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Council Building
2 High Street
Perth
PH1 5PH

Monday, 05 February 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, 14 February 2018 at 10:00**.

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

BERNADETTE MALONE
Chief Executive

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

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

Members:

Councillor 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, 14 February 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 17 JANUARY 2018 FOR APPROVAL AND SIGNATURE 5 - 14**
- 4 DEPUTATIONS**
- 5 APPLICATIONS FOR DETERMINATION**
- (1) MAJOR APPLICATIONS**
 - (i) 17/00847/IPM - LUNCARTY - MIXED USE DEVELOPMENT COMPRISING RESIDENTIAL DEVELOPMENT, EMPLOYMENT LAND, INFRASTRUCTURE INCLUDING ROADS, FOOTPATHS, LANDSCAPING, DRAINAGE, OPEN SPACE AND ASSOCIATED WORKS ON LAND 250 METRES SOUTH EAST OF WILMAREAN, LUNCARTY 15 - 58**

Report of Handling by Interim Development Quality Manager
(recommendation - approve) (copy herewith 18/49)
- (2) LOCAL APPLICATIONS**
 - (i) 17/01139/AML - PERTH - ERECTION OF 20 DWELLINGHOUSES WITH ASSOCIATED ROADS, DRAINAGE AND LANDSCAPING (MATTERS SPECIFIED BY CONDITIONS 13/01879/IPL) (PHASE 1) ON LAND WEST OF WOODLANDS, GLASGOW ROAD, PERTH 59 - 88**

Report of Handling by Interim Development Quality Manager
(recommendation - approve) (copy herewith 18/50)

- (ii) **17/01140/AML - PERTH - ERECTION OF 17 DWELLINGHOUSES, LANDSCAPING AND ASSOCIATED WORKS (MATTERS SPECIFIED BY CONDITIONS - 13/01880/IPL) (PHASE 2) ON LAND WEST OF WOODLANDS, GLASGOW ROAD, PERTH** 89 - 116
Report of Handling by Interim Development Quality Manager (recommendation - approve) (copy herewith 18/51)
- (iii) **17/01141/AML - PERTH - ERECTION OF 9 DWELLINGHOUSES, LANDSCAPING AND ASSOCIATED WORKS (MATTERS SPECIFIED BY CONDITIONS - 13/01881/IPM) (PHASE 3) ON LAND WEST OF WOODLANDS, GLASGOW ROAD, PERTH** 117 - 144
Report of Handling by Interim Development Quality Manager (recommendation - approve) (copy herewith 18/52)
- (iv) **17/01976/FLL - PITLOCHRY - CHANGE OF USE OF DWELLINGHOUSE TO FORM CONFERENCE/VENUE FACILITIES, ALTERATIONS AND EXTENSION, ERECTION OF TOILET FACILITIES, SITING OF A MARQUEE, FORMATION OF CAR PARKING AREA AND AN EARTH BUND AND ASSOCIATED WORKS AT THE OLD MANSE, BLAIR ATHOLL, PITLOCHRY, PH18 5TN** 145 - 166
Report of Handling by Interim Development Quality Manager (recommendation - approve) (copy herewith 18/53)
- (v) **17/02092/FLL - PITLOCHRY - CHANGE OF USE OF VACANT LAND TO FORM GARDEN GROUND, FORMATION OF A VEHICULAR ACCESS AND ERECTION OF A FENCE AND GATES (IN PART RETROSPECT) AT ELDORADO, BALNAGUARD, PITLOCHRY, PH9 0PY** 167 - 180
Report of Handling by Interim Development Quality Manager (recommendation - approve) (copy herewith 18/54)
- (3) **PROPOSAL OF APPLICATION NOTICE (PAN)**
- (i) **17/00010/PAN - PERTH - PROPOSED EMPLOYMENT/BUSINESS PARK (USE CLASSES 4,5 AND 6) AND ASSOCIATED WORKS ON LAND NORTH OF THOMSON LANDSCAPES, INCHCAPE PLACE, PERTH** 181 - 192
Pre-Application Report by Interim Development Quality Manager (copy herewith 18/55)

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PLANNING AND DEVELOPMENT MANAGEMENT COMMITTEE

Minute of meeting of the Planning and Development Management Committee held in the Council Chamber, Ground Floor, Council Building, 2 High Street, Perth on Wednesday 17 January 2018 at 10.00am.

Present: Councillors B Brawn, H Anderson, B Band, M Barnacle, E Drysdale, T Gray, A Jarvis, R McCall, L Simpson, R Watters and W Wilson.

In Attendance: Councillor C Purves (up to and including Art ** (item 3(i)); N Brian, A Condliffe, C Brien, J Scott, M Barr, T Maric, L Reid and R Stewart (all The Environment Service); C Elliott and D Williams (all Corporate and Democratic Services).

Apologies: Councillors I James and M Lyle

Councillor B Brawn, Vice-Convener, Presiding.

. WELCOME AND APOLOGIES

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

. DECLARATIONS OF INTEREST

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

. MINUTES

The minute of meeting of the Planning and Development Management Committee of 6 December 2017 (Arts. **-**) was submitted, approved as a correct record and authorised for signature.

. DEPUTATIONS

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

Planning Application No.	Art. No.
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17/00644/AMM	** (2)(i)
17/01227/FLL	** (3)(i)
17/01694/FLL	** (3)(iii)

APPLICATIONS FOR DETERMINATION

(1) Applications Previously Considered

- (i) 16/02156/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 – Report 18/5 – Taylor Wimpey East Scotland and GS Brown Construction Ltd**

This item was withdrawn from consideration prior to the meeting due to being called in by the Scottish Government.

(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 – Report 18/6 – Guild Homes (Tayside) Ltd**

Mr M Wilson, applicant, addressed the Committee, and, following his representation, withdrew to the public benches.

Resolved:

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

Conditions

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

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

Justification

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

Procedural Notes

1. Consent shall not to be issued until a Section 75 Agreement 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.

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

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- 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

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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.

(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 – Report 18/7 – Barnhill Estates

Mr A Kinloch and Ms M Milne, objectors to the application, followed by Councillor C Purves, Local Member, addressed the Committee. Following their respective representations, Mr Kinloch, Mrs Milne and Councillor Purves withdrew to the public benches.

Motion (Councillors M Barnacle and R Watters) – Refuse the application for the following reasons:

- (1) The proposal is contrary to the Perth and Kinross Local Development Plan, Policy TA1B on the basis that (i) in terms of first criteria (a), the proposal has not been designed for the safety and convenience of all potential users due to the difficulties in HGV's accessing the site, and (ii) in terms of second criteria (b), a Transport Assessment has not been prepared assessing the impact of the development against mitigation proposals for the A977.
- (2) The proposal is contrary to the Perth and Kinross Local Development Plan, Policy PM1A in that the proposal does not contribute positively to the surrounding built and natural environment as it would intensify an industrial use in a rural location.
- (3) The proposal is contrary to the Perth and Kinross Local Development Plan, Policy ER6 as it does not reflect the rural characteristics of the area with an intensification of an industrial use.

Councillor W Wilson moved an amendment to defer the application for a site visit. Having failed to find a seconder, the amendment fell.

Resolved:

In accordance with the Motion.

- (ii) **17/01626/FLL – GLENLYON – Change of use from holiday accommodation unit to dwellinghouse and ancillary bothy to holiday accommodation unit, siting of 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 – Report 18/8 – Mr Tim Cracknell**

Resolved:

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

Conditions

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.
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.
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.

Justification

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

Informatives

1. 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

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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.

(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 House, Moneydie – Report 18/9 – Mr Steven Mackie

Ms T Strang and Ms K Blackwell, objectors to the application; Mr G Black, Luncarty, Redgorton and Moneydie Community Council; followed by Mr S Mackie, applicant, and Mr C Miles, agent to the applicant, addressed the Committee. Following their respective representations, Ms Strang, Ms Blackwell, Mr Black, Mr Mackie and Mr Miles withdrew to the public benches.

Resolved:

Refuse, on the grounds that:

- (1) The proposal is contrary to Perth and Kinross Local Development Plan 2014, Policy ED3 criteria (c) as the proposal would not meet a specific need by virtue of its quality or location, and criteria (e) as it has not been demonstrated that the local road network is capable of accommodating the nature and volume of the traffic generated.

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- (2) The proposal is contrary to Perth and Kinross Local Development Plan, Policy EP8 as there are inadequate proposals for out of hours management and control of noise pollution.
 - (3) The proposal is contrary to Perth and Kinross Local Development Plan 2014, Policy TA1B on the basis that it is not easily accessible to all modes of transport, and will encourage reliance on private cars.
- (iv) **17/01862/FLL – PERTH – Change of use from retail unit to café/restaurant (class 3) and hot food takeaway at 19 County Place, Perth, PH2 8EE – Report 18/10 – Rhiannon Properties Limited**

Resolved:

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

Conditions

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

Justification

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

Informatives

1. 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)).

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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.

(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 – Report 18/11 – Stewart Milne Homes Central Scotland**

Councillor T Gray highlighted local concern regarding existing traffic congestion in Hunter Street, and suggested measures to ease congestion be addressed.

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Councillor W Wilson highlighted the potential for site management and condition regarding potential mud on the road.

Members also noted the issues identified by the Interim Head of Planning's report.

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Perth and Kinross Council  
Planning & Development Management Committee – 14 February 2018  
Report of Handling by Interim Development Quality Manager

**PROPOSAL:** Mixed use development comprising residential development, employment land, infrastructure including roads, footpaths, landscaping, drainage, open space and associated works

**LOCATION:** Land 250 metres south east of Wilmarean, Luncarty (Luncarty South)

Ref. No: 17/00847/IPM  
Ward No: P5- Strathtay

**Summary**

This report recommends approval of the 'In Principle' application for a mixed use (residential and employment) development and expansion of Luncarty Village. The proposal is considered to comply with the relevant provisions of the Development Plan and there are no material considerations apparent which would outweigh it.

**BACKGROUND AND DESCRIPTION OF PROPOSAL**

- 1 The proposed site is situated along the southern boundary of Luncarty some 4.5 miles north of Perth. The site extends to approximately 45.6 hectares and is predominantly arable farmland. Broadleaved trees, hedgerows and tall vegetation are present along the field margins whilst a narrow burn runs to the southwest, outside the site boundary. Immediately north of the site is all residential, whilst the eastern boundary of the site front onto the banks of the River Tay. Immediately west of the site is the Perth to Inverness rail line and beyond this is the current A9 trunk road. To the south is further agricultural land which contains an overhead power line.
- 2 The site slopes from the north, from approximately 27m AOD to approximately 16m AOD, to the south/southwest representing a gradient of approximately 2%. The site is also characterised by an upper and lower plateau, both of which are generally flat, but divided by a transition slope with a steeper gradient varying between 10% and 15%. Within the upper plateau there are two areas of higher ground in the form of rounded hills.
- 3 The site is currently accessed off the B9099 via Scarth Road and a minor private road runs along the majority of the northern boundary of the site which serves several properties, from which a road runs south connecting with the road which crosses the site centrally from east to west up to the boundary/banks of the River Tay. The road running north-south also provides access to Denmarkfield, before again accessing the A9 over a railway bridge. Core paths run along these routes, connecting into the wider area and the path that runs parallel with the River Tay. Overhead power lines run north/south within the western part of the site and also parallel with the southern boundary, but are outwith the site.

- 4 The site forms the majority (70%) of an allocated site (H27) of 64 hectares in the Perth and Kinross Local Development Plan (LDP) for both residential and employment use. The allocation stipulates that the maximum number of dwellings that can be accommodated by 2024 is 300 and 5 hectares is required for employment use.
- 5 The applicants are seeking In Principle planning permission for mixed use development (residential and employment) along with associated, infrastructure, access, landscaping, drainage, SUDS and open space. An accompanying masterplan, phasing plan and Environmental Impact Assessment (EIA) has been submitted alongside the application.
- 6 The key elements of the proposal comprise:
  - Up to 650 homes with a mix and range of housing types;
  - 25 % (158 units) affordable homes;
  - 5 hectares of employment land (Classes 4, 5 & 6);
  - Sustainable Urban Drainage Systems and improvements to localised drainage issues;
  - Open space: formal and informal, recreational areas and play areas;
  - Additional tree planting;
  - New footpaths and cycle paths integrated with existing routes.

## **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 An Environmental Statement was required to be submitted with the proposal as the scale of development adjacent to the River Tay and its Special Area of Conservation (SAC) designation exceeded the EIA thresholds.

## **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 as it involves more than 2 hectares of developable area or above 50 dwellings. This requires pre-application consultation with the local community to be undertaken. The results of the community consultation have

been submitted with the application as part of the Pre-Application Consultation (PAC) Report on Community Consultation. The Proposal of Application Notice (PAN) (reference 14/00009/PAN) outlined that a public exhibition was held locally and the previous Ward Councillors for the area were consulted as well as Luncarty, Redgorton and Moneydie Community Council.

## **NATIONAL POLICY AND GUIDANCE**

- 11 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**

- 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 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
- Affordable Housing: paragraphs 126 – 131
- 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

- 14 The following Scottish Government Planning Advice Notes (PAN) are of relevance to the proposal:

- PAN 2/2010 Affordable Housing and Housing Land Audits
- PAN 3/2010 Community Engagement
- 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

### **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 68 Design Statements
- PAN 69 Planning and Building standards Advice on Flooding
- PAN 75 Planning for Transport
- PAN 77 Designing Safer Places

### **Creating Places**

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

### **Designing Streets 2010**

- 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. It has been created to support the Scottish Government's place-making agenda, alongside Creating Places, which sets out Government aspirations for design and the role of the planning system in delivering these.

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

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

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

- 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 PM1C - Placemaking**

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

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

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

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

- 35 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**

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

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

- 37 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 ED1B - Employment and Mixed Use Areas**

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

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

- 39 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**

- 40 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**

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

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

- 42 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 CF1A - Open Space Retention and Provision**

- 43 Development proposals resulting in the loss of Sports Pitches, Parks and Open Space which are of recreational or amenity value will not be permitted, except in circumstances where one or more of the criteria set out apply.

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

- 44 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**

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

**Policy CF3 - Social and Community Facilities**

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

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

- 47 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 HE4 - Gardens and Designed Landscapes**

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

### **Policy NE1 - Environment and Conservation Policies**

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

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

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

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

- 51 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**

- 52 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**

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

### **Policy ER5 - Prime Agricultural Land**

- 54 Development on prime agricultural land will not be permitted unless it is necessary to meet a specific established need such as a major infrastructure proposal, there is no other suitable site available on non-prime land or it is small scale development (generally single buildings) linked to rural business.

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

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

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

- 56 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**

- 57 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**

- 58 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**

- 59 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**

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

**Policy EP8 - Noise Pollution**

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

### **Policy EP11 - Air Quality Management Areas**

- 62 Development proposals within or adjacent to designated Air Quality Management Areas which would adversely affect air quality may not be permitted.

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

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

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

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

### **OTHER POLICIES**

- 65 The following supplementary guidance and documents are of particular importance in the assessment of this application;
- Developer Contributions Supplementary Guidance including Affordable Housing April 2016
  - Flood Risk and Flood Risk Assessments – Developer Guidance June 2014
  - Sustainable Design and Zero Carbon Development Supplementary Guidance May 2014
  - Green Infrastructure Supplementary Guidance (Draft) July 2014
  - Perth and Kinross Retail Study 2014
  - Perth City Plan 2015 – 2035
  - Open Space Standards (2001)

### **SITE HISTORY**

- 66 The following history is of relevance;
- **97/00614/FUL** Residential development (in outline). Application refused 8 August 1997
  - **14/00009/PAN** Proposal of Application Notice (PAN) for residential development. Content of PAN agreed 5 November 2014
  - **15/00419/SCRN** EIA Screening Request for mixed use development. Screening Opinion provided 24 March 2015 – EIA required.
  - **15/00511/SCOP** EIA Scoping Request for residential development. Scoping Opinion provided 30 April 2015.

## **CONSULTATIONS**

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

### **EXTERNAL**

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

- 68 No objection on grounds of flood risk.

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

- 69 No objection on grounds of impact on River Tay SAC

#### **Scottish Water**

- 70 No objection. Currently capacity in the Perth Water Treatment Works and the Perth City Waste Water Treatment Works.

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

- 71 No objection. Proposal does not raise historic environment issues of national significance.

#### **Transport Scotland**

- 72 No objection but recommend certain conditions.

#### **Forestry Commission Scotland (FCS)**

- 73 No objection. Pleased to see the amount of tree removal is minimal and is outweighed by the amount of trees to be planted within the site.

#### **Network Rail**

- 74 No objection provided requested conditions are attached to any planning consent.

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

- 75 The proposed development site lies within an area that is considered to be archaeologically sensitive. Given the scale of the proposed development site and its archaeological potential, it is recommended that a programme of archaeological works be carried out, the scope and timescale of which will be agreed with PKHT.

## **Luncarty, Redgorton and Moneydie Community Council**

76 Object to the proposal on the following grounds:

- Traffic and transport issues
- Adverse impact on core paths
- Adverse visual impact
- Archaeology
- Drainage
- Adverse impact on environment
- Adverse impact on Luncarty

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

77 No response received.

## **Tay Salmon Fisheries Board**

78 No response received.

## **Scottish Canoe Association**

79 No response received.

## **INTERNAL**

### **Biodiversity Officer**

80 No objection provided a number of conditions are imposed with any consent.

### **Transport Planning**

81 No objection provided specific conditions are applied to address transport and placemaking requirements.

### **Environmental Health**

82 No objection in principle on grounds of noise and air quality provided a requested noise condition is included with any consent.

### **Flood Risk and Structures**

83 No objection on the grounds of flood risk or drainage.

### **Strategy and Policy**

84 Whilst it is not a specific requirement in the LDP, an area of the allocated site has not been incorporated, due to land ownership issues. It is not in the spirit of masterplanning but an application could not be refused on these grounds.

### **Contributions Officer**

- 85 Due to the impact of the proposal a Section 75 Legal Agreement will be required to secure the necessary infrastructure and associated contribution payments to secure the following:

- Affordable Housing provision
- Primary Education provision
- Transport Infrastructure provision including public transport
- Open Space provision and maintenance
- Play Area provision and maintenance
- Core Path provision and maintenance
- Sports Pitch provision and maintenance

### **Community Greenspace**

- 86 No objection but provide detailed advice regarding the design and provision of good public open space (POS) including equipped play areas, sports provision and path connections for both recreation and active travel.

### **Waste Services**

- 87 No objection.

### **REPRESENTATIONS**

- 88 The application has attracted 110 representations with 108 objecting to the proposal. The following issues raised in the objections are addressed in the Appraisal section of this report;

- Contrary to Development Plan
- Adverse impact on residential amenity
- Adverse impact on visual amenity
- Adverse impact on biodiversity
- Adverse impact on trees
- Adverse impact on Core Paths
- Traffic congestion
- Traffic safety
- Impact on primary school
- Excessive density
- Inappropriate land use
- Loss of open space/countryside/agricultural land
- Noise pollution
- Light pollution
- Flood risk
- Construction traffic impact
- Excessive height
- Loss of daylight and potential overlooking



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

## 90 **ADDITIONAL STATEMENTS**

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

## **APPRAISAL**

91 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.

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

### **Principle**

93 TAYplan Policy 1 (Location Priorities) focuses the majority of development to Tier 1 settlements as they have the greatest potential to accommodate the majority of the region's additional development in the next 20 years. Luncarty and the proposed site is located within Tier 1 - Perth Core Area and it therefore complies with the objective of this policy.

94 The principle of large scale residential and employment development has been established through its allocation (H27) in the LDP. Based on site area of 45.6 hectares, the proposed development is a medium density proposal (16 dwellings per hectare) and is considered suitable for edge of settlement locations in the context of national policy stating the desirability of using land efficiently.

### **LDP Site Specific Requirements**

- Masterplan submitted at the time of any planning application to ensure built form and layout respond appropriately to the landscape
- The open space which abuts the River Tay must be defined by a Flood Risk Assessment and protected in perpetuity for Flood Risk reasons.
- Transport Assessment

- Design of the new A9 junction and river crossing will require to have been approved prior to finalisation of the layout for more than the first 300 houses
- Enhancement of biodiversity and protection of riverbank habitats
- Cycle paths, core paths and rights of way incorporated into masterplan and designed to improve active transport links between Luncarty and Perth.
- Path improvements to proposed core paths within the housing site and associated greenspace addressed in masterplan.
- Developer contribution towards connections and improvements to core paths in the vicinity.
- Investigation of provision of a district heating system and combined heat and power infrastructure utilising renewable resources.
- Construction Method Statement to be provided for all aspects of the development to protect the watercourse. Methodology should provide measures to protect the watercourse from the impact of pollution and sediment so as to ensure no adverse effects on the River Tay SAC.
- Where the development of the site is within 30 metres of a watercourse an otter survey should be undertaken and a species protection plan provided, if required so as to ensure no adverse effects on the River Tay SAC.
- A desk based archaeological assessment of the site with a subsequent more detailed investigation if justified.

**Masterplan submitted at the time of any planning application to ensure built form and layout respond appropriately to the landscape**

- 95 The applicant has provided a Masterplan establishing the broad land use, phasing and placemaking principles for the majority of the site. An area of the LDP allocated site has not been incorporated due to land ownership issues.
- 96 An updated masterplan provides the necessary connections into the remaining area of land and the landowner understands that he requires the current application site to come forward to unlock his site as there is currently no viable access into it from the north or east. The landowner has been in dialogue with the Planning Authority and it is expected that he will submit a planning application for the remaining area once the parameters have been established in the current application. This approach is considered to be reasonable.
- 97 Whilst this means that the site is not being masterplanned as comprehensively as hoped it is not a specific requirement in the LDP. The proposal still address the requirements of LDP Policy PM1 - Placemaking as the submitted masterplan document fully assesses the proposed site, its constraints and opportunities before arriving at an indicative site layout showing where the roads, residential, employment, open space, play areas should be located. The design, density and siting of development respects the character and amenity of the area, new and improved links within and outwith the site and provides an appropriate provision of open space and planting.

- 98 It is considered the masterplan offers the opportunity to create a new neighbourhood that provides an attractive sense of place and a welcoming environment next to the River Tay but also easily accessible to the trunk road network. The masterplan seeks to achieve this by guiding the layout and urban form through compatible land uses.
- 99 The residential amenity of existing residents in Luncarty will change as this is a large expansion of the village and this is a concern expressed in many of the representations submitted. The change can also be a positive one as the increased population will in turn require additional and improved community facilities to be provided.
- 100 An indicative Phasing Plan has been submitted which shows the development starting in the north west corner and moving southwards before moving east towards the River Tay. The predicted timescale of the construction is anticipated to be in the region of 20 years. The phasing strategy of the updated masterplan and development moving west to east is considered acceptable.

**The open space which abuts the River Tay must be defined by a Flood Risk Assessment and protected in perpetuity for Flood Risk reasons.**

- 101 A detailed Flood Risk Assessment (FRA) was submitted as part of the EIA and was assessed by both SEPA and Flood Risk and Structures. Outer areas of the proposed site closest to the River Tay are within the 1:200 flood envelope but have been designated as landscape and open space on the proposed masterplan. Neither SEPA nor Flood Risk and Structures have raised any concern regarding flood risk. All development as shown in the updated masterplan is sited outwith the flood risk area on higher ground.
- 102 There are some areas throughout the site that are at risk of surface water flooding but as this is an In Principle application this will need to be considered at the detailed design stage for drainage infrastructure to further guide and appropriate layout and design. (Condition 26).

**Transport Assessment**

- 103 A detailed Transport Assessment (TA) and Supplementary TA was submitted in support of the application and has been assessed by both Transport Scotland and Transport Planning. This has been examined from both a technical and placemaking perspective. A significant proportion of the TA directly relates to the Trunk Road Network and Transport Scotland have not raised any issue.
- 104 A new Primary Access Road constructed near the existing junction of the B9099 /Scarth Road is proposed to access the site. This will involve the realignment and improvement of the initial section of Scarth Road (which will form part of the new Primary Access Road). An assessment of the B9099/ New Primary Access Road has been undertaken as part of the TA and it indicates that it will operate near its theoretical maximum capacity with 650 dwellings.

