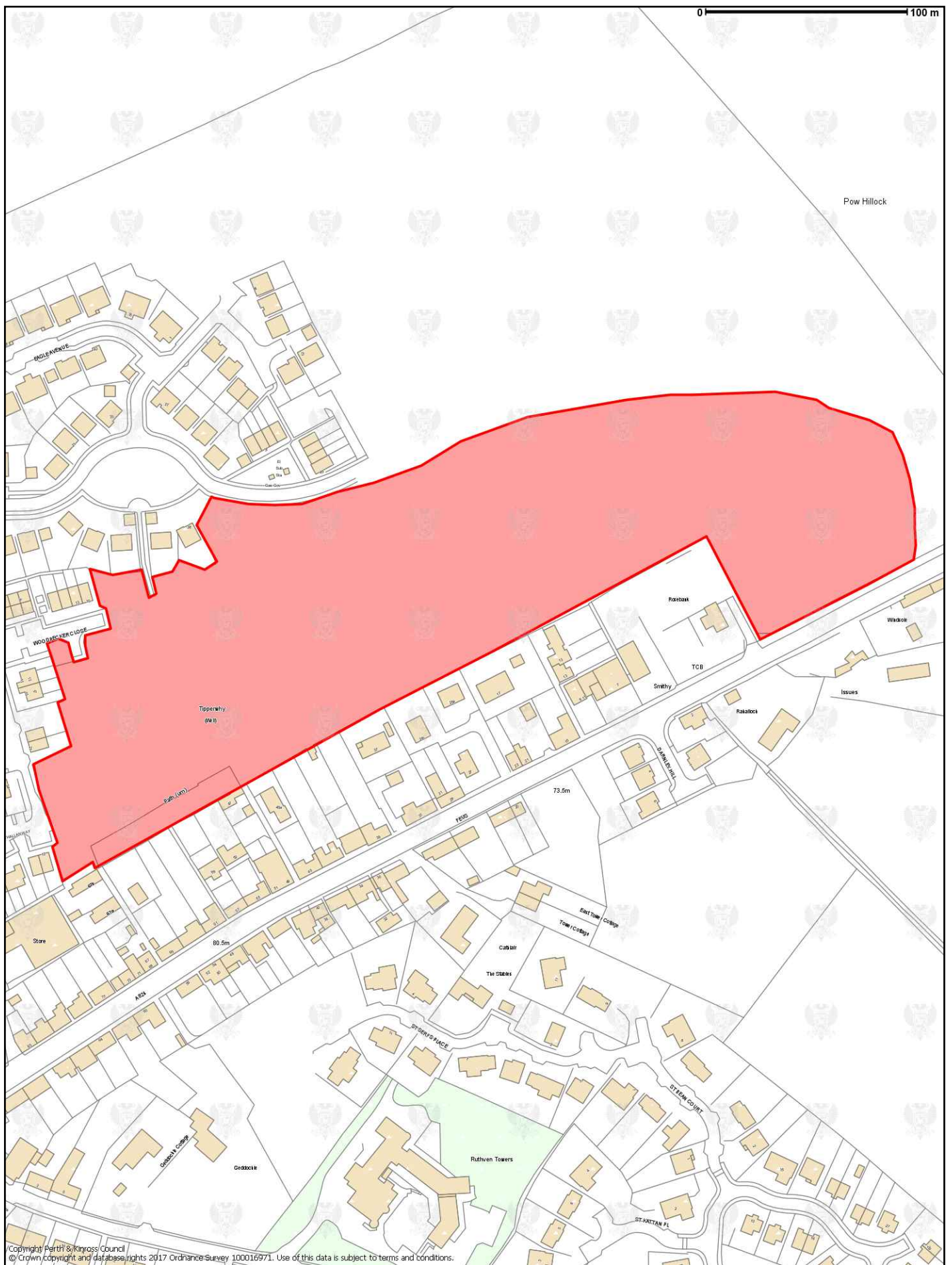
**Planning & Development
 Management Committee**



17/00009/PAN

Erection of residential development formation of open space, landscaping and associated infrastructure works at Land 230 Metres North East Of Stewart Milne Homes, Hunter Street, Auchterarder





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