- 105 Discussions have taken place with the applicants regarding the traffic impact of the 5 hectares of employment land which had not been assessed in the submitted TA. The developer has since carried out an Employment Land Sensitivity Test to assess the impact of the employment land and traffic generation. The report focused on the theoretical performance of this new junction with the predicted residential and employment land (5ha) traffic flows being added to the existing observed traffic flows.
- 106 Transport Planning's assessment of the TA and Employment Land Sensitivity Test is that in terms of junction modelling, a Ratio of Flow to Capacity (RFC) of 0.85 is considered to be the upper limit of acceptable junction performance. At an RFC of 0.85 or above, the junction operation would be compromised. The report concludes that the traffic flow from 650 housing units and 5ha of employment land on the B9099/Primary Access Road junction is above an RFC of 0.85 and thus the junction cannot accommodate this additional traffic generation of the original proposal.
- 107 The TA recommends 630 housing units with 5ha of employment land (Office – 2500m<sup>2</sup>, Industrial – 5000m<sup>2</sup> and Storage – 5000m<sup>2</sup>), resulting in an RFC of 0.848 (AM peak period). This shows the B9099/Primary Access Road junction operating at the upper limit of capacity. It also shows that between the 08:45 – 09:15 periods there will be 5 vehicles queuing at this junction. No assessment of this impact on the new junction with Scarth Road is provided. Given its close proximity to the southbound slip road onto the A9, Transport Planning consider there is potential for conflict. The junction assessment also highlights the potential for major road arm blocking to occur, thereby further compromising the operation of the new junction.
- 108 Therefore any additional development (either additional residential or business) traffic will result in the junction operating above capacity. There is also the matter of future traffic growth beyond the LDP limit of 300 dwellings, which would see the junction over capacity within a short period of time (informed from the stated RFC in the TA of 0.848 at completion year of 2033). For further development beyond the 300 to be acceptable a link south to the proposed Cross Tay Link Road (CTLR) or A9 will likely be required.
- 109 Whilst it may be feasible from an engineering perspective for all vehicles to enter and exit the site from a single access, there is concern that this is not appropriate from a good planning, placemaking and connectivity perspective and would lead to the creation of a large cul de sac at the southern end of Luncarty. This approach would also not comply with one of the other site specific criteria - *Design of the new A9 junction and river crossing will require to have been approved prior to finalisation of the layout for more than the first 300 houses*. Indeed, approval beyond this number without a detailed review of the wider road network implications could have an unplanned adverse effect.
- 110 When the site was being assessed by the Directorate of Planning and Environmental Appeals (DPEA) as part of the LDP process the Reporter was quite clear that no more than 300 dwelling should be allowed off the one access and as a result a restriction was placed that no more than 300 dwellings are allowed by to be occupied by 2024. Development above 300 dwellings will

require a second vehicular access. Whilst with an average build rate of 25-30 dwellings a year, it is unlikely that this 300 threshold will be exceeded. By 2024, it is also expected that the A9 dualling and the Cross Tay Link Road will be in place and will help facilitate a second access point to the south of the site. The development of this site should therefore respect the purposes of these national and regional infrastructure projects and facilitate enhanced connectivity and placemaking of the site by appropriate connections to the new infrastructure.

- 111 Whilst the proposed masterplan shows a potential access south in the future, it is understood that it is currently not within the applicant's ownership nor control to deliver a second access at this location.
- 112 There is therefore a variance between what the applicant's TA says is possible in capacity terms and what the LDP stipulates in respect of access, traffic and placemaking objectives. It is considered that the position of Transport Planning will address the planning objectives of the site and area; to secure that, if this development is to come forward, it will be necessary to restrict the housing numbers to 300 off a single access so the impact of this number of dwellings can be more fully considered. A specific condition (No. 3) is recommended to restrict the housing numbers to a maximum level of 300, with a review of the traffic and connection impacts from a single access required upon completion of 250 dwellings through an updated TA. This assessment will provide real data and analysis of the impact of the development on the road network and the place as it has been developed. This information will be used to determine the acceptability or otherwise of an appropriate scale of increased development (beyond 300 dwellings) off the single access and identify appropriate development triggers for a second vehicular access on to the CTRL or A9 or alternative measures being provided as necessary.
- 113 Additional access points via Scarth Road and Fairview have been identified in the TA, however the impact of development traffic utilising these access points has not been assessed. With significant areas of development located to the east of these access points there is potential for vehicles to make use of these accesses which will have an impact on Fairview and Scarth Road. The TA notes the substandard nature of Scarth Road, however no mitigation is proposed beyond the initial section linking the new Primary Access Road. Condition 30 will be required to ensure this section is upgraded to the required standards.
- 114 The TA highlights that much of the development is a significant distance from the existing public transport network and new/additional local bus services will have to be provided with an appropriate financial contribution required from the first phase of the development. The road layout of Phase 1 will have to ensure that there are opportunities for buses to "loop" either using the road layout itself or through the provision of a bus turning area. Without a loop or bus turning area it is unlikely that the mode share noted in the TA for public transport will transpire. A second connection to the south would provide for further enhancement of bus connections.

- 115 Within the submitted Construction and Environmental Management Plan (CEMP) it is noted that a Traffic Management Plan will be agreed with the Council prior to development commencing. It is considered unlikely that the existing Scarth Road/Fairview route will be appropriate for any significant construction traffic and therefore the new access point and improvements to the initial section of Scarth Road will be required to be implemented prior to the commencement of any works on site.

**Design of the new A9 junction and river crossing will require to have been approved prior to finalisation of the layout for more than the first 300 houses**

- 116 Please see the above section (Paras 103-115) regarding transport assessment.

**Enhancement of biodiversity and protection of riverbank habitats**

- 117 The site is predominantly arable farmland with some hedgerows with trees of varying quality. An extended Phase 1 Habitat Survey dated January 2015 has been submitted with the application along with a Protected Species Survey from July 2016 and the ecology and biodiversity of the site has been considered in the EIA. As this is an 'In Principle' application it will be necessary to provide updated comprehensive Habitat and Protected Species Surveys with any further detailed applications for this development, as the validity of such surveys is limited by time.
- 118 Some trees and the remains of an existing hedgerow along the core path/lane leading south from Fairview will be lost as a result of the proposed layout of the masterplan. Any vegetation removal should be undertaken outside of the bird breeding season to avoid disturbance of breeding birds. If not possible a pre-commencement survey prior to the vegetation clearance should be carried out by a suitably qualified ecologist.
- 119 Trees on site have been identified as having potential bat roost features, any tree to be felled should be assessed for bat roost features and the appropriate bat surveys should be undertaken prior to felling of trees.
- 120 Otters and Beaver are known to frequent the River Tay adjacent to the site as well as the potential presence of Freshwater Pearl Mussels and there are a number of birds nesting on or close to the site.
- 121 A development of this scale offers opportunities to provide suitable nest/roost sites for particular bird species and bats. The Councils Biodiversity Officer has recommended that a proportion of all 2 storey properties should incorporate nest boxes and bat roosts. Please see Condition 4(xi).
- 122 In terms of trees and woodland both Forestry Commission Scotland and Community Greenspace reviewed the submitted tree survey proposals and both were pleased to see that the majority of the existing tree cover is to be retained. A further tree survey will need to be undertaken that directly relates to the final layout to ensure trees are protected and retained appropriately all as

described in BS 5837 2012 Trees in relation to design demolition and construction.

**Cycle paths, core paths and rights of way incorporated into masterplan and designed to improve active transport links between Luncarty and Perth**

- 123 The proposed masterplan and associated text provide many references to the core paths and cycle paths and the need to retain and enhance these. The LDP also requires core footpaths to be accommodated and the requirement for contributions for improvements. The LDP also identifies that pedestrian and cycle routes to the village should be provided and suitable boundary treatment provided to create a village edge.'
- 124 It is therefore essential that the core paths through the development site are designed to fulfil their function as functional recreational routes. Core Path LUNC/102 is the key cycle path through the site and will need to be separated from the principal street to provide a remote cycle path at least 2.5m wide with a sealed surface. LUNC/100 is the key link with the riverside path (LUNC/2) and this should also be separated over the portion which is a principal street and should be within a green corridor towards the riverside.
- 125 Luncarty residents currently enjoy taking recreation on these core paths through countryside, these will now be incorporated through streets removing this valued and important recreational facility. There should be new paths created through the woodland on the south edge to link with LUNC/2. These paths should be 2.5m wide and be designed to provide a countryside feel (i.e. not straight). LUNC/116 has been retained within a green corridor as a woodland path, this should also be designed to create a countryside feel. The riverside path LUNC/2 will provide the main recreational route and can also be used to connect to Perth for longer distance recreational/functional travel. To cope with additional use arising from the development this should be upgraded within the site and an off-site contribution should also be made.
- 126 Both the communities of Luncarty and Stanley are keen to establish a cyclepath connection between each settlement on Core Path STAN/117). A proportionate off-site contribution would be applicable and reasonable and ensure compliance with LDP Policies PM1 – Placemaking and CF2- Public Access to upgrade this path as it is expected that it will be a route which will be well-used by residents of both settlements once established. A contribution is to be provided by the applicants for the recently minded for approval expansion of Stanley village. This contribution will be controlled through the S75 process.

**Path improvements to proposed core paths within the housing site and associated greenspace addressed in masterplan**

- 127 Please see above section regarding core path improvements within and outwith the site (paras 123-126).

- 128 Community Greenspace commented that the design of public open spaces need to be multifunctional and maintenance efficient and allowing access for maintenance machinery. Small areas of public open space should be avoided and any tree planting should ensure there is sufficient space to avoid creating shade and other issues for residents in the longer term, and shrubs should not require onerous pruning. The masterplan proposes 7 pocket parks spread throughout the site and larger park area located centrally within the site.
- 129 There will be a requirement for one equipped play area to cater for 4-8 & 8-14 age groups (REAP) to the Councils Play Area Standards. Play areas should be located to be overlooked and accessible to the maximum number of residents possible. The masterplan indicates 3 play areas will be provided with the areas of open space and is compliant with LDP Policy CF1B – Open Space within New Developments.
- 130 Community Greenspace also comment that there may be a desire for a further football pitch or floodlit all weather pitch with changing facilities, parking for shared use between existing community clubs and school teams. Whilst there appears to be adequate facilities for the current teams demand is likely to grow with increasing population. The masterplan identifies the possibility of formal pitch provision being provided on site within the large area of central open space. Further consultation with existing football clubs should be undertaken to assess the future need. The level of provision and specification should be reflected within the S75.

**Developer contribution towards connections and improvements to core paths in the vicinity**

- 131 Due to the impact of the proposal a Section 75 Legal Agreement will be required to secure the necessary infrastructure and associated contribution payments.
- 132 The Councils Community Greenspace team have identified the need for the core paths to be improved within and in close proximity of the site, including the Luncarty to Stanley Core Path (STAN/117). The Councils Developer Contributions Officer has identified that a contribution is required to cover this to comply with LDP Policy CF2 – Public Access and is included in the Section 75 Heads of Terms.

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

- 133 AECOM were appointed by Perth and Kinross Council to independently review the District Heating (DH) feasibility study submitted by the applicant for the proposed development. The feasibility study has been assessed against the CIBSE Heat Networks: Code of Practice (CP1) to determine whether or not the developer's conclusion that the network is not viable is reasonable.
- 134 In general the information provided is considered reasonable, but only one heat source, Combined Heat and Power (CHP) has been covered and many key assumptions are not detailed. The financial assessment looks to cover expected parameters, but there is insufficient breakdown of the inputs to the



model to properly understand whether the outcomes are reliable. No breakdown of cost is provided for the energy centre and heat network other than the Capital Expenditure for Luncarty is costed at approximately £3.6m.

- 135 From the information provided AECOM consider that it is not possible to determine whether the project is viable as the level of detail required has not been provided. To determine the feasibility of the project further information would be required. Details such as fuel consumption figures, heat network losses, heat sales figures, maintenance and replacement costs and assumptions would be needed. No information has been provided on network pipe routes and sizes as it is a high level study, but cost assumptions seem to be reasonable.
- 136 Based on the feedback from AECOM and that this is an In Principle application, it is considered reasonable that further investigation into a District Heating system for Luncarty is still required and is an option that should not be discounted just yet. The provision of district heating is high on the agenda with the Scottish Government and is expected to be for many years to come. Condition (No. 21) will require the applicant to re-look at this issue for the detailed stage of the planning process to ensure compliance with LDP Policy EP1 – Climate Change, Carbon Reduction and Sustainable Construction.

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

- 137 SNH commented that whilst the development lies adjacent to the main stem of the River Tay and part of the River Tay Special Area of Conservation (SAC), it does not directly impact upon the SAC. There could be indirect impacts during and post construction from run-off of sediment and other pollutants.
- 138 A Construction Environmental Management Plan (CEMP) was submitted as part of the EIA and SNH commented that if this document is approved as part of the planning application, it is unlikely that the proposal will have a significant effect on any qualifying interests and Perth and Kinross Council will not be required to carry out an appropriate assessment. Condition 10 would ensure the content of the CEMP will need to be adhered to during the construction period and ensure compliance with LDP Policy EP15 – Development within the River Tay Catchment Area.

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

- 139 An extended Phase 1 Habitat Survey dated January 2015 has been submitted with the application along with a Protected Species Survey including otters from July 2016 and the ecology and biodiversity of the site has been considered in the EIA.

- 140 No development is proposed within 30 metres of the River Tay and no issue regarding otters has been raised by either SNH or the Council Biodiversity Officer. The proposal is considered to comply with LDP Policy NE3 – Biodiversity.

**A desk based archaeological assessment of the site with a subsequent more detailed investigation if justified**

- 141 The proposed development site lies within an area that is considered to be archaeologically sensitive. The EIA identified a number of heritage assets within the site. These include two areas of cropmark archaeology indicative of prehistoric settlement; and potential evidence associated with the putative Battle of Luncarty and for burial cairns on the 'plain of Luncarty'.
- 142 Given the scale of the proposed development site and its archaeological potential, PKHT recommend that a condition for a programme of archaeological works is attached to any consent to ensure compliance with LDP Policy HE1B – Non-Designated Archaeology. (Condition 8).

**Visual Amenity**

- 143 The landscape and visual impact assessment, undertaken as part of the EIA assessed 6 key views into the site. The assessment predicts three key visual effects within the boundary of the proposed development.
- 144 Viewpoints 5 and 6 are located on Core Paths adjacent to the Proposed Development are not considered to be particularly sensitive but it is the change from a rural to an urban environment that creates a more significant effect. The scale of the proposed development means this finding is not unexpected and reflects the proposed changed nature of the environment at this location.
- 145 The third visual resource to experience a significant effect is Core Path LUNC/100, which crosses the centre of the site. This road will inevitably change to a more urban environment and is not unexpected.
- 146 The remaining viewpoints and receptors are predicted to not experience any significant landscape or visual effects.
- 147 The application site is located on the southern edge of Luncarty, can be broadly considered to visually contain the proposed development to the north. The woodland alongside the River Tay visually contains the proposed development to the southeast and south with further woodland belts generally containing views in a westerly direction.
- 148 The proposed landscape framework of the proposed development is considered likely to screen some of the proposed residential areas and the visible areas are likely to resemble that of the existing urban environment of Luncarty.

## **Roads and Access**

- 149 The issue of the single vehicular access has been addressed above under the Transport Assessment section.
- 150 In terms of accessibility to non-car modes especially walking and cycling the masterplan does show how the existing path and core path network will be utilised to ensure future residents will have comfortable and easy access to facilities within the village and beyond to both Stanley and Perth.

## **Employment land**

- 151 The submitted masterplan shows the provision of 5ha of employment land located at the south western edge of the site. It will be accessible directly off the main road through the site. The proposed location for employment use is considered to be acceptable and will provide potential opportunities for people to live and work within Luncarty. Please see Condition 5 on delivery timescale of the employment land.

## **Network Rail Infrastructure**

- 152 Whilst Network Rail has no objection to the proposal, nevertheless due to its close proximity to the operational Perth to Inverness railway line, they request that their infrastructure is not compromised and certain matters are taken into account, and included as Conditions (No's: 12 and 13) and Informatives (No's: 11 to 16).

## **Waste Collection**

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

## **Air and Noise Quality**

- 154 The impact on air quality and noise has been considered as part of the EIA and has been reviewed by Environmental Health.

### Air Quality

- 155 The Air Quality Assessment (AQA) carried out predicts increases in levels of nitrogen dioxide (NO<sub>2</sub>) and particulates (PM<sub>10</sub> & PM<sub>2.5</sub>) at receptors close to this site and within the Perth Air Quality Management Area (AQMA) at Barrack St and Atholl St. The impact to air quality was assessed in line with the Environmental Protection Scotland/ Royal Town Planning Institute guidance document *Delivering Cleaner Air for Scotland* which is the current guidance for this type of assessment.

- 156 The increase in each of the above pollutants is less than 1% of their respective standards. Due to the relatively small increase in NO<sub>2</sub>, PM<sub>10</sub> and PM<sub>2.5</sub>, Environmental Health have no objections to the proposal on air quality grounds and is compliant with LDP Policy EP11 – Air Quality Management Areas.
- 157 Supporting this application was a report on the viability of a district heating system, which concluded that a district heating system was not financially viable at this time. Depending on the type of system and the fuel source these can have an impact on the air quality locally, therefore should district heating become financially viable, this impact will need to be reconsidered.

### Noise

- 158 Noise was also assessed as part of this application particularly for the properties to the west of the site in close proximity to both the current A9 trunk road and the Perth to Inverness rail line.
- 159 Noise was measured at 3 locations indicative of housing plots over 3 consecutive 1 hour periods and this was used to calculate a 16 hour L<sub>Aeq</sub> using the Calculation of Road Traffic Noise (CRTN) methodology. This gave daytime predictions of 58.8dBA, 61.6dBA and 60.9dBA, each of which is above the target level set down in PAN 1/2011 of 55dBA external to new housing.
- 160 The night time levels were said to be 10 dBA lower than the daytime, which is not an ideal method for predicting night time noise but has been considered acceptable previously. This gives internal night time levels of 34dBA, 37dBA and 36dBA in bedrooms facing the road with windows open slightly for ventilation. This is above the World Health Organisation (WHO) guideline levels designed to prevent sleep disturbance.
- 161 To mitigate any excessive noise both in gardens and internally, an acoustic barrier is proposed along the western boundary of the site. This will protect the garden areas of the houses; however it will depend on the height of the barrier relative to any first floor windows as to whether it will adequately protect the bedrooms. As this is an In Principle application, the exact locations of dwellings is not known at this stage and noise will need to be reassessed for any Approval of Matters Specified by Condition (AMSC) for the detailed phases of development. Condition 9 will ensure the development will comply with LDP Policy EP8 – Noise Pollution.
- 162 As this is a large site which will take many years to complete, construction effects may become important. To minimise the potential for loss of amenity through dust and noise, the applicant has prepared a Construction Environmental Management Plan (CEMP) and Environmental Health recommend the uptake of the measures proposed within it be conditioned (Condition 10).

## **Cultural Heritage**

- 163 There has been no objection from Historic Environment Scotland as there is no impact of national significance. No concerns were raised regarding any visual impact from Scone Palace and its Historic Garden and Designed Landscape (HGDL) which was assessed in the Landscape and Visual Impact section of the EIA.
- 164 The scope and methodology of the Cultural Heritage section of the EIA is acceptable in relation to the assessment of potential impacts on listed buildings, conservation areas and sites on the Historic Environment Scotland Inventory of Gardens and Designed Landscapes. The proposed development will have no significant direct or indirect impact on any listed buildings, conservation areas or gardens and designed landscapes within the area assessed. The proposal therefore accords with LDP Policies HE 2 – Listed Buildings; HE3 - Conservation Areas; and HE4 – Gardens and Designed Landscapes.

## **Developer Contributions**

- 165 Due to the impact of the proposed development on existing facilities and infrastructure, a Section 75 Legal Agreement will be required to secure the necessary infrastructure and associated contribution payments covering the following:
- Affordable Housing provision
  - Primary Education provision
  - Transport Infrastructure provision including public transport
  - Open Space provision and maintenance
  - Play area provision and maintenance
  - Core path provision and maintenance
  - Sports pitch provision and maintenance

## **Socio-Economic Impact**

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

## **LEGAL AGREEMENTS**

- 168 A legal agreement is required to secure infrastructure for Luncarty South. A Draft Heads of Terms has been agreed.

## **DIRECTION BY SCOTTISH MINISTERS**

- 169 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**

- 170 To conclude, the application must be determined in accordance with the adopted Development Plan unless material considerations indicate otherwise. In this respect, I have taken account of the Local Development Plan and material considerations and in this case I am content that the development proposed does not significantly conflict with the Development Plan.
- 171 The expansion of Luncarty is a longstanding proposal and is allocated in the LDP. The site is well placed to deliver a sustainable community, serving as a well-connected satellite settlement to Perth. The proposal will provide a significant contribution toward meeting the projected population growth of Perth and Kinross. It will also help assist funding of significant community infrastructure improvements that will benefit Luncarty and the wider area.
- 172 The proposed development site subject to a restricted number of dwellings is considered to primarily accord with the Development Plan, will lead to the creation of new homes to meet the predicted population growth, jobs both during the construction period and afterwards with enhanced community facilities, which will significantly assist in meeting local and national targets in a sustainable and measured fashion.
- 173 Accordingly the proposal is recommended for approval subject to the following conditions and associated legal agreement.

## **RECOMMENDATION**

- A Approve the application subject to the following direction and conditions:**

### **Direction**

Perth and Kinross Council direct that sub-sections (2)(a)(i) and (3) of Section 59 of the Town and Country Planning (Scotland) Act 1997 apply with respect to the in Principle Permission (17/00088/IPM) with the substitution of the period of 3 years referred to in each of those subsections, with the period of 20 years.

### **Conditions**

- 1 Application for the approval required by a condition imposed on this Planning Permission in Principle shall conform with the requirements of Regulation 12 of the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013 and of Section 59 (2) and (3) of the Town and Country Planning (Scotland) Act 1997 as amended by Section 21 of the

Planning etc. (Scotland) Act 2006 and, in particular, must be made before whichever is the latest of the following:

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

Reason: In accordance with the terms of Section 59 of the Town and Country Planning (Scotland) Act 1997 as amended by Section 21 of the Planning etc. (Scotland) Act 2006.

- 2 The submitted masterplan, site layout plan and indicated scale of development, of up to 650 dwellings and 5 hectares of employment land, are purely indicative and are hereby not approved.

Reason: The application is for planning permission in principle only at this stage and an appropriate level of development, layout and design shall be determined through applications for the Approval of Matters Specified in Conditions.

- 3 Notwithstanding the terms of Condition 2, the maximum number of dwellings permitted to be occupied by 2024 is 300 dwellings. Furthermore, no more than 300 dwellings and 5 hectares of employment land, as may be approved by Matters Specified in Conditions application(s), shall be occupied in advance of a scheme for new road infrastructure solutions to distribute traffic from further development via transport networks, has been submitted to and agreed in writing by the Planning Authority. These solutions may take the form of one or a combination of: a vehicular connection to the A9 Trunk Road, a vehicular connection to the Cross Tay Link Road (CTLR) or alternative measures. The submitted scheme shall be supported by a new Transport Assessment (TA) with traffic modelling informed using observed traffic generation data from a minimum of 250 occupied residential units and include the timing for the delivery for the infrastructure improvements.

Reason: In compliance with the allocation H27 of the Perth and Kinross Local Development Plan (2014); in the interests of local and trunk road traffic safety; and enhancing connectivity and integration with Luncarty and the wider area, all in the interests of good placemaking.

- 4 No works in connection with the development hereby approved shall take place until full details of the siting, design, external appearance and landscaping of the development and the means of access serving the development (hereinafter referred to as the 'Matters Specified in Condition') have been submitted to and approved in writing by the Planning Authority. The specified matters include:

- (i) a detailed phasing plan;
- (ii) a detailed levels survey (existing and proposed) and cross sections

- showing proposed finished ground and floor levels of all buildings forming part of the development phase, relative to existing ground levels and a fixed datum point;
- (iii) the siting, design, height and external materials of all buildings or structures;
  - (iv) the details of all roads, footpaths, cycleways, core path connections throughout the development;
  - (v) details of any screen walls/fencing to be provided (including any acoustic barriers);
  - (vi) measures to maximise environmental sustainability through design, orientation and planting or any other means;
  - (vii) details of all landscaping, structure planting and screening associated with the development of each site;
  - (viii) the lighting of all streets and footpaths;
  - (ix) the layout of play areas and the equipment to be installed;
  - (x) full details of the proposed means of disposal of foul and surface water from the development;
  - (xi) details of car charging points to be provided within the development; and
  - (xii) A minimum 40% of dwellings shall incorporate swift bricks and bat roost bricks at eaves height.

Reason: This is a Planning Permission in Principle under Section 59 of the Town and Country Planning (Scotland) Act 1997 as amended by Section 21 of the Planning etc. (Scotland) Act 2006.

- 5 As part of any application for Approval of Matters Specified in Conditions, as set out in Condition 4(i), a phasing strategy (supported by appropriate plans) shall be submitted to and approved in writing by the Planning Authority. The phasing strategy shall have regard to the requirements of Condition 3 and include and demonstrate the following details:

- (i) The timing and number of dwellings to be developed in each phase;
- (ii) The timing of delivery of infrastructure, open space and landscaping;
- (iii) When the first 2 hectares of employment land will be fully serviced; and
- (iv) When the remaining 3 hectares of employment land will be fully serviced.

For the avoidance of doubt “fully serviced” is land subdivided ready for building by individual occupiers. The individual plots shall be served by surfaced roads and footpaths, surface and foul drainage (with connecting tails into the curtilage of each plot), and water, gas/electricity and telecom ducting to the edge of (or in footpath next to) individual plots.

Reason: To ensure the implementation and completion of the employment land component of the proposal as this is the element of the proposed development which the Planning Authority considers will bring economic and social benefits to the area.

- 6 No work shall start on the relevant parts of the site unless the trees to be retained as identified in the submitted surveys have been protected by suitable fencing in accordance with BS5837 2012 (Trees in Relation to Construction).



The details of the protective fencing and its location shall be first submitted to and agreed in writing by the Planning Authority.

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

- 7 All existing rights of way, core paths within or adjacent to the completed development shall at all times be protected and remain operational during the construction phases.

Reason: In the interest of sustainable transportation.

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

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

- 9 As part of any application for Approval of Matters Specified in Conditions, as set out in Condition 4, a noise assessment shall be submitted to demonstrate acceptable internal noise levels of 35 dB within all dwellings taking into account mitigation from any acoustic barriers or other such mitigation proposed.

Reason: In the interests of residential amenity

- 10 Prior to the commencement of development of each phase an updated Construction Environmental Management Plan (CEMP) must be submitted for the approval of the Planning Authority. The measures outlined in the updated CEMP shall be adhered to at all times during the construction period.

Reason: In the interests of protecting environmental quality and of biodiversity; to ensure no adverse impact on River Tay and its Special Area of Conservation designation.

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

Reason: In the interests of residential amenity

- 12 The applicant must provide a suitable trespass proof fence of at least 1.8 metres in height adjacent to Network Rail's boundary and provision for the fence's future maintenance and renewal should be made. Details of the proposed fencing shall be submitted to the Planning Authority for approval

before development is commenced and the development shall be carried out in full accordance with such approved details.

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

- 13 All surface or foul water arising from the development must be collected and diverted away from Network Rail Property. Any Sustainable Urban Drainage Scheme shall not be sited within 10 metres of the railway boundary and should be designed with long term maintenance plans which meet the needs of the development. Details of the design and construction of any drainage scheme shall be submitted to the Planning Authority for approval before development is commenced. The development shall be carried out in full accordance with such approved details.

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

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

Reason: In the interests of 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).

- 15 The conclusions and recommended action points within the supporting Environmental Impact Assessment (EIA) and hereby approved shall be fully adhered to, respected and undertaken as part of the construction phase of development.

Reason: In the interests of employing best practice ecology and to ensure there is no adverse impact on any protected species.

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

Reason: In the interests of 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).

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

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

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

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

- 19 Details of the lighting within the site shall be submitted for the approval of the Planning Authority, in consultation with Transport Scotland, as the Trunk Roads Authority. Thereafter, the development shall be completed in accordance with the approved scheme.

Reason: To ensure that there will be no distraction or dazzle to drivers on the trunk road and that the safety of the traffic on the trunk road will not be diminished.

- 20 There shall be no drainage connections to the trunk road drainage system.

Reason: To ensure that the efficiency of the existing drainage network is not affected.

- 21 As part of the first application for the Approval of Matters Specified in Condition an updated District Heating Feasibility Study for the whole site shall be submitted in writing for the approval of the Planning Authority to assess the technical feasibility and financial viability of heat network/district heating for this site, identifying all available sources of heat (either within the site or offsite) and other factors such as where land will be safeguarded for future district heating infrastructure.

The accompanying Design and Access Statement or other document as agreed by the Council should show/demonstrate how the findings of the feasibility

study has been incorporated into the finalised design and layout of the proposal.

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

- 22 Prior to the occupation of the first dwelling all matters regarding access, car parking, public transport facilities, walking and cycling facilities, the road layout, design and specification (including the disposal of surface water) shall be in accordance with the standards required by the Council as Roads Authority (as detailed in the National Roads Development Guide) and to the satisfaction of the Planning Authority.

Reason: In the interests of road safety; to ensure that a satisfactory standard of road and footpath is provided timeously in the interest of the amenity of the residents.

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

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

Reason: In the interests of road safety.

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

Details of the schemes shall include:

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

All soft and hard landscaping proposals shall be carried out in accordance with the approved scheme and shall be completed during the planting season immediately following the commencement of the development on that part of the site, or such other date as may be agreed in writing with the Planning Authority.

Reason: To ensure the implementation of satisfactory schemes of landscaping which will help to integrate the proposed development into the local landscape in the interests of the visual amenity of the area.

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

Reason: To ensure the implementation of satisfactory schemes of landscaping which will help to integrate the proposed development into the local landscape in the interests of the visual amenity of the area.

- 26 As part of any application for the Approval of Matters Specified in Condition, full drainage calculations and the final layout and depth of the proposed SUDS ponds and associated infrastructure to be agreed in writing with the Council as Planning Authority, in consultation with Perth and Kinross Council Flooding

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

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

- 27 The development shall be in accordance with the requirements of Development Plan policy and Perth & Kinross Council's Supplementary Guidance in relation to affordable housing.

Reason: To ensure that the development approved makes a contribution towards provision of affordable housing, in accordance with Development Plan policy and Supplementary Guidance.

- 28 The development shall be in accordance with the requirements of Development Plan policy and Perth & Kinross Council's Supplementary Guidance in relation to primary education infrastructure.

Reason: To ensure that the development approved makes a contribution towards increasing primary school provision, in accordance with Development Plan policy and Supplementary Guidance.

- 29 The development shall be in accordance with the requirements of Development Plan policy and Perth & Kinross Council's Supplementary Guidance in relation to transport infrastructure.

Reason: To ensure that the development approved makes a contribution towards improvements of transport infrastructure, in accordance with Development Plan policy and Supplementary Guidance.

- 30 Prior to the commencement of development mitigation measures for the full length of Scarth Road are to be submitted and agreed to the satisfaction of the Planning Authority to accommodate additional traffic generation. The agreed detail shall thereafter be implemented prior to the completion of development.

Reason: Reason: In the interests of road safety and residential amenity

- 31 Scarth Road and Fairview are not to be used for construction traffic. Construction access to be taken from the new Primary Access Road, which will require to be developed first.

Reason: In the interests of road safety and residential amenity.

## **B JUSTIFICATION**

- 174 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**

- 175 Consent shall not to be issued until the Section 75 Agreement relating to transport infrastructure contributions has been completed and signed to reflect the current planning reference 17/00847/IPM

- 176 The legal agreement should be concluded and completed within 4 months of the date of any Committee approval. Failure to conclude a legal agreement within 4 months will result in the planning application having to be re-assessed through failing to comply with the associated developer contributions policy and may ultimately be recommended for refusal under delegated powers.

## **D INFORMATIVES**

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

- 8 The applicant is reminded that, under the Wildlife and Countryside Act 1981, as amended, it is an offence to remove, damage or destroy the nest of any wild birds while that nest is in use or being built. Planning consent for a development does not provide a defence against prosecution under this act.
- 9 The applicant is reminded that, should any protected species be present a licence may be required from Scottish Natural Heritage to disturb a protected species. Failure to obtain a licence may constitute a criminal act under the Habitats Regulations and penalties are severe for non-compliance.
- 10 The Council shall be immediately notified in writing if any ground contamination is found during construction of the development, and thereafter a scheme to deal with the contamination shall be submitted to, and agreed in writing by, the Council as Planning Authority.
- 11 The applicant should be aware that any proposal for noise or vibration sensitive use adjacent to the railway may result in neighbour issues arising. Every endeavour should be made by the applicant in relation to adequate protection of the uses contained within the site.
- 12 The proximity and type of planting proposed are important when considering a landscaping scheme. Leaf fall in particular can greatly impact upon the reliability of the railway in certain seasons. Network Rail can provide details of planting recommendations for neighbours.
- 13 Where trees/shrubs are to be planted adjacent to the railway boundary these should be positioned at a minimum distance from the boundary which is greater than their predicted mature height. Certain broad leaf deciduous species should not be planted adjacent to the railway boundary.
- 14 Buildings should be situated at least 2 metres from Network Rail's boundary. The applicant must ensure that the construction and subsequent maintenance of proposed buildings can be carried out without adversely affecting the safety of, or encroaching upon, Network Rail's adjacent land.
- 15 Construction works must be undertaken in a safe manner which does not disturb the operation of the neighbouring railway. Applicants must be aware of any embankments and supporting structures which are in close proximity to their development.
- 16 Details of all changes in ground levels, laying of foundations, and operation of mechanical plant in proximity to the rail line must be submitted to Network Rail's Asset Protection Engineer for approval prior to works commencing on site. Where any works cannot be carried out in a "fail-safe" manner, it will be necessary to restrict those works to periods when the railway is closed to rail traffic i.e. by a "possession" which must be booked via Network Rail's Asset Protection Engineer and are subject to a minimum prior notice period for booking of 20 weeks.



- 17 The developer is advised to contact Mr David Strachan, Archaeologist to discuss terms of reference for work required Tel 01738 477080.
- 18 For guidance on cycle paths please see Sustrans Design Manual Handbook for cycle-friendly design (drawings on P21-22).
- 19 Please consult the Street Naming and Numbering Officer, The Environment Service, Perth and Kinross Council, Pullar House, 35 Kinnoull Street, Perth PH1 5GD.
- 20 Any structures & all walls/embankments that act singly or together to support a carriageway or footpath & retain over 1.5m fill will require Technical Approval.

Background Papers: 110 letters of representation  
Contact Officer: Steve Callan 01738 475337  
Date: 31 January 2018

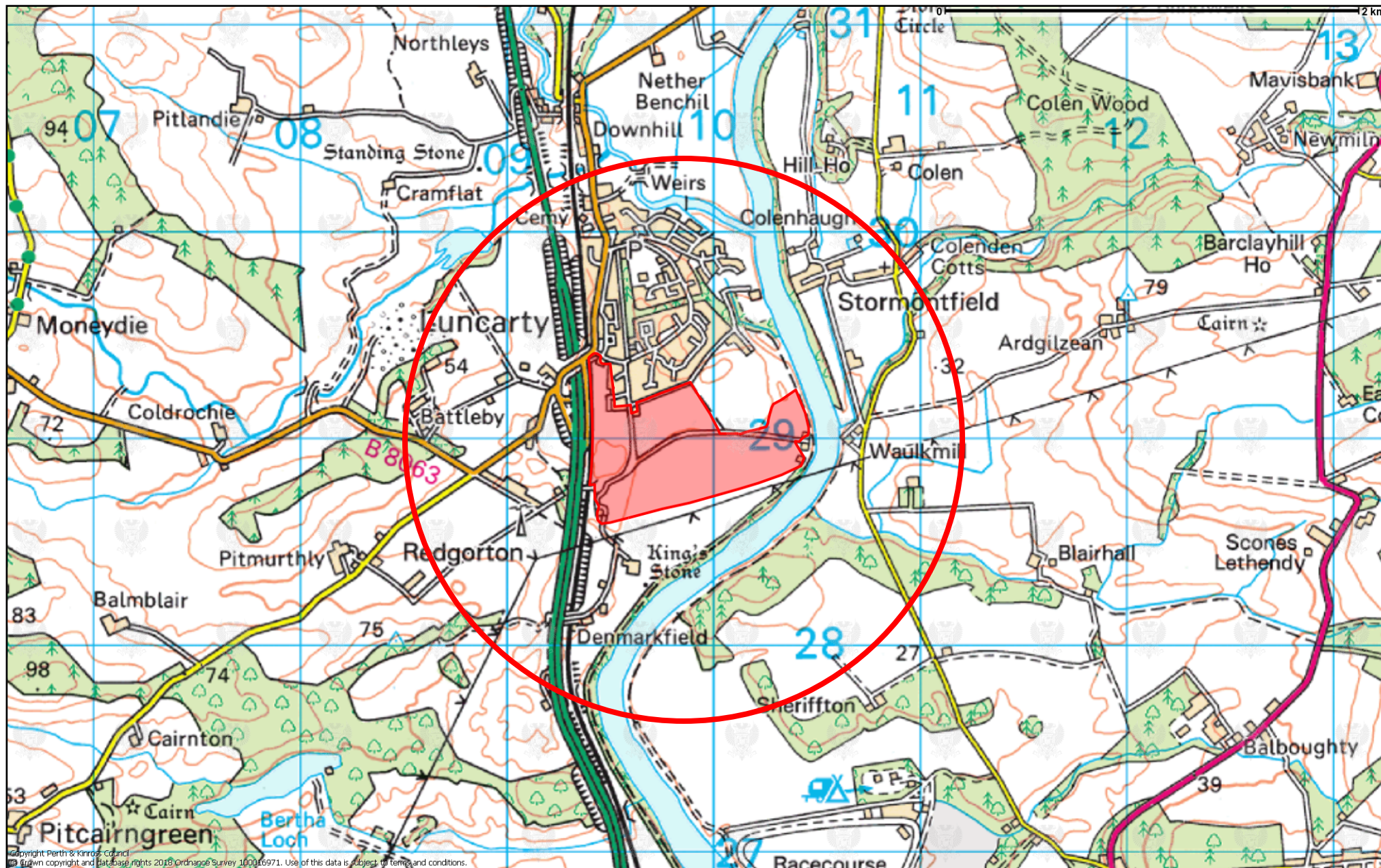
**ANNE CONDLIFFE**  
**INTERIM DEVELOPMENT QUALITY MANAGER**

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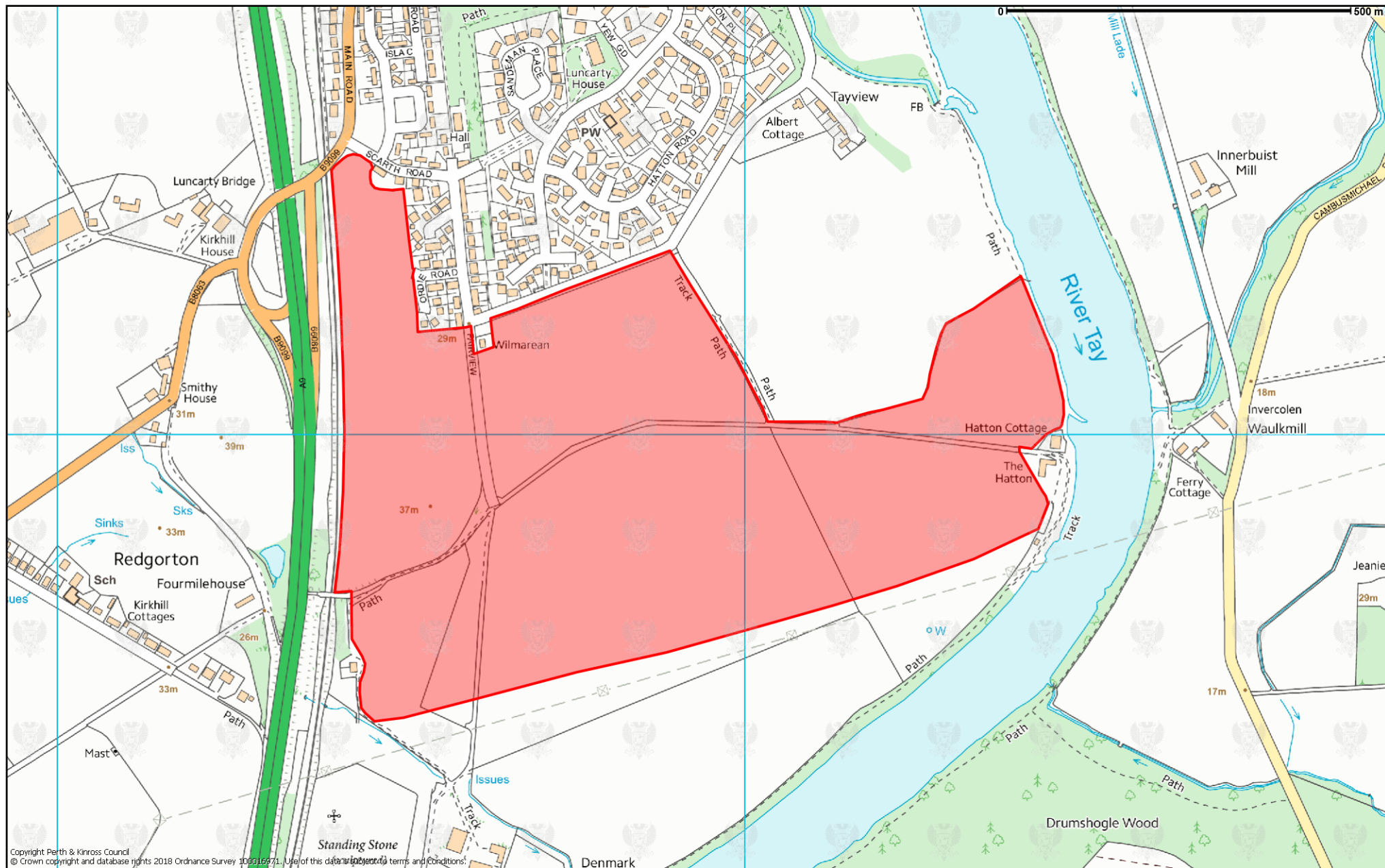
17/00847/IPM

Mixed use development comprising residential development, employment land, infrastructure including roads, footpaths, landscaping, drainage, open space and associated works at land south east of Wilmarean, Luncarty









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Scale 1:7500



17/00847/IPM

Mixed use development comprising residential development, employment land, infrastructure including roads, footpaths, landscaping, drainage, open space and associated works at land south east of Wilmarean, Luncarty





Perth and Kinross Council  
Planning & Development Management Committee – 14 February 2018  
Report of Handling by Interim Development Quality Manager

**PROPOSAL:** Erection of 20 dwellinghouse with associated roads, drainage and landscaping (matters specified by conditions 13/01879/IPL) (Phase 1)

**LOCATION:** Land west of Woodlands, Glasgow Road, Perth

Ref. No: 17/01139/AML

Ward No: P10- Perth City South

**Summary**

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

**BACKGROUND AND DESCRIPTION OF PROPOSAL**

- 1 Planning permission is sought for the erection of 20 dwellinghouses with associated road, drainage and landscaping on land to the west of Woodlands, Glasgow Road, Perth. The application is a follow up application to an in principle permission approved in December 2015.
- 2 Three related planning applications have been submitted corresponding to the three planning applications in principle that were granted planning consent.
- 3 Phase 1 - 1.97ha (20 units) - between Glasgow Road and Scouring Burn and partly on north side of burn, west of Phase 3.
- 4 Phase 2 – 0.97ha (17 units) - northern part of land in ownership of applicant close to Fairhill Crescent/Fairhill Grove, includes walled garden of previous farm steading.
- 5 Phase 3 - 1.21 ha (9 units) - west of Woodlands, north of Scouring Burn. Adjacent to northern section of Phase 1.
- 6 This application relates to Phase 1 which includes the main access via a new road access from the Glasgow Road, Perth.
- 7 The land associated with this application is currently relatively rough grassland divided by the Scouring Burn. The land slopes down to the north from the Glasgow Road towards the burn. This southern section is bordered to the west by existing housing, open space to the east, the Glasgow Road to the south and the Scouring Burn to the north. Phase 1 also includes existing grassland to the north of the Scouring Burn. The land rises up to the north from the burn. Part of an existing tree belt lies to the northwest of this area with open space west of the tree belt. To the north is further development land (phase 2) which includes the garden ground and site of the former Woodlands House. To the north east, outwith the application site but in the same ownership as the

application site, is an area of listed buildings being the Coach House, Laundry and Hen House of the former Woodlands House. To the east of this is further existing residential development. The site includes a small part of the land associated with the former West Woodlands House. Core Path CTYS/112 and the Scouring Burn run through the middle 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 An Environmental Statement was not required to be submitted with the proposal as the scale of development falls below the EIA thresholds of 50 houses.

## **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. Therefore the applicant was not required to undertake any formal pre-application consultation with the local community. However in this case the developer had one pre-application drop-in consultation session at the Oakbank Community Centre prior to the applications being submitted.

## **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
  - Flood Risk and Drainage: paragraphs 254-268
  - Green Infrastructure : paragraphs 219 – 233
  - Affordable Housing : paragraphs 126 - 131

## **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 65 Planning and Open Space
  - PAN 67 Housing Quality
  - PAN 68 Design Statements
  - PAN 69 Planning and Building standards Advice on Flooding
  - PAN 75 Planning for Transport
  - PAN 77 Designing Safer Places

## **Creating Places**

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

## **Designing Streets 2010**

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

## **National Roads Development Guide 2014**

- 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:
- 22 *"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**

- 23 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.
- 24 The principal relevant policies are, in summary

## **Policy PM1A - Placemaking**

- 25 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**

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

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

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

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

- 28 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**

- 29 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**

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

### **Policy CF1A - Open Space Retention and Provision**

- 31 Development proposals resulting in the loss of Sports Pitches, Parks and Open Space which are of recreational or amenity value will not be permitted, except in circumstances where one or more of the criteria set out apply.

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

- 32 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**

- 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 HE2 - Listed Buildings**

- 34 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 NE3 - Biodiversity**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

### **Policy EP11 -Air Quality Management Areas**

- 43 Development proposals within or adjacent to designated Air Quality Management Areas which would adversely affect air quality may not be permitted.

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

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

### **OTHER POLICIES**

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

- 46 Key aim - Create a vibrant and successful area through:
- A thriving economy including successful tourism and cultural sectors.
  - A positive image locally, nationally and internationally.
  - Improved infrastructure and transport links.
  - A sustainable natural and built environment.

## **Perth & Kinross Corporate Plan 2013-2018**

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

### **SITE HISTORY**

- 48 08/01418/FLM Residential development of 23 houses and 8 affordable apartments with associated infrastructure 31 October 2011 Application Withdrawn
- 49 08/01429/LBC Demolition of laundry block and alterations to existing buildings 8 November 2011 Application Withdrawn
- 50 08/01774/IPM Residential and office development (in principle) 8 March 2012 Application Refused under delegated powers
- 51 13/01879/IPL Residential development Phase 1 (in principle) 15 December 2015 Application Approved under delegated powers
- 52 13/01880/IPL Residential Development, Phase 2 (in principle) 15 December 2015 Application Approved under delegated powers
- 53 13/01881/IPL Residential Development, Phase 3 (in principle) 15 December 2015 Application Approved under delegated powers
- 54 17/01140/AML Erection of 17 dwellinghouses, landscaping and associated works (matters specified by conditions - 13/01880/IPL) (Phase 2) to be considered later on this Committee agenda.
- 55 17/01141/AML Erection of 9 dwellinghouses, landscaping and associated works (matters specified by conditions - 13/01881/IPL) (Phase 3 to be considered later on this Committee agenda.

### **CONSULTATIONS**

#### **External**

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

- 56 Initially objected due to concerns with potential flood risk, land raising, the removal of the embankment on Scouring Burn and compensatory flood storage. Objection withdrawn following provision of further information.

##### **Scottish Water**

- 57 No objection. Advises the applicant to make a Pre-Development Enquiry to Scottish Water.

## **Internal**

### **Transport Planning**

- 58 Initially objected due to lack of information with regard to traffic impact on the Glasgow Road and lack of alternative access. Objection withdrawn following submission of further information.

### **Contributions Officer**

- 59 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.
- 60 No contributions are required with regard to Primary Education provision or Transport Infrastructure.

### **Local Flood Prevention Authority**

- 61 Initially objected. Objection withdrawn following submission of further information.

### **Community Waste Advisor - Environment Service**

- 62 No objection. The developer should note requirements for access for refuse collections, street sweeping and grounds maintenance. Condition and informative note recommended.

### **Biodiversity Officer**

- 63 No objection subject to conditions.

### **Community Greenspace**

- 64 No objection subject to condition requiring upgrading and protection of path links.

### **Strategy & Policy**

- 65 Various LDP policies are applicable to the assessment of these planning applications. The site lies within the settlement boundary and is primarily identified as white land under policy RD1 residential areas. Notes a slight encroachment onto the open space identified in the existing LDP but minor incursion into the open space is acceptable as long as it does not affect its amenity resource.

### **Environmental Health**

- 66 No objection subject to condition with regard to potential contamination requiring pre-commencement investigations.

## REPRESENTATIONS

67 The following points were raised in the 10 representations received:

- Contrary to development plan
- Residential amenity – overlooking
- Out of character – design and layout not in keeping with area
- Loss Of Open Space
- Loss of trees
- Traffic Congestion
- Parking
- Road safety – impact on Glasgow Road
- Design and density
- Flood risk – undermine existing flood defence
- Impact on cycle/footpath
- Impact on wildlife
- Should be submitted as a major development
- Impact on local infrastructure
- Noise – disruption when building

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

69 Disruption whilst the development is under construction is not a material planning consideration but should be minimised by the developer through good site management. As the site is close to a water course a Construction Environmental Management Plan should be submitted and will be required by condition (Condition 6).

## 70 ADDITIONAL STATEMENTS

|                                                                    |                                                                                           |
|--------------------------------------------------------------------|-------------------------------------------------------------------------------------------|
| Environment Statement                                              | Not Required                                                                              |
| Screening Opinion                                                  | Not Required                                                                              |
| Environmental Impact Assessment                                    | Not Required                                                                              |
| Appropriate Assessment                                             | Not submitted                                                                             |
| Design Statement or Design and Access Statement                    | Not submitted                                                                             |
| Report on Impact or Potential Impact<br>e.g. Flood Risk Assessment | Flood Risk Assessment, Transport Assessment, Tree Survey and Ecological Survey submitted. |



## **APPRAISAL**

### **Policies**

- 71 Sections 25 and 37(2) of the Town & Country Planning (Scotland) Act 1997 (as amended) require the determination of the proposal to be made in accordance with the provisions of the Development Plan, unless material considerations indicate otherwise. The adopted Development Plan comprises the TAYplan Strategic Development Plan 2016–2036 and the Perth and Kinross Local Development Plan 2014. The relevant policy considerations are outlined in the policy section above and are considered in more detail below. In terms of other material considerations, this involves considerations of the Council's other approved policies and supplementary guidance.
- 72 The site is within the Perth settlement boundary as identified in the LDP. Policy RD1 (residential areas) supports proposals which are compatible with the amenity and character of an area.
- 73 PM1 supports development that contributes positively to the quality of the surrounding built and natural environment and is designed with reference to climate change mitigation and adaption.
- 74 PM1B requires proposals to meet eight placemaking criteria including respect for the topography and wider landscape, creating inclusive places for people, which are easily navigable, particularly on foot, bicycle and public transport. Existing buildings, structures and natural features that contribute to the local townscape should be retained and sensitively integrated into proposals. Green infrastructure should be incorporated into new developments and connect to existing green networks. In this case there are existing listed buildings close to the site and part of the curtilage of the former Woodlands House and steading borders the site (policy HE2). A substantial part of the lower part of the site is identified as open space (policy CF1A) where it is adjacent to the Scouring Burn. A Core Path and Right of Way runs through the site. The majority of the open space identified in the LDP is to be retained with a small area being occupied by the SUDS pond. The proposal is considered to comply with the policy as some minor incursion into the open space is acceptable as long as it does not affect its amenity value.
- 75 Policy EP2 flooding is relevant. The site is known to be at risk of flooding and a Flood Risk Assessment has been submitted.
- 76 There are a large number of trees on the site. A Tree Survey has been submitted (policy NE2B) and some trees are proposed to be felled. An Ecological Survey has been submitted and implications for biodiversity (NE3) and potential for green infrastructure (NE4) are a consideration.
- 77 Policy TA1B requires new developments to be well served by all modes of transport in particular walking, cycling and public transport. A Transport Statement has been submitted which details this.

- 78 The proposal is considered to comply with the aforementioned policies for reasons outlined in the report below.

### **Principle**

- 79 The site lies within the Perth settlement boundary and is primarily identified as white land under policy RD1 residential areas. There is a slight encroachment onto the open space identified in the existing LDP but minor incursion into the open space is acceptable as long as it does not affect its amenity resource.
- 80 The site benefits from an in principle planning permission (13/01879/IPL) for residential development approved in December 2015 subject to conditions which established the principle of residential development on the site.

### **Design and Layout**

- 81 The application site is 1.97 hectares. The main vehicle access is off the Glasgow Road. The access runs north from the Glasgow Road and crosses the existing cycle/pedestrian path that runs along the Scouring Burn and is part of a cycle commuter route running between the western edge and Perth City Centre. The path is to be re-aligned to the south of the Scouring Burn and east of the new access for around 50 metres. Around 22 metres of path to the west will also be re-built to form a stepped access to cross the new road to link up to the path to the east. The road is to be raised up to link to a new bridge over the burn. The existing level access will be re-routed to the north of the burn to join the new road before crossing the bridge. The area to the south of the Scouring Burn within the site boundary is currently an open grassy area. Part of this area previously contained the “dry ponds” which were part of the flood prevention scheme in this area.
- 82 The application is for 20 dwelling houses to include six pairs of two storey semi-detached houses and two blocks of four flats. Plots 1,2,5,6,9 and 10 are two bed semi-detached dwellings with plots 3,4, 7 and 8 being three bed semi-detached. These ten properties front the proposed main access road and are south facing. A retaining wall is to be constructed to the rear due to the site gradient. Two blocks of four flats are proposed to the south and south east of plots 9 and 10. Two further blocks of four flats are to the east of these flats and are part of the related application for phase 3 (17/01141/AML). All eight flats forming part of this application are of two bedroom design. Originally the ground floor flats were only one bed but the plans were amended to form two beds. The appearance of the flats from the south elevation are as two storey buildings. Due to ground levels the northern elevation has the appearance of a one storey building. This application also includes a pair of semi-detached dwellings to the north of the first ten plots. These are further north up the site and are angled with an east facing front elevation. The proposals include a glass recycling point added at the request of the Council’s Waste Services. This part of the site also includes the SUDS pond which will take surface water from the whole site.

- 83 A detailed external materials specification has been submitted. The main finishing material for the dwellinghouses will be white dry dash render with grey roof tiles. The flatted blocks include some timber boarding at first floor level.

### **Density**

- 84 There have been objections to the proposals relating to the density of the development and that the house styles proposed do not respect the character of the surrounding developments. The area around is quite varied but primarily is of detached houses. The plots to the east of the site at Westerhill are particularly generous with large properties on large plots. This application is for smaller housing units at a higher density with small garden areas. Plots 1-10 fronting the main access road have around 70-80 square metres of private amenity space to the rear which is below the recommended amount of around 100 square metres. The existing residential area to the west has an approximate house to plot ratio of 25% and is of mainly detached housing. The semi-detached housing units on this application site (phase 1) has an approximate house to plot ratio of 33%. Smaller houses at a higher density are considered acceptable on this site as the houses have been designed primarily to meet market demand for smaller more affordable units such as starter homes and also to take account of the steep gradients on the site. The two houses to the north (plots 27 and 28 of this application) have more generous rear gardens of around 120 square metres. The flats (plots 11-18) have smaller amenity areas but each includes space for clothes drying and cycle storage. The proposals are considered to make good use of a centrally situated site with good sustainable transport connections. The site also benefits from being close to high quality public open space.

### **Landscape**

- 85 The site is currently an area of open ground either side of the Scouring Burn. The southern part of the site includes a hedge along the Glasgow Road boundary and some shelterbelt planting to the west (outside of this site's boundary). The main part of this area is open grassland with an area of overgrown hedging. The area to the north of the burn is also largely open grassland. The western boundary includes around 40 metres of an extensive tree belt that runs between the Scouring Burn and Fairhill Crescent to the north. This contains a mix of trees, primarily poplars and is largely identified for removal and replacement with new planting. There has been some concern that the removal of this tree belt will have an adverse landscape impact. The initial plans did not show any detail of the make-up of the shelterbelt to be removed. Further clarification of the tree species in this area was requested. Two ash trees and a maple tree are now proposed for retention within the Phase 2 site. The tree belt is noted in the Tree Report as including very large examples of hybrid with various poorly formed conifers inter planted. It is noted that the shelterbelt has matured to the extent that both the neighbouring houses and the proposed new development could be at risk if the trees were to blow down. It is proposed to re-plant the shelterbelt with a mix of species. The proposals represent an opportunity to re-plant the shelterbelt with species appropriate to residential development and also to incorporate a management

regime for the area. Phase 1 only includes a small section of the existing shelterbelt. The majority of the shelterbelt, around 125 metres, is within the Phase 2 application (17/01140/AML). Phase 1 also will include provision of a new level cycle/pedestrian link as part of the proposals to re-align part of the existing path around the area of the proposed new bridge which will be required over the burn to form the access to the development site.

- 86 The area to the south of the proposed built development is within the flood plain and designated as open space in the LDP. This area will be undeveloped and retained as open space. Some tree planting is indicated on the submitted plans in this area. The southern edge of the proposed flats to the north of this open area have beech hedges proposed to help soften the frontage. Some planting is also proposed to the front of the houses on the north of the access road with a beech hedge to the north of the SUDS pond area. Trees are proposed to line the access road to the site from Glasgow Road.

### **Residential Amenity**

- 87 The proposals are compatible with the surrounding residential uses. The style and layout of the proposed development does not have any adverse impact on neighbouring properties.
- 88 The rear window to boundary distance of the houses proposed on plots 1 to 10 and plots 27 and 28 all meet the Council's guidance of being at least 9 metres to the boundary. With the change in levels there had been some concern that houses on plots 3 and 4 would be overlooked by the flatted block, (units 29-32 in phase 2). Extra clarification was sought with regard to this relationship between the flatted block and plots 3 and 4. The closest window to window relationship is 17.5m around 0.5 of a metre less than the 18 metre guidance. This measurement is from the face of blockwork to face of blockwork. The windows are also at a slight angle. To reduce overlooking amended plans were submitted moving the kitchen windows on the first floor flat to the gable elevation. The side boundary of the flatted block has also been slightly re-positioned to ensure that this aspect is 9 metres from the boundary of plots 27 and 28 to the east. Overlooking into the rear gardens of the houses in plots 3 and 4 is mitigated by screen fencing and the angle of view from the flat windows. The other flatted blocks in phase 1 is considered acceptable from a residential amenity point of view with screen fencing between blocks to mitigate any overlooking from ground floor level and no windows from habitable rooms on the side elevations.
- 89 An objection has been made with regard to potential overlooking from users of the new access road towards properties to the west on Innerleithen Way. The road is over 30 metres from the residential property in question and it is considered that there will be no impact in terms of overlooking.

## **Visual Amenity**

- 90 The site is currently a large open area that provides an attractive, if unkempt, setting for the existing residential areas. The area is generally relatively overgrown and the existing tree belt is not actively managed. The removal of the existing tree belt and construction of a new road and houses will impact on the existing character of the area. However, over time the landscaping proposed will help to integrate the development into its setting and will be an improvement on the currently unkempt state of the land.

## **Impact on listed building**

- 91 Three of the buildings within the ownership of the applicant but just outwith this phase 1 application site are identified as being of interest and are listed – namely the laundry, coach house and hen house (categories C(S), B and C(S) respectively, forming a B group). The unlisted former farmhouse site and its gardens also contribute significantly to the character and quality of the site, and to the settings of the listed buildings.
- 92 The applicant has chosen not to include the listed buildings within the development proposals at this time and has indicated that a further application with regard to the listed buildings will be submitted at a later date to include some refurbishment of the buildings during the second phase of construction.
- 93 In order to protect the listed buildings and their setting an informative note (Informative Note 11) is to be added to advise that there should be no construction activity, land shaping or storage of construction materials should take place outwith the site boundary as indicated in red on the site layout plan. This can also be highlighted in the Construction Environmental Management Plan that will be requested by condition (Condition 6).

## **Roads and Access**

- 94 The in principle approval did not approve the indicative road layout and made clear that the proposals should take account of existing pedestrian desire lines that run around and through the site. There is a strong pedestrian desire line running from the southeast to the northwest of the overall site linking up to Fairhill View to the front of the site of the old Woodlands House. The applicant was also asked to consider a vehicular link to Fairhill View but the applicant does not control the land here and such a link could not be guaranteed.
- 95 The Council's Transport Planner initially had some concern with the impact on the traffic flow on the Glasgow Road from the new junction serving the development and its proximity to the new signalised junction at the Bellway Homes site. However, the applicant's transport consultants supplied further information in support of the application. The information contained in the report and revised drawings now satisfies the concerns with regards to roads matters and it is noted that the subsequent Roads Construction Consent process will ensure that all technical issues are resolved to the Council's satisfaction.

- 96 The proposals also show link paths to the west and east of the development and include a level access for the cycle/footpath that is to be re-routed where the new road will cross. The applicant has indicated traffic calming of this crossing to ensure pedestrian/cyclist priority.

### **Core Path**

- 97 The Core Path, right of way and cycle route running through the site is a key feature of the area and should be protected as part of any future development.
- 98 Community Greenspace has commented on the plans and noted initially that Core Path CTYS/112 had been only partly incorporated into the design. It had been suggested that a link be made to Fairhill Crescent either by upgrading the existing path or creating a new path through the wooded area. Rather than do this the applicant has incorporated links to the path from the new development. Details of the re-routed cycle/pedestrian path will be required by condition (Condition 8). A condition will also be included to agree how the works will limit disruption to the existing path and path users (Condition 7). All new paths would be expected to meet Council standards (Condition 2).

### **Drainage and Flooding**

- 99 SEPA and Perth and Kinross Council's Flood Officer has been consulted. Both initially objected to the detailed plans due to the potential flood risk and that the proposals would place persons and property at risk. SEPA was concerned that the proposed bridge had been replaced by a box culvert and the positioning of part of the SUDS basin within the functional floodplain was not acceptable due to the possible implications for floodplain storage. SEPA asked for a number of points to be clarified including assessing the potential for the risk of flooding to the garden ground of the property at 92 Innerleithern Way. Clarification was also sought with regard to the bridge structure over the Scouring Burn.
- 100 A revised Flood Risk Assessment was submitted in September 2017 and further clarification with regard to SEPA's requirements was submitted following this. SEPA and the Council's Flood Risk Officer are now satisfied with the proposals in terms of flood risk. However the FRA has not been updated with the further information and it is suggested that this be required by condition (Condition 3).

### **Sustainable Urban Drainage System (SUDS)**

- 101 A SUDS pond that will serve the entire development is included as part of this Phase 1 application.

- 102 The applicant has provided details for the proposed SUDS scheme but further investigation is required before a finalised scheme can be agreed. SEPA comments that whilst the potential flood issues have been addressed some further information as to why this particular SUDS strategy has been proposed is required. Further information will be requested by condition (Condition 4). SEPA further notes that each proposed activity (e.g. land raising, embankment removal) may require further authorisation under the Controlled Activities Regulations (CAR). An informative note relating to CAR licence authorisation will be attached to any consent (Informative Note 10). Conditions with regard to SUDS will also be attached (17 and 18).

### **Waste Collection**

- 103 The Council's Waste Services Advisor has been consulted and does not object to the proposals. The developer has been made aware of the requirements for bin and recycling provision and has included a glass recycling area on the submitted plans for this Phase 1 application. This has addressed Waste Services requirements for glass recycling provision. An informative note (Informative Note 15) will be included on any permission with regard to general waste and recycling requirements.

### **Natural Heritage and Biodiversity**

- 104 The in principle approval included a requirement for carrying out a survey with regard to any potential impact on protected species. A survey was carried out and recommendations made with regard to proposed mitigation. The Council's Biodiversity Officer suggests a condition be attached to any permission requiring development adheres to the recommendations in the survey (Condition 5). This includes providing bird and bat boxes on buildings and on the site (Condition 15) and conditions to protect wildlife (Conditions 9 and 10).

### **Developer Contributions**

#### **Affordable Housing**

- 105 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.
- 106 The affordable housing requirement is 5 units ( $20 \times 0.25$ ). The applicant has indicated that the affordable housing requirement will be met by the use of credits accumulated on other sites. Further discussion will be required with the Council's Affordable Housing Enabler to agree the delivery of the appropriate affordable housing requirement. No consent will be issued until this matter has been resolved.

### **Primary Education**

- 107 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.
- 108 This proposal is within the joint catchment of Viewlands and Oakbank Primary Schools.
- 109 Education & Children's Services have no capacity concerns in this catchment area at this time. No developer contributions are required with regard to primary education provision.

### **Transport Infrastructure**

- 110 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.
- 111 The proposal has 'In principle' consent under 13/01879/IPL which predated the adoption of the Transport Infrastructure Guidance meaning that this guidance does not apply in this instance.

### **Contaminated Land**

- 112 A review of historical record has shown that the development site is in very close proximity to what was a landfill site that ceased operations in the mid 70's. This site was later redeveloped for housing but during the site investigation, it was discovered that the site was affected by ground gases. This had to be mitigated against by installing gas prevention measures within the residential units. There is a possibility that gas may have migrated from this site to the proposed development area. In the interest of ensuring that the site will be free from any perceived ground gas risk, the applicant should satisfy themselves that on construction they adopt necessary gas protection measures to ensure the residential units are suitable for use.
- 113 A condition is recommended (Condition No.20).

### **Economic Impact**

- 114 There will be some positive impact on the local economy from the proposal as it will help to safeguard local employment in the construction industry.



## **LEGAL AGREEMENTS**

- 115 It is unlikely that a legal agreement will be required in relation to this application. No developer contributions are required with regard to transport infrastructure or education provision. However, an agreement may be required regarding the provision of affordable housing depending on the outcome of discussions with the Affordable Housing Enabler.

## **DIRECTION BY SCOTTISH MINISTERS**

- 116 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**

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

## **RECOMMENDATION**

### **Approve the application**

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

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

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

- 2 Prior to the development hereby being approved being completed or brought into use, all matters regarding access, 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 interests of pedestrian and traffic safety and in the interests of free traffic flow.

- 3 Prior to commencement of development an up-to-date Flood Risk Assessment should be submitted to the Council as detailed in SEPA's letter dated 7 December 2018 (17/01139/78).

Reason – in the interests of proper site management.

- 4 Prior to construction of development the applicant should submit information to demonstrate that the SUDS strategy is appropriate as advised in SEPA's letter dated 7 December 2017. This should show how the proposed SUDS strategy adheres to the Simple Index Approach (SIA) or provide any other evidence that the SUDS strategy is appropriate.

Reason - To ensure the appropriate management of surface water run-off and to enhance biodiversity in the interests of residential and environmental amenity.

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

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

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

Reasons – in the interests of proper site management.

- 7 Prior to the commencement of the development hereby approved, a management plan indicating any temporary diversions and signage needed to facilitate the development and/or any works proposed to the right of way/core path as part of the development shall be submitted for the further agreement of the Council as Planning Authority. The plan as agreed shall be implemented in accordance with the timings identified in the plan.

Reason - To ensure that public access is maintained at all reasonable times, to the local path network.

- 8 Full details of the re-routed Core Path CTYS/112 should be submitted for approval of the Planning Authority. The path should be surfaced and 3m wide to provide for multi-use. The approved details shall be implemented as part of the site development and completed prior to the occupation of the first house.

Reason – to clarify requirements of the re-routed Core Path.

- 9 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.

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 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.

- 11 The detailed landscaping and planting scheme which is hereby approved shall be implemented as part of the site development programme and thereafter maintained to the satisfaction of the Council as Planning Authority.

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

- 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 local planning authority.

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

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

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

- 14 Prior to the occupation of the first dwellinghouse, a landscape management plan, including long term design objectives, management responsibilities and maintenance schedules for all landscape areas (other than small privately-owned domestic gardens) shall be submitted to and agreed in writing by the Council as Planning Authority, for its approved use. The landscape

management plan as agreed shall, where appropriate, include phased implementation concurrent with the development and shall be fully implemented.

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

- 15 Prior to occupation of the development a minimum of 1 Swift brick and 1 bat brick shall be incorporated into each building at eaves height.

Reason - In the interests of enhancing biodiversity.

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

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

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

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

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

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

- 19 Where site boundaries affect trees, the development shall fully comply with, respect and remain full accordance with BS5387 2012 "Trees in relation to construction, demolition and construction."

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

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

- i. the nature, extent and type(s) of contamination on the site
- ii. measures to treat/remove contamination to ensure the site is fit for the use proposed
- iii. measures to deal with contamination during construction works
- iv. condition of the site on completion of decontamination measures.

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

Reason – In order to deal appropriately any ground contamination.

## **B JUSTIFICATION**

- 119 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**

- 120 The planning permission decision notice shall not be issued until such time as the required Developer Contributions with regard to affordable housing have been secured or paid in full.
- 121 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 should be advised that in terms of Section 21 of the Roads (Scotland) Act 1984 he 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 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.
- 7 Technical approval will be required for the bridge (or any structure being adopted or supporting adopted infrastructure) by Perth & Kinross Council's Structures department. It should also adhere to the Flooding Teams' 'Flood Risk and Flood Risk assessment' design guidance. Which states bridge soffit levels should be designed to the 0.5% AP (200-year) flood event with a 20% increase in peak river flow volume/peak rainfall intensity and an addition of 600mm freeboard.
- 8 The applicant should take account of PKC Flooding and Flood Risk Guidance Document (June 2014).
- 9 The applicant is advised that the granting of planning permission does not guarantee a connection to Scottish Water's assets. The applicant must make a separate application to Scottish Water Planning & Development Services team for permission to connect to the public wastewater system and/or water network and all their requirements must be fully adhered to.
- 10 Proposed engineering works within the water environment will require authorisation under The Water Environment (Controlled Activities) (Scotland) Regulations 2011 (as amended). Management of surplus peat or soils may require an exemption under The Waste Management Licensing (Scotland) Regulations 2011. Proposed crushing or screening will require a permit under The Pollution Prevention and Control (Scotland) Regulations 2012. Consider if other environmental licences may be required for any installations or processes.

Details of SEPA's regulatory requirements and good practice advice for the applicant can be found on the Regulations section of SEPA's website or contact a member of the regulatory team in the local SEPA office at:  
SEPA, Strathearn House, Broxden Business Park, Lamberkine Drive Perth  
PH1 1RX, Tel: 01738 627989

- 11 No construction activity, land shaping or storage of construction materials should take place outwith the site boundary as indicated in red on the site layout plan.
- 12 The applicant is reminded that, should any protected species be present a licence may be required from Scottish Natural Heritage to disturb a protected species. Failure to obtain a licence may constitute a criminal act under the Habitats Regulations and penalties are severe for non compliance.
- 13 The applicant is reminded that, under the Wildlife and Countryside Act 1981, as amended, it is an offence to remove, damage or destroy the nest of any wild birds while that nest is in use or being built. Planning consent for a development does not provide a defence against prosecution under this act.
- 14 Paths to be constructed as part of the development should reflect likely patterns of use: pedestrian, bikes horse riders & wheelchairs as appropriate. Specifications should be based on those in "Lowland Path Construction - A Guide to Good Practice" published by SNH, Scottish Enterprise & the Paths for All Partnership.
- 15 The developer should note requirements for access to all areas of the site for refuse collections, street sweeping and grounds maintenance and particular note should be taken of the requirements for manoeuvring refuse collection vehicles (including 12m bin lorries). Full specifications are available from the Community Waste Team.

Individual properties will be provided with 140 litre general waste bin, 240 litre recycling bin and 240 litre garden waste/food waste bin presented to the kerbside by householders.

Flatted properties will share 1100 litre general waste and 1100 litre recycling bins (4 flats). These bins should be no more than 10 metres from the kerbside, crew will pull out and return bins.

Background Papers: 10 letters of representation  
Contact Officer: Persephone Beer 01738 475354  
Date: 1<sup>st</sup> February 2018

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

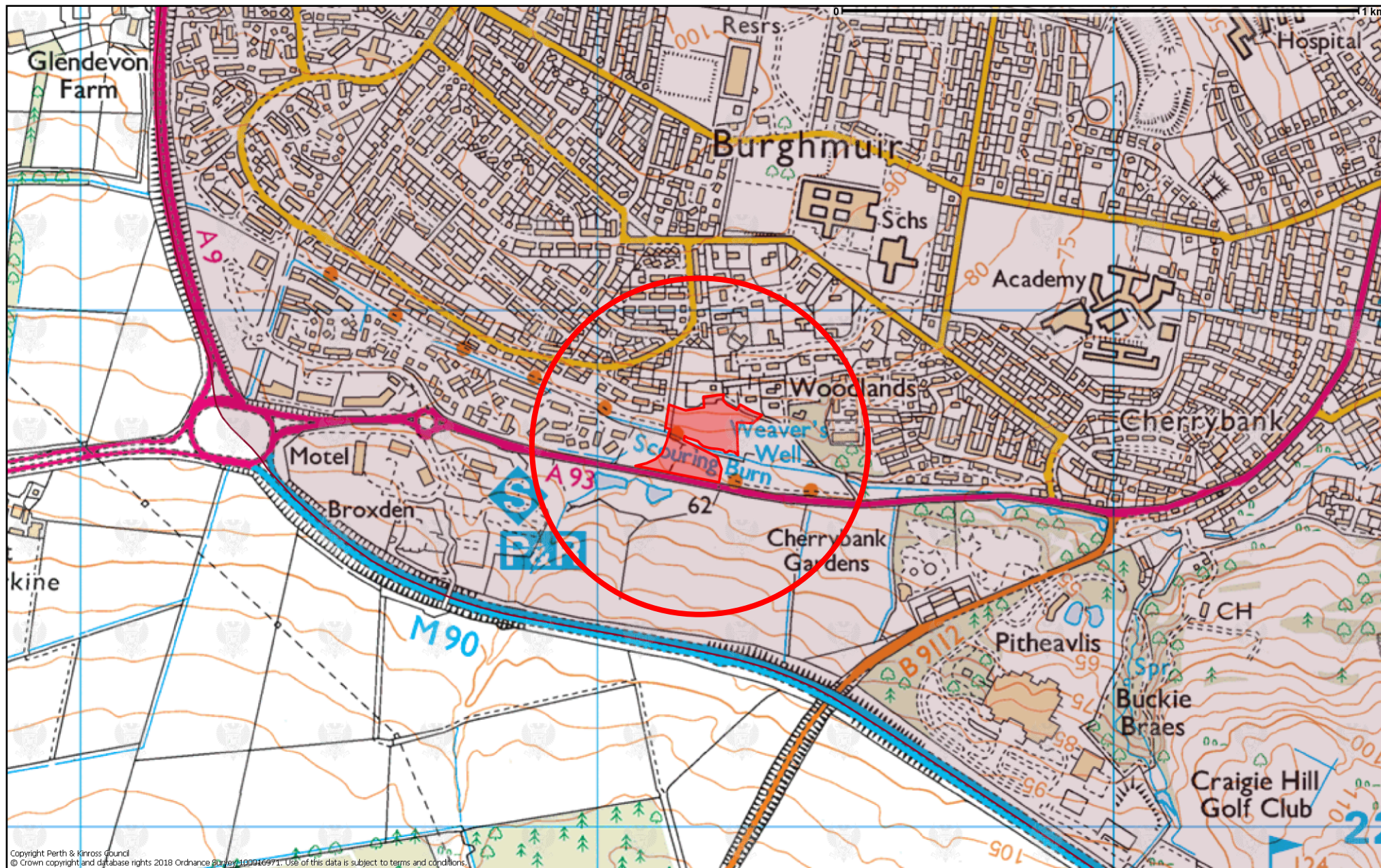
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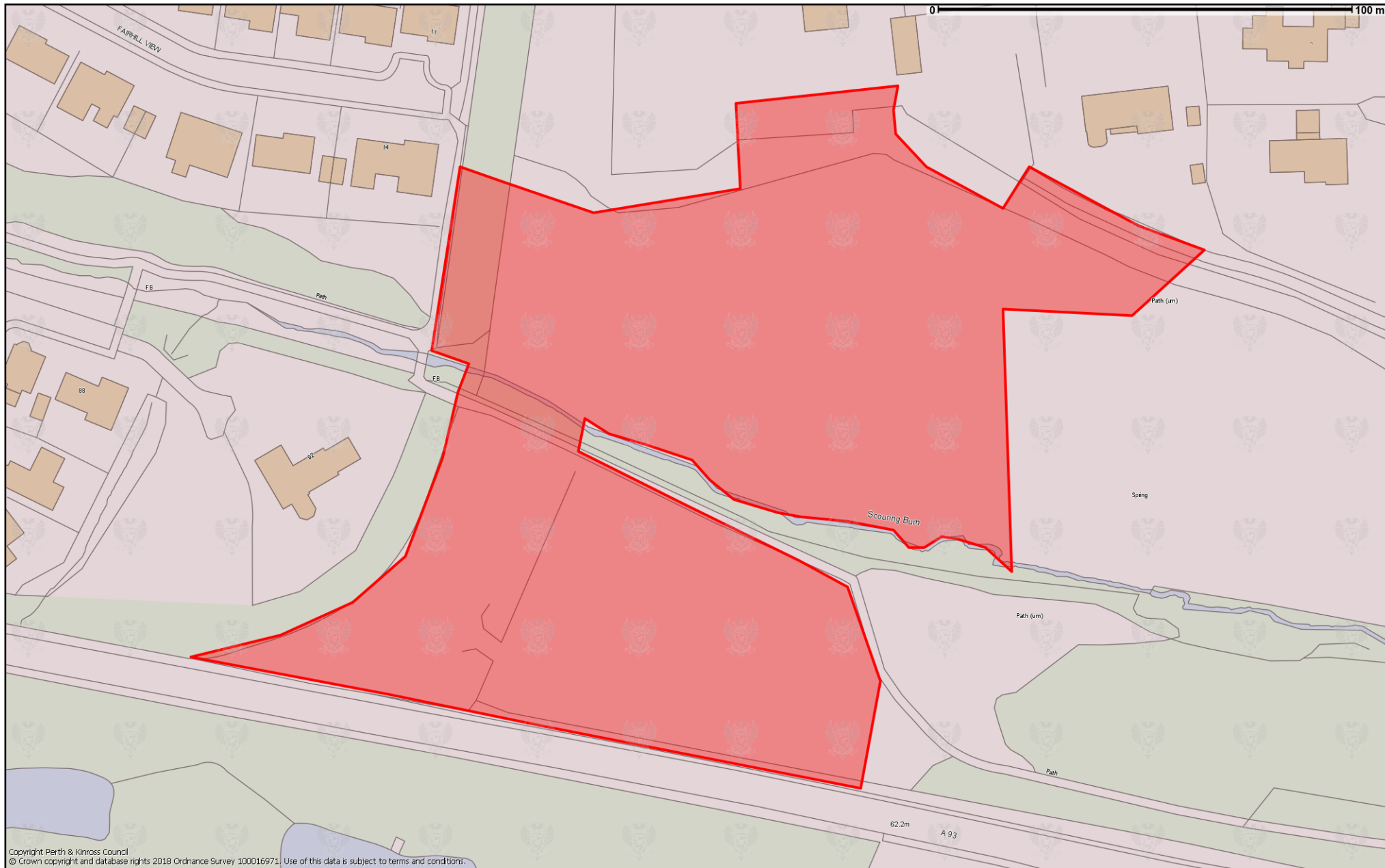
17/01139/AML

Erection of 20 dwellinghouses with associated roads, drainage and landscaping (matters specified by conditions 13/01879/PL) (Phase 1) land west of Woodlands, Glasgow Road, Perth











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Perth and Kinross Council  
Planning & Development Management Committee – 14 February 2018  
Report of Handling by Interim Development Quality Manager

**PROPOSAL:** Erection of 17 dwellinghouses, landscaping and associated works (matters specified by conditions - 13/01880/IPL) (Phase 2)

**LOCATION:** Land west of Woodlands, Glasgow Road, Perth

Ref. No: 17/01140/AML

Ward No: P10- Perth City South

**Summary**

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

**BACKGROUND AND DESCRIPTION OF PROPOSAL**

- 1 Planning permission is sought for the erection of 17 dwellinghouses with associated road, drainage and landscaping on land to the west of Woodlands, Glasgow Road, Perth. The application is a follow up application to an in principle permission approved in December 2015.
- 2 Three related planning applications have been submitted:
- 3 Phase 1 - 1.97ha (20 units) - between Glasgow Road and Scouring Burn and partly on north side of burn, west of Phase 3.
- 4 Phase 2 – 0.97ha (17 units) - northern part of land in ownership of applicant close to Fairhill Crescent/Fairhill Grove, includes walled garden of previous farm steading.
- 5 Phase 3 - 1.21 ha (9 units) - west of Woodlands, north of Scouring Burn. Adjacent to northern section of Phase 1.
- 6 This application relates to Phase 2 which is accessed via the proposed main access from the Glasgow Road.
- 7 The land associated with this application is a mix of grassland, former garden ground and a mature tree belt. The tree belt divides the site from existing residential development to the west. There is residential development to the north and also to the east. There is an open grassed area to the south which is identified for development in related application on the site.
- 8 The site boundary includes garden ground of the former Woodlands House which previously occupied the site. To the east of this is an area containing a listed building group comprising laundry, hen house and coach house, associated with the former Woodlands House and farmstead. These have been excluded from this site although are in close proximity to the application

site. Access to the site is shown as coming from the Glasgow Road crossing through the Phase 1 site and the Scouring Burn. The development will utilise the SUDS proposals shown in Phase 1. The proposal is inextricably linked with the other two applications. This proposal could not happen in isolation of the phase 1 application.

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

- 9 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.
- 10 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.
- 11 An Environmental Statement was not required to be submitted with the proposal as the scale of development falls below the EIA thresholds of 50 houses.

### **PRE-APPLICATION CONSULTATION**

- 12 The proposed development is not classed as a Major development in terms of the Town and Country Planning (Hierarchy of Developments) (Scotland) Regulations 2009. Therefore the applicant was not required to undertake any formal pre-application consultation with the local community. However in this case the developer had one pre-application drop-in consultation session at the Oakbank Community Centre prior to the applications being submitted.

### **NATIONAL POLICY AND GUIDANCE**

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

#### **National Planning Framework**

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

## **Scottish Planning Policy 2014**

- 15 The Scottish Planning Policy (SPP) was published in June 2014 and sets out national planning policies which reflect Scottish Ministers' priorities for operation of the planning system and for the development and use of land. The SPP promotes consistency in the application of policy across Scotland whilst allowing sufficient flexibility to reflect local circumstances. It directly relates to:
- The preparation of development plans;
  - The design of development, from initial concept through to delivery; and
  - The determination of planning applications and appeals.
- 16 The following sections of the SPP will be of particular importance in the assessment of this proposal:
- Sustainability : paragraphs 24 – 35
  - Placemaking : paragraphs 36 – 57
  - Flood Risk and Drainage: paragraphs 254-268
  - Green Infrastructure : paragraphs 219 – 233
  - Affordable Housing : paragraphs 126 - 131

## **Planning Advice Notes**

- 17 The following Scottish Government Planning Advice Notes (PANs) and Guidance Documents are of relevance to the proposal:
- PAN 40 Development Management
  - PAN 51 Planning, Environmental Protection and Regulation
  - PAN 61 Planning and Sustainable Urban Drainage Systems
  - PAN 65 Planning and Open Space
  - PAN 67 Housing Quality
  - PAN 68 Design Statements
  - PAN 69 Planning and Building standards Advice on Flooding
  - PAN 75 Planning for Transport
  - PAN 77 Designing Safer Places

## **Creating Places**

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

## **Designing Streets 2010**

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

## **National Roads Development Guide 2014**

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

## **DEVELOPMENT PLAN**

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

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

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

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

- 24 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.
- 25 The principal relevant policies are, in summary

## **Policy PM1A - Placemaking**

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



### **Policy PM1B - Placemaking**

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

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

- 28 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**

- 29 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 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 TA1B -Transport Standards and Accessibility Requirements**

- 31 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 CF1A - Open Space Retention and Provision**

- 32 Development proposals resulting in the loss of Sports Pitches, Parks and Open Space which are of recreational or amenity value will not be permitted, except in circumstances where one or more of the criteria set out apply.

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

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

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

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

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

- 35 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 NE3 - Biodiversity**

- 36 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**

- 37 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**

- 38 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**

- 39 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**

- 40 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**

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

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

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

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

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

### **Policy EP11 - Air Quality Management Areas**

- 44 Development proposals within or adjacent to designated Air Quality Management Areas which would adversely affect air quality may not be permitted.

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

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

### **OTHER POLICIES**

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

- 47 Key aim - Create a vibrant and successful area through:
- A thriving economy including successful tourism and cultural sectors.
  - A positive image locally, nationally and internationally.
  - Improved infrastructure and transport links.
  - A sustainable natural and built environment.

## **Perth & Kinross Corporate Plan 2013-2018**

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

### **SITE HISTORY**

- 49 08/01418/FLM Residential development of 23 houses and 8 affordable apartments with associated infrastructure 31 October 2011 Application Withdrawn
- 50 08/01429/LBC Demolition of laundry block and alterations to existing buildings 8 November 2011 Application Withdrawn
- 51 08/01774/IPM Residential and office development (in principle) 8 March 2012 Application Refused under delegated powers
- 52 13/01879/IPL Residential development Phase 1 (in principle) 15 December 2015 Application Approved under delegated powers
- 53 13/01880/IPL Residential Development, Phase 2 (in principle) 15 December 2015 Application Approved under delegated powers
- 54 13/01881/IPL Residential Development, Phase 3 (in principle) 15 December 2015 Application Approved under delegated powers
- 55 17/01139/AML Erection of 20 dwellinghouses with associated roads, drainage and landscaping (matters specified by conditions 13/01879/IPL) (Phase 1) to be considered on this Committee agenda.
- 56 17/01141/AML Erection of 9 dwellinghouses, landscaping and associated works (matters specified by conditions - 13/01881/IPL) (Phase 3) to be considered later on this Committee agenda.

### **CONSULTATIONS**

#### **External**

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

- 57 Initially objected due to concerns with potential flood risk, land raising, the removal of the embankment on Scouring Burn and compensatory flood storage. Objection withdrawn following provision of further information.

##### **Scottish Water**

- 58 No objection. Advises the applicant to make a Pre-Development Enquiry to Scottish Water.

## **Internal**

### **Transport Planning**

- 59 Initially objected due to lack of information with regard to traffic impact on the Glasgow Road and lack of alternative access. Objection withdrawn following submission of further information.

### **Contributions Officer**

- 60 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.
- 61 No contributions are required with regard to Primary Education provision or Transport Infrastructure.

### **Local Flood Prevention Authority**

- 62 Initially objected. Objection withdrawn following submission of further information.

### **Community Waste Advisor - Environment Service**

- 63 No objection. The developer should note requirements for access for refuse collections, street sweeping and grounds maintenance. Condition and informative note required.

### **Biodiversity Officer**

- 64 No objection subject to conditions.

### **Community Greenspace**

- 65 No objection subject to condition requiring upgrading and protection of path links.

### **Strategy And Policy**

- 66 Various LDP policies are applicable to the assessment of these planning applications. The site lies within the settlement boundary and is primarily identified as white land under policy RD1 residential areas. Notes a slight encroachment onto the open space identified in the existing LDP but minor incursion into the open space is acceptable as long as it does not affect its amenity resource.

### **Environmental Health**

- 67 No objection subject to condition with regard to potential contamination requiring pre-commencement investigations.

## REPRESENTATIONS

68 The following points were raised in the 12 representations received:

- Contrary to development plan
- Residential amenity – overlooking
- Out of character – design and layout not in keeping with area
- Loss Of Open Space
- Loss of trees
- Traffic Congestion
- Parking
- Road safety – impact on Glasgow Road
- Design and density
- Flood risk – undermine existing flood defence
- Impact on cycle/footpath
- Impact on wildlife
- Should be submitted as a major development
- Impact on local infrastructure
- Noise – disruption when building

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

70 Disruption whilst the development is under construction is not a material planning consideration but should be minimised by the developer through good site management. As the site is close to a water course a Construction Environmental Management Plan should be submitted and will be required by condition (Condition 6).

## 71 ADDITIONAL STATEMENTS

|                                                               |                                                                                           |
|---------------------------------------------------------------|-------------------------------------------------------------------------------------------|
| Environment Statement                                         | Not Required                                                                              |
| Screening Opinion                                             | Not Required                                                                              |
| Environmental Impact Assessment                               | Not Required                                                                              |
| Appropriate Assessment                                        | Not submitted                                                                             |
| Design Statement or Design and Access Statement               | Not submitted                                                                             |
| Report on Impact or Potential Impact eg Flood Risk Assessment | Flood Risk Assessment, Transport Assessment, Tree Survey and Ecological Survey submitted. |

## **APPRAISAL**

### **Policies**

- 72 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.
- 73 The site is within the Perth settlement boundary as identified in the LDP. Policy RD1 (residential areas) supports proposals which are compatible with the amenity and character of an area.
- 74 PM1 supports development that contributes positively to the quality of the surrounding built and natural environment and is designed with reference to climate change mitigation and adaption.
- 75 PM1B requires proposals to meet eight placemaking criteria including respect for the topography and wider landscape, creating inclusive places for people, which are easily navigable, particularly on foot, bicycle and public transport. Existing buildings, structures and natural features that contribute to the local townscape should be retained and sensitively integrated into proposals. Green infrastructure should be incorporated into new developments and connect to existing green networks. In this case there are existing listed buildings close to the site and part of the curtilage of the former Woodlands House and steading borders the site (policy HE2). A substantial part of the lower part of the Phase 1 and Phase 3 to the south is identified as open space (policy CF1A) where it is adjacent to the Scouring Burn. A Core Path and Right of Way runs through the site. The proposal is considered to comply with the policy as some minor incursion into the open space is acceptable as long as it does not affect its amenity value.
- 76 Policy EP2 flooding is relevant. The site is known to be at risk of flooding and a Flood Risk Assessment has been submitted.
- 77 There are a large number of trees on the site. A Tree Survey has been submitted (policy NE2B) and some trees are proposed to be felled. An Ecological Survey has been submitted and implications for biodiversity (NE3) and potential for green infrastructure (NE4) are a consideration.
- 78 Policy TA1B requires new developments to be well served by all modes of transport in particular walking, cycling and public transport. A Transport Statement has been submitted which details this.

- 79 The proposal is considered to comply with the aforementioned policies for reasons outlined in the report below.

### **Principle**

- 80 The site lies within the Perth settlement boundary and is primarily identified as white land under policy RD1 residential areas.
- 81 The site benefits from an in principle planning permission (13/01880/IPL) for residential development approved in December 2015 subject to conditions which established the principle of residential development on the site.

### **Design and Layout**

- 82 The application site is 0.97 hectares. This application is for the erection of 17 dwellinghouses on the northern part of the overall site. The proposal includes three single storey dwellings at the most northern part of the site, two blocks of four flats, two pairs of semi-detached dwellings and two detached properties. The proposals include two link paths to the west to enable a pedestrian/cycle connection to Fairhill View and Fairhill Crescent. The existing tree belt to the west is largely to be removed with three existing deciduous trees to be retained. The area will be replanted.
- 83 A retaining wall is to be constructed to the north of the site. The residents north of this have requested that a beech hedge rather than a fence be positioned on this boundary. The treatment of this boundary can be confirmed by condition (Condition 20).
- 84 A detailed external materials specification has been submitted. The main finishing material for the dwellinghouses will be white dry dash render with grey roof tiles. The flatted blocks include some timber boarding at first floor level.

### **Density**

- 85 There have been objections to the proposals relating to the density of the development and that the house styles proposed do not respect the character of the surrounding developments. The area around is quite varied with detached houses close to the site. This application is for relatively small housing units with a mix of garden sizes. The houses on Phase 2 have larger areas of private amenity space than on Phase 1. The density and unit size is considered acceptable on this site. The houses have been designed primarily to meet market demand for smaller more affordable units such as starter homes and also to take account of the steep gradients on the site. The proposal makes good use of a centrally situated site with good sustainable transport connections. The site also benefits from being close to high quality public open space.



## **Landscape**

- 86 A Tree Survey was undertaken for the land along the Scouring Burn and land to the north of the Burn that is in the ownership of the applicant.
- 87 There is a woodland shelterbelt on the west boundary of the site which separates it from the neighbouring housing estate. The majority of the shelterbelt is within this Phase 2 application. The report notes that trees in this shelterbelt include very large examples of hybrid poplars with various poorly formed conifers interplanted. It notes that trees within the shelterbelt have windblown into the site historically; in the direction expected given the prevailing south westerly wind. The intention is to fell this shelterbelt as it is suggested that its growth has surpassed the ability to safely function as a visual and aural screen and that the visual amenity continues to be compromised by damage in adverse weather, and the risk associated with tree failure will increase with increase in tree height and canopy spread. The shelterbelt will be replaced by tree species more appropriate to its proximity to residential development. Initially the trees in this shelterbelt were not individually identified. Further information was requested and a revised tree survey submitted. The applicant has agreed to retain three of the trees in the shelterbelt.
- 88 Conditions will be attached to any permission requiring protection of trees to be retained including those outwith the site boundary (Conditions 16 and 19).
- 89 Landscape plans have been submitted showing significant areas of planting that should help to mitigate for the loss of the shelterbelt. A landscape management plan will also be required by condition (Condition 14).

## **Residential Amenity**

- 90 The proposals are compatible with the surrounding residential uses. The style and layout of the proposed development does not have any adverse impact on existing neighbouring properties.
- 91 The rear window to boundary distance of the houses proposed on plots 1 to 10 and plots 27 and 28 all meet the Council's guidance of being at least 9 metres to the boundary. With the change in levels there had been some concern that the flats (units 29-32) would overlook the houses on plots 3 and 4 (Phase 1). Extra clarification was sought with regard to this relationship between the flatted block and plots 3 and 4. The closest window to window relationship is 17.5m around 0.5 of a metre less than the 18 metre guidance. This measurement is from the face of blockwork to face of blockwork. The windows are also at a slight angle. To reduce overlooking amended plans were submitted moving the kitchen windows on the first floor flat to the gable elevation. The side boundary of the flatted block has also been slightly re-positioned to ensure that this aspect is 9 metres from the boundary of plots 27 and 28 to the east. Overlooking into the rear gardens of the houses in plots 3 and 4 is mitigated by screen fencing and the angle of view from the flat windows.

- 92 The other properties in Phase 2, two flatted blocks, five detached properties (three single storey and two, two storey) and two pairs of semi-detached properties, are acceptable in terms of residential amenity issues such as overlooking and provision of private amenity space.
- 93 An objection was received from residents on Fairhill Crescent with regard to possible impact from three two storey houses that were originally proposed on the northernmost part of the site. These units were changed to single storey properties and new plans submitted and re-consulted on.

### **Visual Amenity**

- 94 The site is currently largely unkempt with an open grassed area and overgrown former garden area. The shelterbelt is not actively managed. The removal of the existing tree belt and construction of a new road and houses will impact on the existing character of the area but does provide an opportunity to replace the tree belt with more suitable species. Over time the new landscaping will help to integrate the development into its setting.

### **Impact on listed building**

- 95 Three of the buildings within the ownership of the applicant but just outwith this phase 1 application site are identified as being of interest and are listed – namely the laundry, coach house and hen house (categories C(S), B and C(S) respectively, forming a B group). The unlisted former farmhouse site and its gardens also contribute significantly to the character and quality of the site, and to the settings of the listed buildings.
- 96 The applicant has chosen not to include the listed buildings within the development proposals at this time and has indicated that a further application with regard to the listed buildings will be submitted at a later date to include some refurbishment of the buildings during the second phase of construction.
- 97 In order to protect the listed buildings and their setting an informative note (Informative Note 11) is to be added to advise that there should be no construction activity, land shaping or storage of construction materials should take place outwith the site boundary as indicated in red on the site layout plan. This can also be highlighted in the Construction Environmental Management Plan that will be requested by condition (Condition no.6).

### **Roads and Access**

- 98 The in principle approval did not approve the indicative road layout and made clear that the proposals should take account of existing pedestrian desire lines that run around and through the site. There is a strong pedestrian desire line running from the southeast to the northwest of the overall site linking up to Fairhill View to the front of the site of the old Woodlands House. The applicant was also asked to consider a vehicular link to Fairhill View but the applicant does not control the land here and such a link could not be guaranteed.

- 99 The Council's Transport Planner initially had some concern with the impact on the traffic flow on the Glasgow Road from the new junction serving the development and its proximity to the new signalised junction at the Bellway Homes site. However, the applicant's transport consultants supplied further information in support of the application. The information contained in the report and revised drawings now satisfies the concerns with regards to roads matters and it is noted that the subsequent Roads Construction Consent process will ensure that all technical issues are resolved to the Council's satisfaction (Condition 2).
- 100 The proposals also show link paths to the west and east of the development and include a level access for the cycle/footpath that is to be re-routed where the new road will cross. The applicant has indicated traffic calming of this crossing to ensure pedestrian/cyclist priority.

### **Core Path**

- 101 The Core Path, right of way and cycle route running through the site is a key feature of the area and should be protected as part of any future development.
- 102 Community Greenspace has commented on the plans and noted initially that Core Path CTYS/112 had been only partly incorporated into the design. It had been suggested that a link be made to Fairhill Crescent either by upgrading the existing path or creating a new path through the wooded area. Rather than do this the applicant has incorporated links to the path from the new development.
- 103 Details of the re-routed cycle/pedestrian path will be required by condition (Condition 8). A condition will also be included to agree how the works will limit disruption to the existing path and path users (Condition 7). All new paths would be expected to meet Council standards (Condition 2).

### **Drainage and Flooding**

- 104 SEPA and Perth and Kinross Council's Flood Officer has been consulted. Both initially objected to the detailed plans due to the potential flood risk and that the proposals would place persons and property at risk. SEPA was concerned that the proposed bridge had been replaced by a box culvert and the positioning of part of the SUDS basin within the functional floodplain was not acceptable due to the possible implications for floodplain storage. SEPA asked for a number of points to be clarified including assessing the potential for the risk of flooding to the garden ground of the property at 92 Innerleithern Way. Clarification was also sought with regard to the bridge structure over the Scouring Burn.
- 105 A revised Flood Risk Assessment was submitted in September 2017 and further clarification with regard to SEPA's requirements was submitted following this. SEPA and the Council's Flood Risk Officer are now satisfied with the proposals in terms of flood risk. However the FRA has not been updated with the further information and it is suggested that this be required by condition (Condition 3).

## **Sustainable Urban Drainage System (SUDS)**

- 106 A SUDS pond that will serve the entire development is included as part of the related application for Phase 1 (17/01139/AML).
- 107 The applicant has provided details for the proposed SUDS scheme but further investigation is required before a finalised scheme can be agreed. SEPA comments that whilst the potential flood issues have been addressed some further information as to why this particular SUDS strategy has been proposed is required. Further information will be requested by condition (Condition 4). SEPA further notes that each proposed activity (e.g. land raising, embankment removal) may require further authorisation under the Controlled Activities Regulations (CAR). An informative note relating to CAR licence authorisation will be attached to any consent (Informative Note 10). Conditions with regard to SUDS will also be attached (17 and 18).

## **Waste Collection**

- 108 The Council's Waste Services Advisor has been consulted and does not object to the proposals. The developer has been made aware of the requirements for bin and recycling provision and has included a glass recycling area on the submitted plans for phase 1. An informative Note will be included on any permission with regard to general waste and recycling requirements (Informative Note 15).

## **Natural Heritage and Biodiversity**

- 109 The in principle approval included a requirement for carrying out a survey with regard to any potential impact on protected species. A survey was carried out and recommendations made with regard to proposed mitigation. The Council's Biodiversity Officer suggests a condition be attached to any permission requiring development adheres to the recommendations in the survey (Condition 5). This includes providing bird and bat boxes on buildings and on the site (Condition 15) and conditions to protect wildlife (Conditions 9 and 10).

## **Developer Contributions**

### **Affordable Housing**

- 110 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.
- 111 The affordable housing requirement is 4.25 units (17 x 0.25). The applicant has indicated that the affordable housing requirement will be met by the use of credits accumulated on other sites. Further discussion will be required with the Council's Affordable Housing Enabler to agree the delivery of the appropriate affordable housing requirement. No consent will be issued until this matter has been resolved.

### **Primary Education**

- 112 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.
- 113 This proposal is within the joint catchment of Viewlands and Oakbank Primary Schools.
- 114 Education & Children's Services have no capacity concerns in this catchment area at this time. No developer contributions are required with regard to primary education provision.

### **Transport Infrastructure**

- 115 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.
- 116 The proposal has 'In principle' consent under 13/01879/IPL which predated the adoption of the Transport Infrastructure Guidance meaning that this guidance does not apply in this instance.

### **Contaminated Land**

- 117 Environmental Health was consulted and notes that a search of the historic records did not raise any concerns regarding ground contamination in relation to this application.
- 118 No conditions are required in this case although a condition with regard to contaminated land is required on the two associated applications (Phase 1 and 3) due to the proximity to a former landfill site and the possibility of ground gas being present on the site.

### **Economic Impact**

- 119 There will be some positive impact on the local economy from the proposal as it will help to safeguard local employment in the construction industry.

### **LEGAL AGREEMENTS**

- 120 It is unlikely that a legal agreement will be required in relation to this application. No developer contributions are required with regard to transport infrastructure or education provision. However, an agreement may be required regarding the provision of affordable housing depending on the outcome of discussions with the Affordable Housing Enabler.

## **DIRECTION BY SCOTTISH MINISTERS**

- 121 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**

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

## **RECOMMENDATION**

### **Approve the application**

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

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

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

- 2 Prior to the development hereby being approved being completed or brought into use, all matters regarding access, 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 interests of pedestrian and traffic safety and in the interests of free traffic flow.

- 3 Prior to commencement of development an up-to-date Flood Risk Assessment should be submitted to the Council.

Reason – in the interests of proper site management.

- 4 Prior to construction of development the applicant should submit information to demonstrate that the SUDS strategy is appropriate as advised in SEPA's letter dated 7 December 2017 (17/01140/86). This should show how the proposed SUDS strategy adheres to the Simple Index Approach (SIA) or provide any other evidence that the SUDS strategy is appropriate.

Reason - To ensure the appropriate management of surface water run-off and to enhance biodiversity in the interests of residential and environmental amenity.

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

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

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

Reasons – in the interests of proper site management.

- 7 Prior to the commencement of the development hereby approved, a management plan indicating any temporary diversions and signage needed to facilitate the development and/or any works proposed to the right of way/core path as part of the development shall be submitted for the further agreement of the Council as Planning Authority. The plan as agreed shall be implemented in accordance with the timings identified in the plan.

Reason - To ensure that public access is maintained at all reasonable times, to the local path network.

- 8 Full details of the re-routed Core Path CTYS/112 should be submitted for approval of the Planning Authority. The path should be surfaced and 3m wide to provide for multi-use. The approved details shall be implemented as part of the site development and completed prior to the occupation of the first house.

Reason – to clarify requirements of the re-routed Core Path.

- 9 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.

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 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.

- 11 The detailed landscaping and planting scheme which is hereby approved shall be implemented as part of the site development programme and thereafter maintained to the satisfaction of the Council as Planning Authority.

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

- 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 local planning authority.

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

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

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

- 14 Prior to the occupation of the first dwellinghouse, a landscape management plan, including long term design objectives, management responsibilities and maintenance schedules for all landscape areas (other than small privately-owned domestic gardens) shall be submitted to and agreed in writing by the Council as Planning Authority, for its approved use. The landscape management plan as agreed shall, where appropriate, include phased implementation concurrent with the development and shall be fully implemented.

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



- 15 Prior to occupation of the development a minimum of 1 Swift brick and 1 bat brick shall be incorporated into each building at eaves height.

Reason - In the interests of enhancing biodiversity.

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

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

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

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

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

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

- 19 Where site boundaries affect trees, the development shall fully comply with, respect and remain full accordance with BS5387 2012 "Trees in relation to construction, demolition and construction."

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

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

- 20 Prior to commencement of development details of the boundary treatment for the northern site boundary shall be submitted for the approval of the Council as Planning Authority. The scheme as approved shall be implemented in accordance with the agreed details.

Reason – In the interests of visual and residential amenity.

## **B JUSTIFICATION**

- 124 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**

- 125 The planning permission decision notice shall not be issued until such time as the required Developer Contributions with regard to affordable housing have been secured or paid in full.
- 126 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 should be advised that in terms of Section 21 of the Roads (Scotland) Act 1984 he 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 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.

- 7 Technical approval will be required for the bridge (or any structure being adopted or supporting adopted infrastructure) by Perth & Kinross Council's Structures department. It should also adhere to the Flooding Teams' 'Flood Risk and Flood Risk assessment' design guidance. Which states bridge soffit levels should be designed to the 0.5% AP (200-year) flood event with a 20% increase in peak river flow volume/peak rainfall intensity and an addition of 600mm freeboard.
- 8 The applicant should take account of PKC Flooding and Flood Risk Guidance Document (June 2014).
- 9 The applicant is advised that the granting of planning permission does not guarantee a connection to Scottish Water's assets. The applicant must make a separate application to Scottish Water Planning & Development Services team for permission to connect to the public wastewater system and/or water network and all their requirements must be fully adhered to.
- 10 Proposed engineering works within the water environment will require authorisation under The Water Environment (Controlled Activities) (Scotland) Regulations 2011 (as amended). Management of surplus peat or soils may require an exemption under The Waste Management Licensing (Scotland) Regulations 2011. Proposed crushing or screening will require a permit under The Pollution Prevention and Control (Scotland) Regulations 2012. Consider if other environmental licences may be required for any installations or processes.

Details of SEPA's regulatory requirements and good practice advice for the applicant can be found on the Regulations section of SEPA's website or contact a member of the regulatory team in the local SEPA office at:  
SEPA, Strathearn House, Broxden Business Park, Lamberkine Drive Perth  
PH1 1RX, Tel: 01738 627989

- 11 No construction activity, land shaping or storage of construction materials should take place outwith the site boundary as indicated in red on the site layout plan.
- 12 The applicant is reminded that, should any protected species be present a licence may be required from Scottish Natural Heritage to disturb a protected species. Failure to obtain a licence may constitute a criminal act under the Habitats Regulations and penalties are severe for non-compliance.
- 13 The applicant is reminded that, under the Wildlife and Countryside Act 1981, as amended, it is an offence to remove, damage or destroy the nest of any wild birds while that nest is in use or being built. Planning consent for a development does not provide a defence against prosecution under this act.
- 14 Paths to be constructed as part of the development should reflect likely patterns of use: pedestrian, bikes horse riders & wheelchairs as appropriate. Specifications should be based on those in "Lowland Path Construction - A

Guide to Good Practice" published by SNH, Scottish Enterprise & the Paths for All Partnership.

- 15 The developer should note requirements for access to all areas of the site for refuse collections, street sweeping and grounds maintenance and particular note should be taken of the requirements for manoeuvring refuse collection vehicles (reversing requirement should be kept to an absolute minimum). Full specifications including the size of the largest vehicle in the fleet (12 metres long) are available from the Community Waste Team.

Individual properties will be provided with 140 litre general waste bin, 240 litre recycling bin and 240 litre garden waste/food waste bin presented to the kerbside by householders.

Flatted properties will share 1100 litre general waste and 1100 litre recycling bins (4 flats). These bins should be no more than 10 metres from the kerbside, crew will pull out and return bins.

Background Papers: 12 letters of representation  
Contact Officer: Persephone Beer 01738 475354  
Date: 1<sup>st</sup> February 2018

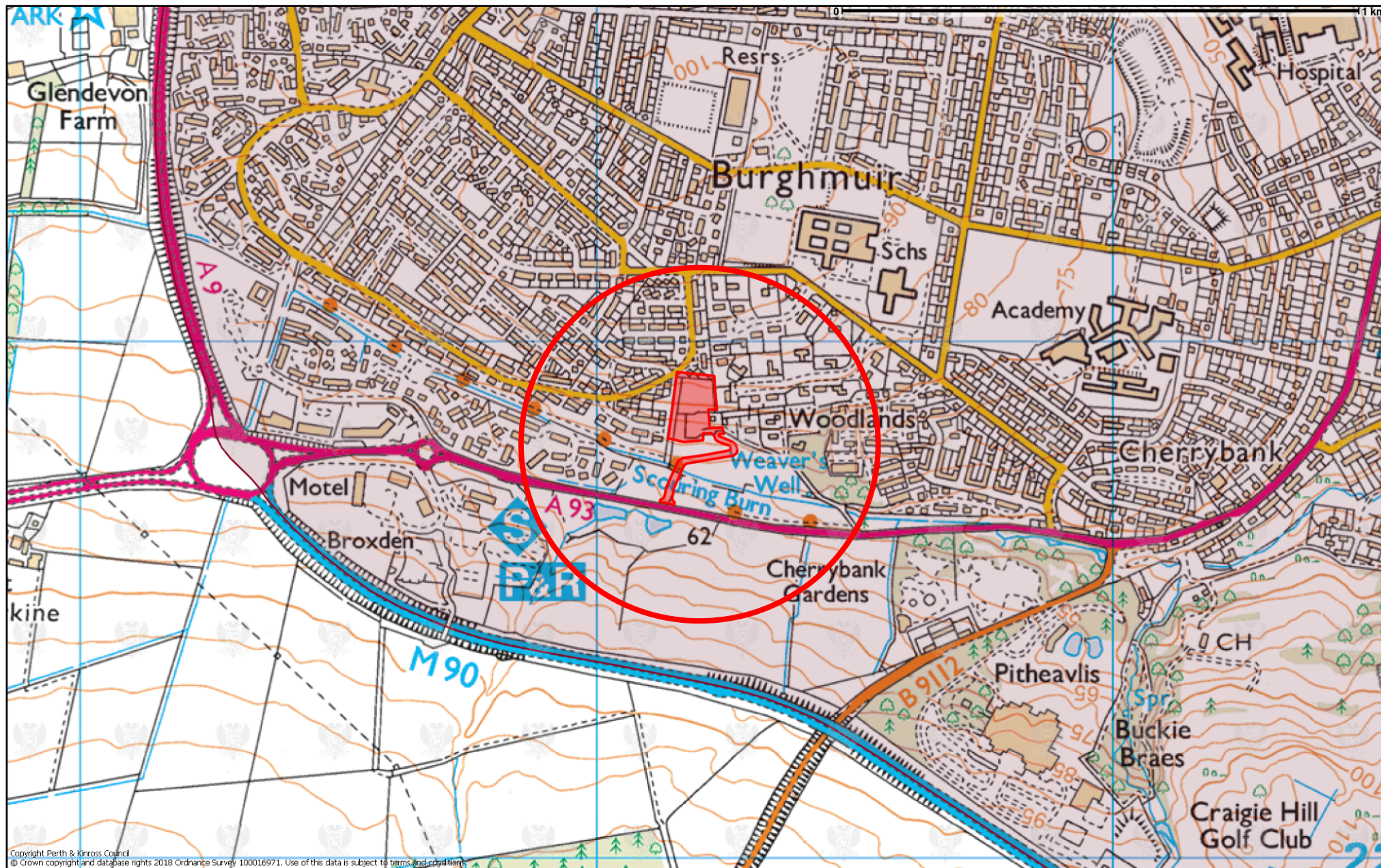
**ANNE CONDLIFFE**  
**INTERIM DEVELOPMENT QUALITY MANAGER**

|                                                                                                                                                                                                                                                             |
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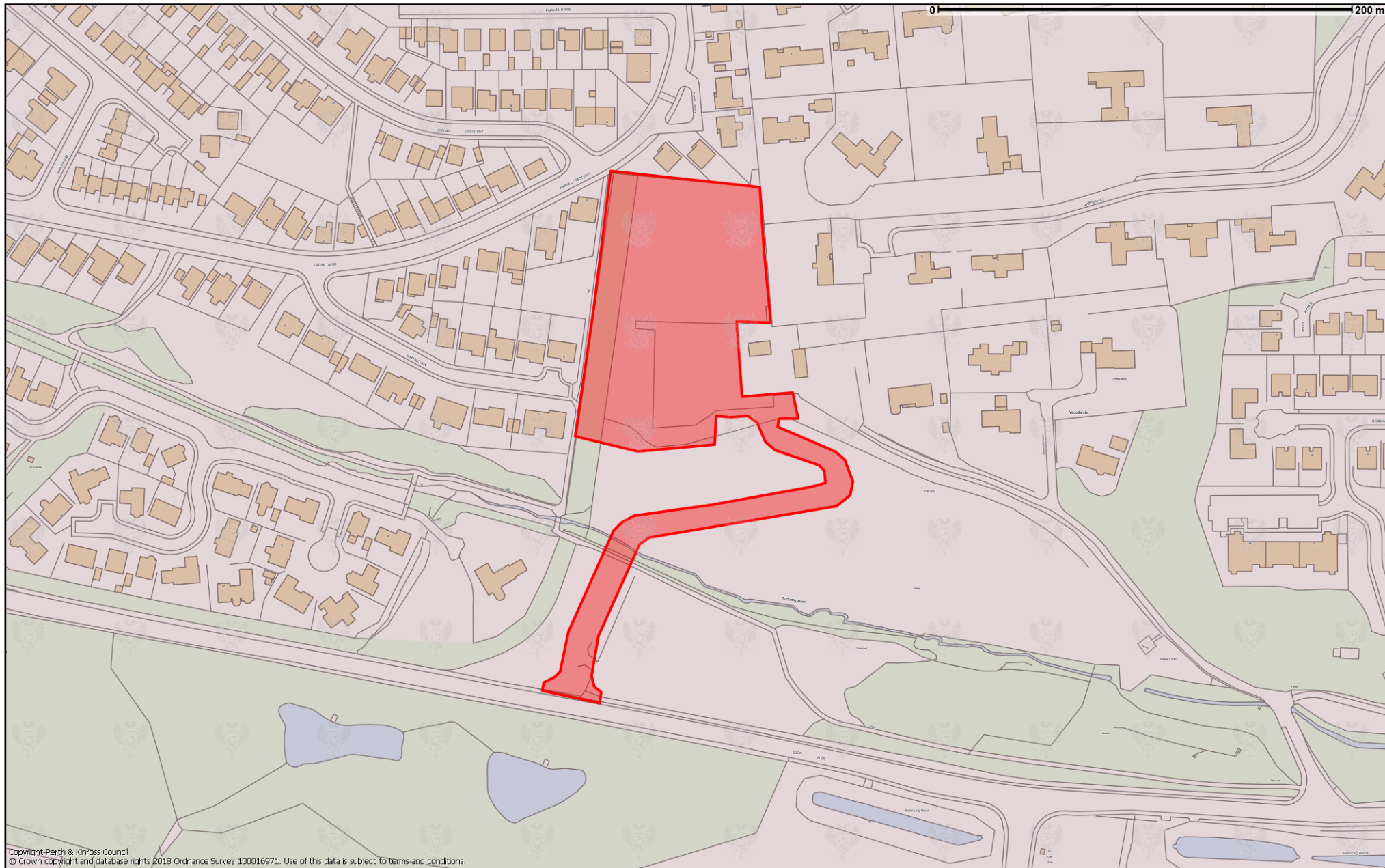
17/01140/AML



Erection of 17 dwellingshouses, landscaping and associated works (matters specified by conditions - 13/01880/IPL) (Phase 2) land west of Woodlands, Glasgow Road, Perth









|                                                                                                                                                                                                                                                                                                                                       |                     |                                                                                      |                                                                                                                                                                                                     |                                                                                       |
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Perth and Kinross Council  
Planning & Development Management Committee – 14 February 2018  
Report of Handling by Interim Development Quality Manager

**PROPOSAL:** Erection of 9 dwellinghouses, landscaping and associated works  
(matters specified by conditions - 13/01881/IPL) (Phase 3)

**LOCATION:** Land west of Woodlands, Glasgow Road, Perth

Ref. No: 17/01141/AML  
Ward No: P10- Perth City South

**Summary**

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

**BACKGROUND AND DESCRIPTION OF PROPOSAL**

- 1 Planning permission is sought for the erection of 9 dwellinghouses with associated works on land to the west of Woodlands, Glasgow Road, Perth. The application is a follow up application to an in principle permission approved in December 2015.
- 2 Three related planning applications have been submitted:
- 3 Phase 1 - 1.97ha (20 units) - between Glasgow Road and Scouring Burn and partly on north side of burn, west of Phase 3.
- 4 Phase 2 – 0.97ha (17 units) - northern part of land in ownership of applicant close to Fairhill Crescent/Fairhill Grove, includes walled garden of previous farm steading.
- 5 Phase 3 - 1.21 ha (9 units) - west of Woodlands, north of Scouring Burn. Adjacent to northern section of Phase 1.
- 6 This application relates to Phase 3 with eight units being accessed from the proposed new access from the Glasgow Road. A remaining single detached dwellinghouse is to be accessed off the Woodlands access to the Glasgow Road.
- 7 The site is currently rough grassland located to the north of the Scouring Burn and bounded on the north and east by the road known as Woodlands. Both the Woodlands boundary and Scouring Burn boundary include a large number of mature trees. The western boundary is undefined and runs through an open field area.

## **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 An Environmental Statement was not required to be submitted with the proposal as the scale of development falls below the EIA thresholds of 50 houses.

## **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. Therefore the applicant was not required to undertake any formal pre-application consultation with the local community. However in this case the developer had one pre-application drop-in consultation session at the Oakbank Community Centre prior to the applications being submitted.

## **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
  - Flood Risk and Drainage: paragraphs 254-268
  - Green Infrastructure : paragraphs 219 – 233
  - Affordable Housing : paragraphs 126 - 131

## **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 65 Planning and Open Space
  - PAN 67 Housing Quality
  - PAN 68 Design Statements
  - PAN 69 Planning and Building standards Advice on Flooding
  - PAN 75 Planning for Transport
  - PAN 77 Designing Safer Places

## **Creating Places**

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

## **Designing Streets 2010**

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

## **National Roads Development Guide 2014**

- 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:
- 22 *"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."*
- 23 The following sections of the TAYplan 2016 are of particular importance in the assessment of this application.

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

- 24 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.
- 25 The principal relevant policies are, in summary

### **Policy PM1A - Placemaking**

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

### **Policy PM1B - Placemaking**

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

### **Policy PM3 – Infrastructure Contributions**

- 28 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**

- 29 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**

- 30 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**

- 31 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.

### **32 Policy CF1A - Open Space Retention and Provision**

Development proposals resulting in the loss of Sports Pitches, Parks and Open Space which are of recreational or amenity value will not be permitted, except in circumstances where one or more of the criteria set out apply.

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

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

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

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

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

- 35 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 NE3 - Biodiversity**

- 36 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**

- 37 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**

- 38 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**

- 39 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**

- 40 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**

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

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

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

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

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

### **Policy EP11 - Air Quality Management Areas**

- 44 Development proposals within or adjacent to designated Air Quality Management Areas which would adversely affect air quality may not be permitted.

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

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

### **OTHER POLICIES**

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

47 Key aim - Create a vibrant and successful area through:

- A thriving economy including successful tourism and cultural sectors.
- A positive image locally, nationally and internationally.
- Improved infrastructure and transport links.
- A sustainable natural and built environment.

## **Perth & Kinross Corporate Plan 2013-2018**

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

## **SITE HISTORY**

- 49 08/01429/LBC Demolition of laundry block and alterations to existing buildings  
8 November 2011 Application Withdrawn
- 50 08/01774/IPM Residential and office development (in principle) 8 March 2012  
Application Refused under delegated powers
- 51 13/01879/IPL Residential development Phase 1 (in principle) 15 December  
2015 Application Approved under delegated powers
- 52 13/01880/IPL Residential Development, Phase 2 (in principle) 15 December  
2015 Application Approved under delegated powers
- 53 13/01881/IPL Residential Development, Phase 3 (in principle) 15 December  
2015 Application Approved under delegated powers
- 54 17/01139/AML Erection of 20no. dwellinghouses with associated roads,  
drainage and landscaping (matters specified by conditions 13/01879/IPL)  
(Phase 1) to be considered on this Committee agenda.
- 55 17/01140/AML Erection of 17no. dwellinghouses, landscaping and associated  
works (matters specified by conditions - 13/01880/IPL) (Phase 2) to be  
considered on this Committee agenda

## **CONSULTATIONS**

### **External**

### **Scottish Environment Protection Agency**

- 56 Initially objected due to concerns with potential flood risk, land raising, the removal of the embankment on Scouring Burn and compensatory flood storage. Objection withdrawn following provision of further information.



### **Scottish Water**

- 57 No objection. Advises the applicant to make a Pre-Development Enquiry to Scottish Water.

### **Internal**

### **Transport Planning**

- 58 Initially objected due to lack of information with regard to traffic impact on the Glasgow Road and lack of alternative access. Objection withdrawn following submission of further information.

### **Contributions Officer**

- 59 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.
- 60 No contributions are required with regard to Primary Education provision or Transport Infrastructure.

### **Local Flood Prevention Authority**

- 61 Initially objected. Objection withdrawn following submission of further information.

### **Community Waste Advisor - Environment Service**

- 62 No objection. The developer should note requirements for access for refuse collections, street sweeping and grounds maintenance. Condition and informative note required.

### **Biodiversity Officer**

- 63 No objection subject to conditions.

### **Community Greenspace**

- 64 No objection subject to condition requiring upgrading and protection of path links.

### **Strategy and Policy**

- 65 Various LDP policies are applicable to the assessment of these planning applications. The site lies within the settlement boundary and is primarily identified as white land under policy RD1 residential areas. Notes a slight encroachment onto the open space identified in the existing Local Development Plan but minor incursion into the open space is acceptable as long as it does not affect its amenity resource.

## Environmental Health

- 66 No objection subject to condition with regard to potential contamination requiring pre-commencement investigations.

### REPRESENTATIONS

- 67 The following points were raised in the 10 representations received:

- Contrary to development plan
- Residential amenity – overlooking
- Out of character – design and layout not in keeping with area
- Loss Of Open Space
- Loss of trees
- Traffic Congestion
- Parking
- Road safety – impact on Glasgow Road
- Design and density
- Flood risk – undermine existing flood defence
- Impact on cycle/footpath
- Impact on wildlife
- Should be submitted as a major development
- Impact on local infrastructure
- Noise – disruption when building

- 68 These issues are addressed in the Appraisal section of the appraisal.

- 69 Disruption whilst the development is under construction is not a material planning consideration but should be minimised by the developer through good site management. As the site is close to a water course a Construction Environmental Management Plan should be submitted and will be required by condition.

### 70 ADDITIONAL STATEMENTS

|                                                               |                                                                                           |
|---------------------------------------------------------------|-------------------------------------------------------------------------------------------|
| Environment Statement                                         | Not Required                                                                              |
| Screening Opinion                                             | Not Required                                                                              |
| Environmental Impact Assessment                               | Not Required                                                                              |
| Appropriate Assessment                                        | Not submitted                                                                             |
| Design Statement or Design and Access Statement               | Not submitted                                                                             |
| Report on Impact or Potential Impact eg Flood Risk Assessment | Flood Risk Assessment, Transport Assessment, Tree Survey and Ecological Survey submitted. |

## **APPRAISAL**

### **Policies**

- 71 Sections 25 and 37(2) of the Town & Country Planning (Scotland) Act 1997 (as amended) require the determination of the proposal to be made in accordance with the provisions of the Development Plan, unless material considerations indicate otherwise. The adopted Development Plan comprises the TAYplan Strategic Development Plan 2016–2036 and the Perth and Kinross Local Development Plan 2014. The relevant policy considerations are outlined in the policy section above and are considered in more detail below. In terms of other material considerations, this involves considerations of the Council's other approved policies and supplementary guidance.
- 72 The site is within the Perth settlement boundary as identified in the adopted Perth and Kinross Local Development Plan. Policy RD1 (residential areas) supports proposals which are compatible with the amenity and character of an area.
- 73 PM1 supports development that contributes positively to the quality of the surrounding built and natural environment and is designed with reference to climate change mitigation and adaption.
- 74 PM1B requires proposals to meet eight placemaking criteria including respect for the topography and wider landscape, creating inclusive places for people, which are easily navigable, particularly on foot, bicycle and public transport. Existing buildings, structures and natural features that contribute to the local townscape should be retained and sensitively integrated into proposals. Green infrastructure should be incorporated into new developments and connect to existing green networks. In this case there are existing listed buildings close to the site and part of the curtilage of the former Woodlands House and steading borders the site (policy HE2). A substantial part of the lower part of the site is identified as open space (policy CF1A) where it is adjacent to the Scouring Burn. A Core Path and Right of Way runs through the site.
- 75 Policy EP2 flooding is relevant. The site is known to be at risk of flooding and a Flood Risk Assessment has been submitted.
- 76 There are a large number of trees on the site. A Tree Survey has been submitted (policy NE2B) and some trees are proposed to be felled. An Ecological Survey has been submitted and implications for biodiversity (NE3) and potential for green infrastructure (NE4) are a consideration.
- 77 Policy TA1B requires new developments to be well served by all modes of transport in particular walking, cycling and public transport. A Transport Statement has been submitted which details this.
- 78 The proposal is considered to comply with the aforementioned policies for reasons outlined in the report below.

## **Principle**

- 79 The site lies within the Perth settlement boundary and is primarily identified as white land under policy RD1 residential areas. There is a slight encroachment onto the open space identified in the existing Local Development Plan but minor incursion into the open space is acceptable as long as it does not affect its amenity resource.
- 80 The site benefits from an in principle planning permission (13/01881/IPL) for residential development approved in December 2015 subject to conditions which established the principle of residential development on the site.

## **Design and Layout**

- 81 The application site measures 1.21 hectares. The proposals include two blocks of four flats to the east of similar units included in application 17/01139/AML (Phase 1). These flats will be accessed from the new access to the Glasgow Road. A single detached dwellinghouse is also proposed as part of this application that will be served by the existing Woodlands access from the Glasgow Road that also serves existing properties to the north of this area of the site. Over half of the site includes an area of proposed open space to the north of the Scouring Burn. This is land that cannot easily be developed due to flood risk but will provide a useful buffer area between the burn and the new development. The existing "Weavers Well" is included in the south eastern corner of this site which is maintained by the Council. A pedestrian/cycle link path is proposed close to the proposed flats.
- 82 A detailed external materials specification has been submitted. The main finishing material for the dwellinghouse will be white dry dash render with grey roof tiles. The flatted blocks include some timber boarding at first floor level.

## **Density**

- 83 There have been objections to the proposals relating to the density of the development and that the house styles proposed do not respect the character of the surrounding developments. The area around is quite varied but primarily is of detached houses with generous garden areas. The plots to the east of the site at Woodlands are particularly generous with large properties on large plots. However there is more mixed development including flatted blocks further east at Ross Avenue and Cleeve Park. This application is for two blocks of four flats and one detached dwellinghouse. This part of the site benefits from a high amount of open space to the south. Over all three sites smaller housing units at a higher density have generally been proposed to meet market demand and make good use of a centrally situated site with good sustainable transport connections.

## **Landscape**

- 84 This part of the site includes a number of mature trees along the eastern boundary with “Woodlands” and the southern boundary along the Scouring Burn. A tree survey has been submitted identifying a number of trees that it is proposed to remove. The landscape character of this part of the site will be retained due to the retention of a number of the large trees to the east and south. This is detailed in the associated Tree Survey.
- 85 Conditions will be attached to any permission requiring protection of trees to be retained including those outwith the site boundary (Conditions 16 and 19).
- 86 Landscape plans have been submitted showing new areas of planting. A landscape management plan will also be required by condition (Condition 14).

## **Residential Amenity**

- 87 The proposals are compatible with the surrounding residential uses. The style and layout of the proposed development does not have any adverse impact on neighbouring properties. The development is acceptable in terms of the provision of amenity space and overlooking.

## **Visual Amenity**

- 88 The retention of existing trees to the east and south of the site in addition to new planting to the south of the proposed development will help to minimise any impact on visual amenity. Overall the site is largely overgrown and unkempt and the proposals will improve the visual amenity of the area.

## **Roads and Access**

- 89 This part of the site is accessed partly off the existing “Woodlands” access. The proposed flats will be accessed off the proposed new road that will serve the main development sites in phases 1 and 2. The Transport Planner had concerns with the proposals in terms of the impact from the whole development on the traffic flow on the Glasgow Road from the new junction serving the development and its proximity to the new signalised junction at the Bellway Homes site. However, the applicant’s transport consultants supplied further information in support of the application. The information contained in the report and revised drawings now satisfies the concerns with regards to roads matters and it is noted that the subsequent Roads Construction Consent process will ensure that all technical issues are resolved to the Council’s satisfaction (Condition 2).
- 90 The proposals show a link path to the east. Links to the west and a new level access for the cycle/footpath that is to be re-routed is included in related application 17/01139/AML.

## **Drainage and Flooding**

- 91 SEPA and Perth and Kinross Council's Flood Officer has been consulted. Both initially objected to the detailed plans due to the potential flood risk and that the proposals would place persons and property at risk. SEPA asked for a number of points to be clarified and following submission of further information SEPA withdrew its objection. SEPA advised that an updated Flood Risk Assessment should be submitted to the Council. This will be required by condition (Condition 3). Following further work and clarification by the applicant the Council's Flood Risk Officer also withdrew their objection.

## **Sustainable Urban Drainage System (SUDS)**

- 92 A SUDS pond that will serve the entire development is included as part of the related application for Phase 1 (17/01139/AML).
- 93 The applicant has provided details for the proposed SUDS scheme but further investigation is required before a finalised scheme can be agreed. SEPA comments that whilst the potential flood issues have been addressed some further information as to why this particular SUDS strategy has been proposed is required. Further information will be requested by condition (Condition 4). SEPA further notes that each proposed activity (e.g. land raising, embankment removal) may require further authorisation under the Controlled Activities Regulations (CAR). An informative note relating to CAR licence authorisation will be attached to any consent (Informative Note 10). Conditions with regard to SUDS will also be attached (17 and 18).

## **Waste Collection**

- 94 The Council's Waste Services Advisor has been consulted and does not object to the proposals. The developer has been made aware of the requirements for bin and recycling provision and has included a glass recycling area on the submitted plans for phase 1 (17/01139/AML). An informative note will also be included on any permission with regard waste and recycling requirements (informative Note 15).

## **Natural Heritage and Biodiversity**

- 95 The in principle approval included a requirement for carrying out a survey with regard to any potential impact on protected species. A survey was carried out and recommendations made with regard to proposed mitigation. The Council's Biodiversity Officer suggests a condition be attached to any permission (Condition 6) requiring development adheres to the recommendations in the survey. This includes providing bird and bat boxes the site (Condition 15).

## **Developer Contributions**

- 96 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.

- 97 The affordable housing requirement is 2.25 units (9 x 0.25). The applicant has indicated that they do not propose to provide affordable housing on the site but will use affordable housing credits accrued on other sites. Further discussion will be required with the Councils Affordable Housing Enabler to agree the delivery of the appropriate affordable housing requirement. No consent will be issued until this matter has been resolved.

### **Primary Education**

- 98 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.
- 99 This proposal is within the joint catchment of Viewlands and Oakbank Primary Schools.
- 100 Education & Children's Services have no capacity concerns in this catchment area at this time. No developer contributions are required with regard to primary education provision.

### **Transport Infrastructure**

- 101 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.
- 102 The proposal has 'In principle' consent under 13/01881/IPL which predated the adoption of the Transport Infrastructure Guidance and it will not apply.

### **Contaminated Land**

- 103 A review of historical record has shown that the development site is in very close proximity to what was a landfill site that ceased operations in the mid 70's. This site was later redeveloped for housing but during the site investigation, it was discovered that the site was affected by ground gases. This had to be mitigated against by installing gas prevention measures within the residential units. There is a possibility that gas may have migrated from this site to the proposed development area. In the interest of ensuring that the site will be free from any perceived ground gas risk, the applicant should satisfy themselves that on construction they adopt necessary gas protection measures to ensure the residential units are suitable for use.
- 104 A condition is recommended (Condition No.20).

## **Economic Impact**

- 105 There will be some positive impact on the local economy from the proposal as it will help to safeguard local employment in the construction industry.

## **LEGAL AGREEMENTS**

- 106 It is unlikely that a legal agreement will be required in relation to this application. No developer contributions are required with regard to transport infrastructure or education provision.

## **DIRECTION BY SCOTTISH MINISTERS**

- 107 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**

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

## **RECOMMENDATION**

### **Approve the application**

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

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

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

- 2 Prior to the development hereby being approved being completed or brought into use, all matters regarding access, 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 interests of pedestrian and traffic safety and in the interests of free traffic flow.



- 3 Prior to commencement of development an up-to-date Flood Risk Assessment should be submitted to the Council.

Reason – in the interests of proper site management.

- 4 Prior to construction of development the applicant should submit information to demonstrate that the SUDS strategy is appropriate as advised in SEPA's letter dated 7 December 2017. This should show how the proposed SUDS strategy adheres to the Simple Index Approach (SIA) or provide any other evidence that the SUDS strategy is appropriate.

Reason - To ensure the appropriate management of surface water run-off and to enhance biodiversity in the interests of residential and environmental amenity.

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

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

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

Reasons - in the interests of proper site management.

- 7 Prior to the commencement of the development hereby approved, a management plan indicating any temporary diversions and signage needed to facilitate the development and/or any works proposed to the right of way/core path as part of the development shall be submitted for the further agreement of the Council as Planning Authority. The plan as agreed shall be implemented in accordance with the timings identified in the plan.

Reason - To ensure that public access is maintained at all reasonable times, to the local path network.

- 8 Full details of the re-routed Core Path CTYS/112 should be submitted for approval of the Planning Authority. The path should be surfaced and 3m wide to provide for multi-use. The approved details shall be implemented as part of the site development and completed prior to the occupation of the first house.

Reason – to clarify requirements of the re-routed Core Path.

- 9 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.

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 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.

- 11 The detailed landscaping and planting scheme which is hereby approved shall be implemented as part of the site development programme and thereafter maintained to the satisfaction of the Council as Planning Authority.

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

- 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 local planning authority.

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

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

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

- 14 Prior to the occupation of the first dwellinghouse, a landscape management plan, including long term design objectives, management responsibilities and maintenance schedules for all landscape areas (other than small privately-owned domestic gardens) shall be submitted to and agreed in writing by the Council as Planning Authority, for its approved use. The landscape management plan as agreed shall, where appropriate, include phased implementation concurrent with the development and shall be fully implemented.

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

- 15 Prior to occupation of the development a minimum of 1 Swift bricks and 1 bat brick shall be incorporated into each building at eaves height.

Reason - In the interests of enhancing biodiversity.

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

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

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

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

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

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

- 19 Where site boundaries affect trees, the development shall fully comply with, respect and remain full accordance with BS5387 2012 "Trees in relation to construction, demolition and construction."

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

- 20 Development shall not commence on site until an evaluation for the potential of the site to be affected by contamination by a previous use has been undertaken and, as a minimum, a Preliminary Risk Assessment (Phase 1 Desk Study) has been submitted for consideration and accepted by the Council as Planning Authority. If the preliminary risk assessment identifies the need for further assessment, an intrusive investigation shall be undertaken to identify;
- i. the nature, extent and type(s) of contamination on the site
  - ii. measures to treat/remove contamination to ensure the site is fit for the use proposed
  - iii. measures to deal with contamination during construction works
  - iv. condition of the site on completion of decontamination measures.

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

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

## **B JUSTIFICATION**

- 110 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**

- 111 The planning permission decision notice shall not be issued until such time as the required Developer Contributions with regard to affordable housing have been secured or paid in full.
- 112 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 should be advised that in terms of Section 21 of the Roads (Scotland) Act 1984 he 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 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.
- 7 Technical approval will be required for the bridge (or any structure being adopted or supporting adopted infrastructure) by Perth & Kinross Council's Structures department. It should also adhere to the Flooding Teams' 'Flood Risk and Flood Risk assessment' design guidance. Which states bridge soffit levels should be designed to the 0.5% AP (200-year) flood event with a 20% increase in peak river flow volume/peak rainfall intensity and an addition of 600mm freeboard.
- 8 The applicant should take account of PKC Flooding and Flood Risk Guidance Document (June 2014).
- 9 The applicant is advised that the granting of planning permission does not guarantee a connection to Scottish Water's assets. The applicant must make a separate application to Scottish Water Planning & Development Services team for permission to connect to the public wastewater system and/or water network and all their requirements must be fully adhered to.
- 10 Proposed engineering works within the water environment will require authorisation under The Water Environment (Controlled Activities) (Scotland) Regulations 2011 (as amended). Management of surplus peat or soils may require an exemption under The Waste Management Licensing (Scotland) Regulations 2011. Proposed crushing or screening will require a permit under The Pollution Prevention and Control (Scotland) Regulations 2012. Consider if

other environmental licences may be required for any installations or processes.

Details of SEPA's regulatory requirements and good practice advice for the applicant can be found on the Regulations section of SEPA's website or contact a member of the regulatory team in the local SEPA office at:  
SEPA, Strathearn House, Broxden Business Park, Lamberkine Drive Perth  
PH1 1RX, Tel: 01738 627989

- 11 No construction activity, land shaping or storage of construction materials should take place outwith the site boundary as indicated in red on the site layout plan.
- 12 The applicant is reminded that, should any protected species be present a licence may be required from Scottish Natural Heritage to disturb a protected species. Failure to obtain a licence may constitute a criminal act under the Habitats Regulations and penalties are severe for non compliance.
- 13 The applicant is reminded that, under the Wildlife and Countryside Act 1981, as amended, it is an offence to remove, damage or destroy the nest of any wild birds while that nest is in use or being built. Planning consent for a development does not provide a defence against prosecution under this act.
- 14 Paths to be constructed as part of the development should reflect likely patterns of use: pedestrian, bikes horse riders & wheelchairs as appropriate. Specifications should be based on those in "Lowland Path Construction - A Guide to Good Practice" published by SNH, Scottish Enterprise & the Paths for All Partnership.
- 15 The developer should note requirements for access to all areas of the site for refuse collections, street sweeping and grounds maintenance and particular note should be taken of the requirements for manoeuvring refuse collection vehicles (reversing requirement should be kept to an absolute minimum). Full specifications including the size of the largest vehicle in the fleet (12 metres long) are available from the Community Waste Team.

Individual properties will be provided with 140 litre general waste bin, 240 litre recycling bin and 240 litre garden waste/food waste bin presented to the kerbside by householders.

Flatted properties will share 1100 litre general waste and 1100 litre recycling bins (4 flats). These bins should be no more than 10 metres from the kerbside, crew will pull out and return bins.

Background Papers: 10 letters of representation  
Contact Officer: Persephone Beer 01738 475354  
Date: 1<sup>st</sup> February 2018

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

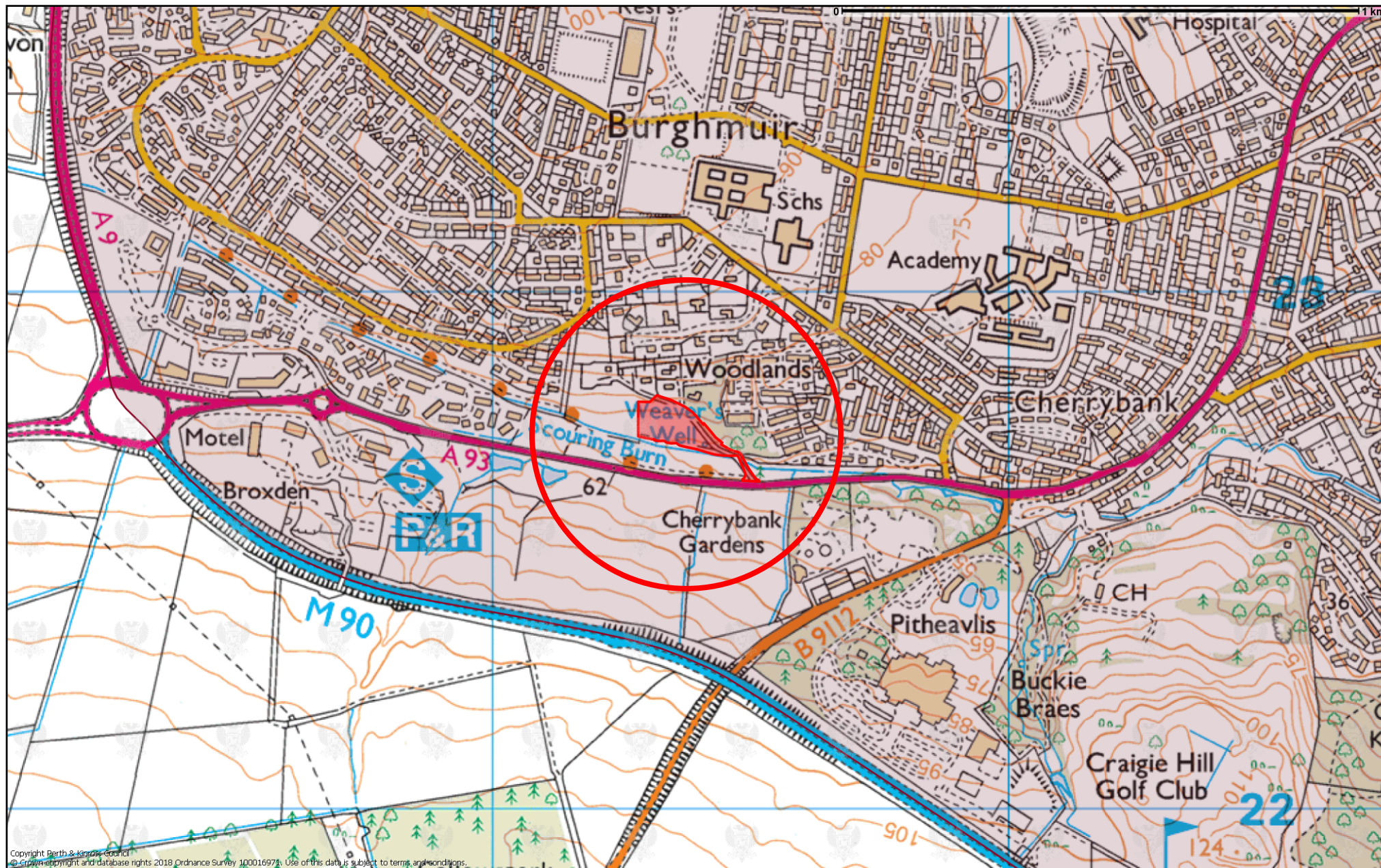
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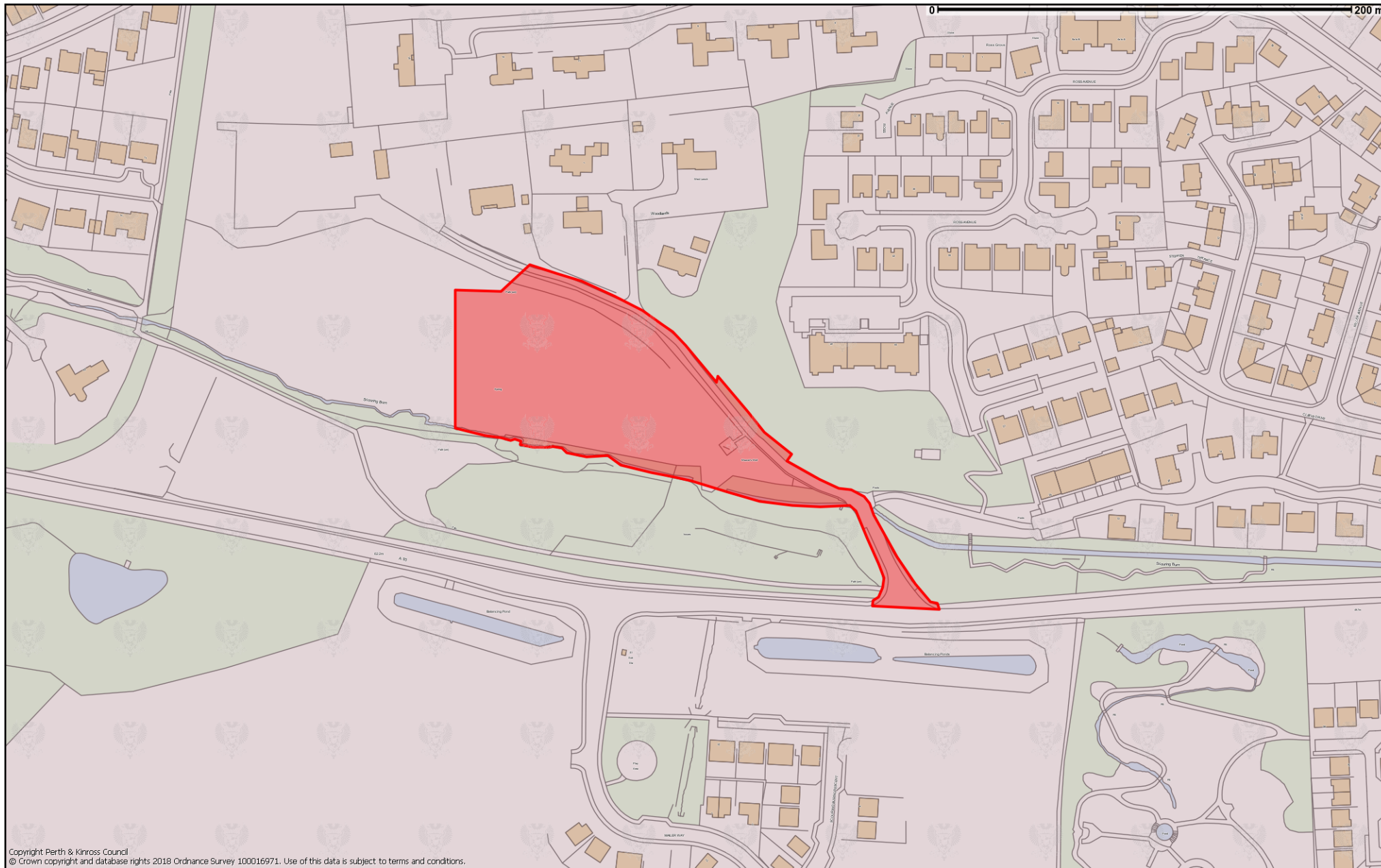
17/01141/AML

Erection of 9 dwellinghouses, landscaping and associated works (matters specified by conditions - 13/01881/PL) (Phase 3) land west of Woodlands, Glasgow Road, Perth









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17/01141/AML

Erection of 9 dwellinghouses, landscaping and associated works (matters specified by conditions - 13/01881/PL) (Phase 3) land west of Woodlands, Glasgow Road, Perth





Perth and Kinross Council  
Planning & Development Management Committee – 14 February 2018  
Report of Handling by Interim Development Quality Manager

**PROPOSAL:** Change of use of dwellinghouse to form conference/venue facilities, alterations and extension, erection of toilet facilities, siting of a marquee, formation of car parking area and an earth bund and associated works

**LOCATION:** The Old Manse, Blair Atholl, Pitlochry, PH18 5TN

Ref. No: 17/01976/FLL  
Ward No: P4- Highland

**Summary**

This report recommends approval of the detailed planning 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 relates to The Old Manse, Blair Atholl – an attractive listed building which is set within spacious grounds to the west of Blair Atholl. The property is currently a dwelling, but it has recently been available for private rent. Some of the reception rooms within the dwelling have also been used for small functions/meetings, and are currently available for bookings.
- 2 This planning application seeks to obtain detailed planning permission for a number of elements which are all directly linked to the applicant's desire to expand their existing business at The Old Manse to create a more extensive executive conference /function venue, with overnight accommodation.
- 3 The principal elements of this planning application are:
  - The change of use of the dwellinghouse to allow for conferences, meetings and entertaining to take place
  - Alterations and extension to the main house
  - Erection of a stand-alone toilet block (including showers)
  - Siting of a marquee to the east of the main building
  - Formation of a new 30 space car parking area for guests/visitors
  - Formation of an earth bund surrounding the new car park
- 4 The existing dwelling has been used recently for private let accommodation. In addition to this, small scale private functions/meetings have taken place in some of larger the receptions rooms. However, with the proposed extension, the new marquee and new toilet block, the applicants are now looking to use the main part of the dwelling more extensively for conferencing / functions – with the public rooms being used for group meetings/dining/reception areas, and the bedrooms for overnight accommodation for visiting guests. The principal gathering point for any larger functions, such as weddings receptions would not be within the main

building due to the size of the rooms, but would be within the marquee - which is intended to accommodate approximately 70 guests. Access and use of the main house for overnight accommodation, and pre/post event socialising would be available for guests.

- 5 The marquee is to be located to the east of the main building and measures 10m x 12m, with a 4m pitched roof. Both the roof and walls are to be white fabric. The marquee is to be a temporary structure with minimal physical fixings to the ground, but it is proposed to remain in situ between functions.
- 6 The alterations and extension to the existing building comprises some down takings to rear, and the erection of a new glass roofed 'orangery' room. The applicant has indicated that this new room would be used as a gathering/dining area with a sitting down capacity of approximately 32 guests. The physical works associated with the orangery have already been granted listed building consent, and are considered acceptable in terms of the character of the listed building.
- 7 The proposed toilet facilities are to be located to the north of the walled garden area, which is to the east of the main vehicular access. The new toilet block will measure approximately 4m x 18m and will be used by guests using the marquee during functions. Within the toilet block are showering facilities which would also be available for guests to use on arrival at the venue, or on departure. The toilet block has a shallow mono-pitched roof finished with grey profile sheeting, with the external walls finished in timber cladding.
- 8 To the south of the new toilet block is the proposed new car parking area, which will be accessed directly from the main vehicular access. A short section of new access (from the existing access) is proposed between several existing trees. The ground which the new toilet block and car park is on is uneven, slightly built up and disturbed land so the excess soil is proposed to be moved to the edges of the car park to form landscaped bunds.
- 9 The vehicular access to the site is via a private access which joins the public road at a point south east of The Old Manse. There is a secondary access further to the west which also serves a neighbouring property, however the applicants have made it clear that they only intend to use the eastern access in relation to the development, and their planning submission reflects this.

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

- 10 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.

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

## **PRE-APPLICATION CONSULTATION**

- 12 The proposed development is not classed as a Major development in terms of the Town and Country Planning (Hierarchy of Developments) (Scotland) Regulations 2009. Therefore the applicant was not required to undertake not any formal pre-application consultation with the local community. It is noted that within the letters of representation a concern has been raised that this planning application should have been treated as a Major development due to the size of the planning site. I can confirm that as the area subject to 'development' is less than 2ha and the other relevant thresholds are not breached, this proposal is not considered to be a Major development.

## **NATIONAL POLICY AND GUIDANCE**

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

### **National Planning Framework**

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

### **Scottish Planning Policy 2014**

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

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

- Sustainability : paragraphs 24 – 35
- Placemaking : paragraphs 36 – 57
- Supporting Business and Employment : paragraphs 92 – 108

### **Planning Advice Notes**

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

- PAN 40 Development Management
- PAN 68 Design Statements

### **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 Cairngorms National Park Development Plan 2015.

### **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.”*

The following sections of the TAYplan 2017 are of particular importance in the assessment of this application.

- 22 **Policy 7** seeks to protect our cultural heritage from inappropriate new developments.



## **Cairngorms National Park Local Development Plan 2015**

- 23 This Plan was adopted by the CNPA on 27 March 2015. The Local Development Plan replaces the Cairngorms National Park Local Plan 2010 and the Local Plans covering parts of Perth and Kinross inside the National Park. The Local Development Plan (LDP) sets out where the right kind of development should happen in the right place in the National Park to deliver the aims of the National Park. All planning applications in the National Park are assessed against the LDP

### **Policy 2: Supporting Economic growth**

- 24 Proposals which support or extend the economy or which enhance the range and quality of economic opportunities or facilities, will be considered favourably where proposals are compatible/complementary with existing business activity in the area; and when proposals it supports the vitality and viability of the local economy and the broader economy of the park.

### **Policy 3: Sustainable Design (Design statements)**

- 25 A design statement must accompany all development proposals to demonstrate how the proposal has been designed to ensure that it does not have an adverse impact on the environment and provides sustainability.

### **Policy 5: Landscape**

- 26 There will be a presumption against any development that does not conserve and enhance the landscape character and special qualities of the Cairngorms National Park including wildness, and in particular, the setting of the proposed development.

### **Policy 9: Cultural Heritage (National Designations)**

- 27 Development affecting a scheduled ancient monument, listed building and inventory Gardens, landscapes and battlefields should have no adverse effect on a structure or other remains of human activity or their setting, where possible conserve and enhance any structure or other remains and enhance its character and the contribution it makes to the cultural heritage of the national park.

### **Policy 11: Developer Contributions**

- 28 Development which gives rise to a need to increase or improve public services, Facilities or infrastructure, or mitigate adverse effects, will normally require the developer to make a fair and reasonable contribution in cash or kind towards the Additional costs or requirements. Such contributions will be consistent with the Scale and nature of the development proposed and may be secured through a Planning obligation or other legal agreement where necessary.

## SITE HISTORY

- 29 A previous detailed planning application (17/00707/FLL) for the change of use, alterations and extension to the dwellinghouse and outbuildings to form function venue, guesthouse accommodation and managers' accommodation was refused planning permission last year under delegated powers. The reason for that refusal was that due to the close relationship between some of the proposed function areas and an existing residential property, it was unlikely that the existing residential amenity of the affected property could be protected.
- 30 Submitted at the same time as 17/00707/FLL, was a sister application for listed building consent (17/00708/LBC) that related solely to the alterations and extension to the main building, and was approved under delegated powers.
- 31 Following on from the refusal of 17/00707/FLL, a detailed planning application for the change the use of one of the outbuildings to a private dwelling was approved 21 November 2017 under delegated powers (17/01660/FLL).
- 32 Lastly, a number of applications for the display of advertisements have been lodged by the applicant and these are still under consideration by the Council, but are likely to be determined under delegated powers.

## CONSULTATIONS

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

### External:

- 34 **SNH** have commented on the proposal in terms of drainage and the impact on the River Tay SAC. Subject to precise drainage details being submitted for further approval prior to any works starting on the toilet block, they have no objection to the proposal.
- 35 **Cairngorm National Park Authority** - No specific comments.
- 36 **Network Rail** - No concerns in relation to the impact on the railway.

### Internal:

- 37 **Structures and Flooding** - Have commented on the proposal and indicated that further information in relation to the means of disposal of surface water from hard surfaces is required.
- 38 **Transport Planning** – No concerns regarding the proposal.
- 39 **Environmental Health** – Have commented on the proposal specifically on noise related matters. Subject to conditions, they have raised no objection to the proposal.

## REPRESENTATIONS

- 40 A total of 37 letters of representations have been received, of which 11 are objecting to the proposal and 26 are offering support for the proposal. Included in the 26 is a representation from one of the Ward Councillors who has offered support for the proposal.
- 41 The main issues raised within objections are:
- Visual impact
  - Noise / Impact on Residential amenity
  - Roads safety concerns
  - Impact on Listed Building and its setting.
- 42 The main issues raises within the letters of support are:
- Welcome boost to local economy
  - Employment opportunities
  - Positive renovation of the building
  - Enhances the character of the area
- 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                         | Undertaken by the Council |
| Design Statement / Design and Access Statement | Submitted                 |
| Reports on Impact or Potential Impact          | Noise Management Plan     |

## 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.
- 46 The Development Plan comprises the approved TAYplan Strategic Development Plan 2016–2036 and the adopted Cairngorms National Park Local Development Plan 2015. The relevant policy considerations are outlined in the policy section above, and are considered in more detail below.
- 47 In terms of other material considerations, this involves considerations of the Council's other approved policies and supplementary guidance, namely the Developer Contributions and Affordable Housing 2016 document.

## **Land Use**

- 48 In terms of land use policies, the key policy relevant to this proposal is found within the Cairngorms Local Development Plan (LDP). Within this plan, Policy 2 (supporting economic growth) is directly relevant to a new economic proposal, and this policy looks to offer support to appropriate new economic developments, which ensures sustainable growth and supports our communities.
- 49 The Cairngorms LDP acknowledges that whilst most of the new development in the LDP area is expected to be within existing settlements, some new developments (by their very nature) will require a more rural setting, and to this end Policy 2 looks to offer support for new (rural) proposals which support or extend the economy or which enhance the range and quality of economic opportunities or facilities. This policy goes on to say that new proposals will be considered favourably where the new proposal is compatible and complementary with existing business activity in the area, and it supports the vitality and viability of the local economy and the broader economy of the park.
- 50 With the exception of details of the likely number of guests that the marquee and orangery can hold (approx. 70 and 32 respectively); no financial / business information has been submitted in support of the application. However, it is case that the existing dwelling is established as a private let /small function venue, and has obtained a 5\* rating from the Scottish Tourist board which is only awarded to exceptional accommodation. I therefore consider the existing business enterprise to be firmly established, and the proposed change of use to allow for more extensive conferencing/ functions, the new marquee and the associated toilet block to be a clear sign of the willingness of the applicant to invest in the local area – which in turn, will have a positive impact on the local economy and the general vitality of the surround area.
- 51 I consider the proposed use (for conferencing/entertaining) to be acceptable and in line with the aims of Policy 2 of the Cairngorms LDP.

## **Visual Amenity, Design and Layout**

- 52 In terms of the visual impact, and the overall design and layout of the various elements I have no concerns. As stated previously, the physical works to the main building already benefit from listed building consent and are considered to be acceptable on a listed building.
- 53 In relation to the marquee, the position of the marquee next to a large rural building is not uncommon. I do accept that the marquee will be visible from the public road, however being visible does not necessarily render it unacceptable. The key issue is whether or not its visual impact is likely to be an adverse one, and in this case I do not consider it to be so.

- 54 In terms of the proposed toilet block, car parking and associated landscaping/bunds, these are all to be located to the rear (north) of the existing walled garden. The applicant has indicated that the ground level of the car parking will be comparable to the base of the walled garden, with the finished floor level of the toilet block approx. 1m higher. It will therefore be the case that the existing wall of the walled garden will provide for screening for both, which would also be complemented by the presence of a number of existing large trees.
- 55 Therefore both individually and collectively, I consider the proposal to be acceptable from a design and visual point of view.

### **Impact on Landscape**

- 56 In terms of the impact on the natural landscape of the area, the proposal will have limited impact. Both the marquee and the toilet block will be visible from the public road to some degree, and their presence would inevitably change the visual appearance of the area however this change will be minimal and not necessarily a negative one.

### **Residential Amenity**

- 57 Whilst the location is remote, there are nevertheless two neighbouring residential properties which are close to the site and are in separate private ownership. The proposed use of the main building and the marquee as a conference venue would include the provision for occasional weddings, and music from such events can occasionally lead to complaints to the Council, particularly in relation to noise from inside the marquee and the immediate area outside. The neighbouring property to the west (Banvie House) is around 90 metres away from the marquee, with the other property to the east (West Lodge) around 200m away. The relatively close proximity of the marquee to Banvie House does mean that there is the potential for disturbance to occur if noise levels are not suitably controlled – particularly if guests gather outside for any length of time. Nevertheless, there are other wedding venues locally with a marquee as close or closer to residential properties which operate with few complaints so this particular arrangement is not unique.
- 58 To help assist in assessing the likely impact, the applicant employed a noise consultant to take some background measurements and has produced a noise management plan in support of this application, which primarily considers noise which would be generated from the inside the marquee from music. This technical information has been reviewed by my colleagues in Environmental Health, and subject to a series of noise related conditions (conditions 3, 4 and 5), clarification of the extent of outside movement (condition 14), and the regular review of the submitted Noise Management Plan (condition 5), I am confident that the proposed commercial use can co-exist with the existing residential neighbours. In terms of potential noise nuisance from use of the proposed car parking area and the impact on the residential amenity of the residential property to the west, I am satisfied that due to the speeds of vehicle movements, the distance between the parking area and the dwelling and also

the creation of bunds, noise nuisance from usage of the car parking area is unlikely to occur to an unacceptable level. In terms of noise arising from the toilet block facility (such as the use of any external plant/equipment associated with heating water); standard noise level conditions are proposed to be attached to this consent which will control noise emissions to acceptable levels.

### **Roads and Access**

- 59 In terms of vehicular access to and from the site, and parking related issues, I have no concerns and this view is shared by my Transport Planning colleagues. I note that within the letters of representation a number of concerns have been raised regarding the existing access point and the achievable visibility at the junction with the public road. The access point is flanked by two existing trees which, from a visual point of view, provide an attractive natural entrance feature to the site. Whilst these two trees do affect visibility in both directions, the available visibility is considered to be acceptable in this location bearing in mind the relatively low level of traffic volume on the public road and the straight nature of the public road in either direction.
- 60 Also within the letters of representations, concerns regarding traffic noise arising from the usage of the western access which passes the residential property at Banvie House have been raised. For clarification, the western access is not part of the planning site and the applicant has made it clear in his submission that vehicular access to the site is to be via the eastern access. As regular movements (perhaps late in the evening) across the western access could have an adverse impact on the residential amenity of the affected property, a planning condition (condition 6) is recommended to control the point of access.
- 61 A further concern has been raised within the representations that the applicant does not have the necessary legal access rights to use the western access for the use(s) that they are proposing. Who may have rights of access (and for what) over a private access is a civil matter between the parties involved, however I am satisfied at this stage that access is achievable to the site via the eastern access and furthermore the applicant has stated that they do not propose to use the western access. In any case if at any stage the applicant proposes to change the vehicular access arrangements to utilise the western access a further planning application would be required.

### **Drainage and Flooding**

- 62 The proposal raises no issues in terms of drainage or flooding matters. In relation to the new car parking, the means of disposal of surface water is to be agreed at a later date via a pre-commencement condition (condition 18) however it is envisaged that the parking area will have a porous surface which will limit any surface water run-off.

### **Impact on River Tay Special Area of Conservation**

- 63 The site lies within the catchment area of the River Tay, which is a Special Area of Conservation. A new private drainage system is required in relation to the proposed new toilet block, and a new septic tank and soakaway system has been indicatively shown to deal with foul drainage. SNH have commented on this proposal, and in principle they have no objection to the proposed private drainage arrangement, however they would wish for the specific details of the system to be agreed prior to any works commencing. To this end, a suitably worded condition (condition 15) is recommended to be attached to this consent that requires the submission of further drainage details.

### **Impact on the Listed Building**

- 64 A separate Listed Building Consent has already been granted for the physical works to the building (17/00708/LBC), which largely relates to the orangery extension.
- 65 In terms of the other aspects, these would not require listed building consent as they are not physically attached to the listed structure. They are however, within the setting of the listed building and their impact on that setting needs to be considered.
- 66 In terms of the marquee, this is to be sited on an area of grassed lawn to the east of the main building. The marquee is of medium scale and would not have a significant impact on the setting of the main building. It is also the case that for large country dwellings, it is not uncommon to have marquees within their curtilages – whether for domestic or commercial use. It would also be the case that due to the temporary nature of the structure, it would not be permanent, and as such it is normal practice for the Council to only grant permission for a temporary period. In this instance it is considered that a three year permission for the siting of the marquee would be appropriate following which any continuation of the use would be reviewed through the submission of a further application for the temporary siting of the marquee.
- 67 In terms of the proposed toilet block and car park, these are suitably divorced from the main dwelling so there would be minimal impact (adverse or otherwise) on the historic setting of the listed building. It would be the case that the toilet block may be visible in combination with the main house in the long views from the public road; however the scale and design of the block is such that it would have little impact on the historic setting or the more general views of the area.

### **Waste / Recycling Collection**

- 68 Existing waste and recycling is collected at end of the western access, and the applicant has indicated that the current arrangement will continue. However, it would be the case that the proposal is likely to increase the quantity of waste and recycling. I therefore recommend that formal collection and storage facilities are provided at the road end, and that an appropriately worded

condition (condition 9) is attached to the permission seeking the submission of the required details and thereafter the implementation and retention of the approved details.

### **Change of Use of the garden ground**

- 69 The grounds associated with The Old Manse are extensive, however the applicant has not applied for the specific change of use of the grounds for any form of outside conferencing/functions/meeting etc. To this end, with the exception of the immediate area surrounding the marquee and designated smoking areas, the wider garden area is not subject to the change of use which is applicable to the dwelling. Within the Noise Management Plan, noise from guests using the marquee for functions has been identified as a potential source of noise however measures to control noise in areas of 'movement and circulation' of guests has not been specifically addressed. To address this, a condition is recommended to clarify the extent of the outside areas which are to be used by guests/visitors, and details must be submitted for the further approval of the Council as Planning Authority (condition 14). Depending on the areas identified, the further details may also require amendments to the Noise Management Plan so that it remains robust and workable.

### **Natural Heritage and Biodiversity**

- 70 There are no known protected species within the area, and no bats are known to use the existing roof area of the main dwelling. However, as a precaution an informative advisory note will be attached to this permission to draw the applicant's attention to their responsibilities in relation to bats and their roosts (Informative 5).

### **Impact on Trees**

- 71 The proposed extension and marquee will not impact on any existing trees. However, to cater for a new access to the carpark and toilet block area, a new access is to be formed between existing, mature trees. The existing trees in this area do have a high degree of visual amenity value, and therefore conditions are recommended to ensure that the existing trees are protected during the course of the construction (conditions 11 and 12) .

### **Impact on Core Paths/Right of Way**

- 72 The proposal does not affect any existing Core Paths or Right of Ways.

### **Light Pollution**

- 73 Some external lights are proposed surrounding the marquee, and also the toilet block however subject to standard compliance conditions I am confident that suitable lighting can be delivered without have an adverse impact on the neighbour or resulting in unnecessary light pollution during the winter months (condition 2).



## **Developer Contributions**

### Affordable Housing

- 74 As the proposal does not involve the creation of any residential dwellings, there is no requirement for any affordable housing provision.

### Primary Education

- 75 As the proposal does not involve the creation of any residential dwellings, there is no requirement for any developer contributions in relation to Primary Education.

### A9 Junction Improvements

- 76 The site is located outwith the catchment area for A9 Junction Improvements.

### Transport Infrastructure

- 77 The site is located outwith the catchment area for Transport Infrastructure contributions.

## **Economic Impact**

- 78 Due to the commercial nature of the development, the proposal has the potential to have a positive impact on the local economy.

## **LEGAL AGREEMENTS**

- 79 None required.

## **DIRECTION BY SCOTTISH MINISTERS**

- 80 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**

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

## **RECOMMENDATION**

### **Approve the planning application subject to the following conditions,**

- 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 installation of any external lighting, the details of all external lighting shall be submitted for the further written agreement of the Council as Planning Authority. The scheme shall include details of light spill, brightness of the lighting and the proposed hours of operation, and shall ensure that all lighting is 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. The agreed lighting scheme shall be implemented and maintained in full accordance with the agreed scheme.

Reason – In order to protect the residential amenity of existing properties

- 3 No amplified music is permitted externally or within the marquee between 23.00 and 09.00.
- 4 Noise within the marquee shall be limited to  $L_{Aeq\ 1\ hour}$  85dB
- 5 Measures as detailed within the Old Manse of Blair Noise Management Plan shall be put in place and thereafter followed to minimise the potential for noise nuisance. The effectiveness of the plan shall be reviewed on a 6 monthly basis, and details of any amended procedures (and the reason for such) submitted to the Council as Planning Authority for approval.

Reason – In order to protect existing residential amenity.

- 6 Vehicular access to and from the site shall be from the eastern access only, as shown on the approved plans.

Reason – In order to protect existing residential amenity.

- 7 Prior to the siting of the marquee, precise details of any means of flooring shall be submitted for the approval in writing. The approved details shall thereafter be implemented in full.

Reason – In order to protect existing residential amenity.

- 8 No storage of material, crates or containers shall take place outside the building(s) and the site shall at all times be maintained in a clean and tidy condition.

Reason – In the interest of protecting existing visual amenity.

- 9 Prior to use of the marquee or toilet block commencing, detailed drawings of the proposed waste / recycling facility enclosures or waste and recycling facility storage areas and the associated locations for bin presentation shall be submitted for the further written agreement of the Council as Planning Authority

Reason – In order to ensure that suitable recycling and waste provision is provided.

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

Reason – In the interest of proper site management, and to ensure that the proposed bunds are appropriately landscaped.

- 11 Prior to the commencement of the development hereby approved, a 1:200 site plan which identifies the Construction Exclusion Zone (CEZ) shall be submitted for the further written agreement of the Council as Planning Authority. This plan shall ensure all fencing adheres to BS 5837 2012: Trees in Relation to Design, Demolition and Construction. The CEZ as subsequently agreed shall be strictly adhered to during construction of the development.

Reason – In order to protect the existing trees from unnecessary damage.

- 12 Prior to the commencement of any development 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 order to protect the existing trees from unnecessary damage.

- 13 The siting of the marquee is approved for a temporary period until the 1 March 2021. Prior to this date the marquee shall be removed and the site reinstated.

Reason – In the interest of proper site management and the temporary nature of the structure.

- 14 Prior to the commencement of any part of this permission, a plan which outlines the circulation areas of guests/visitors shall be submitted for the further approval in writing by the Council as Planning Authority. The approved detailed shall thereafter be implemented in full.

Reason – In the interest of proper site management and in the interests of protecting existing residential amenity.

- 15 Prior to the commencement of any development in relation to the new toilet block, precise details of the proposed foul drainage shall be submitted for the approval in writing by the Council as Planning Authority, in consultation with SNH. The approved details shall therefore be implemented in full.

Reason – In order to protect the environmental interests of the River Tay Special Area of Conservation.

- 16 Prior to the commencement of any development on site details of the finished a sectional detail which shows the ground level of the carpark and also the finished floor level of the toilet block in relation to the existing wall of the walled garden shall be submitted for the approval in writing by the Council as Planning Authority. The approved details shall thereafter be implemented.

Reason – In the interest of proper site management.

- 17 All plant or equipment associated with the toilet block 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 interest of protecting existing residential amenity.

- 18 Prior to the commencement of any development, precise details of the disposal of surface water from the car parking area shall be submitted for the approval in writing by the Council as Planning Authority. The approved details shall thereafter be implemented in full.

Reason – In order to ensure that the site is adequately drained.

## **B JUSTIFICATION**

- 83 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**

84 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 As soon as practicable after the development is complete, the person who completes the development is obliged by section 27B of the Town and Country Planning (Scotland) Act 1997 (as amended) to give the planning authority written notice of that position.
- 3 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.
- 4 No work shall be commenced until an application for building warrant has been submitted and approved.
- 5 Due to the nature of the proposed work to the slate roof, it is important to keep in mind the possibility of finding bats when doing work on the existing roof. If bats are found during works, the work should stop immediately and you should contact SNH at Battleby immediately for advice. Building works should avoid the times of year when bats are most vulnerable to disturbance. The summer months, when bats are in maternity roosts, and the winter months when bats are hibernating, should be avoided. Typically early spring and autumn months are the best times to do work that may affect bats. If you suspect that bats are present you should consult SNH for advice. For further information visit the Bat Conservation Trust website <http://www.bats.org.uk/>.

Background Papers: 37 letters of representation

Contact Officer: Andy Baxter 01738 475339

Date: 1<sup>st</sup> February 2018

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

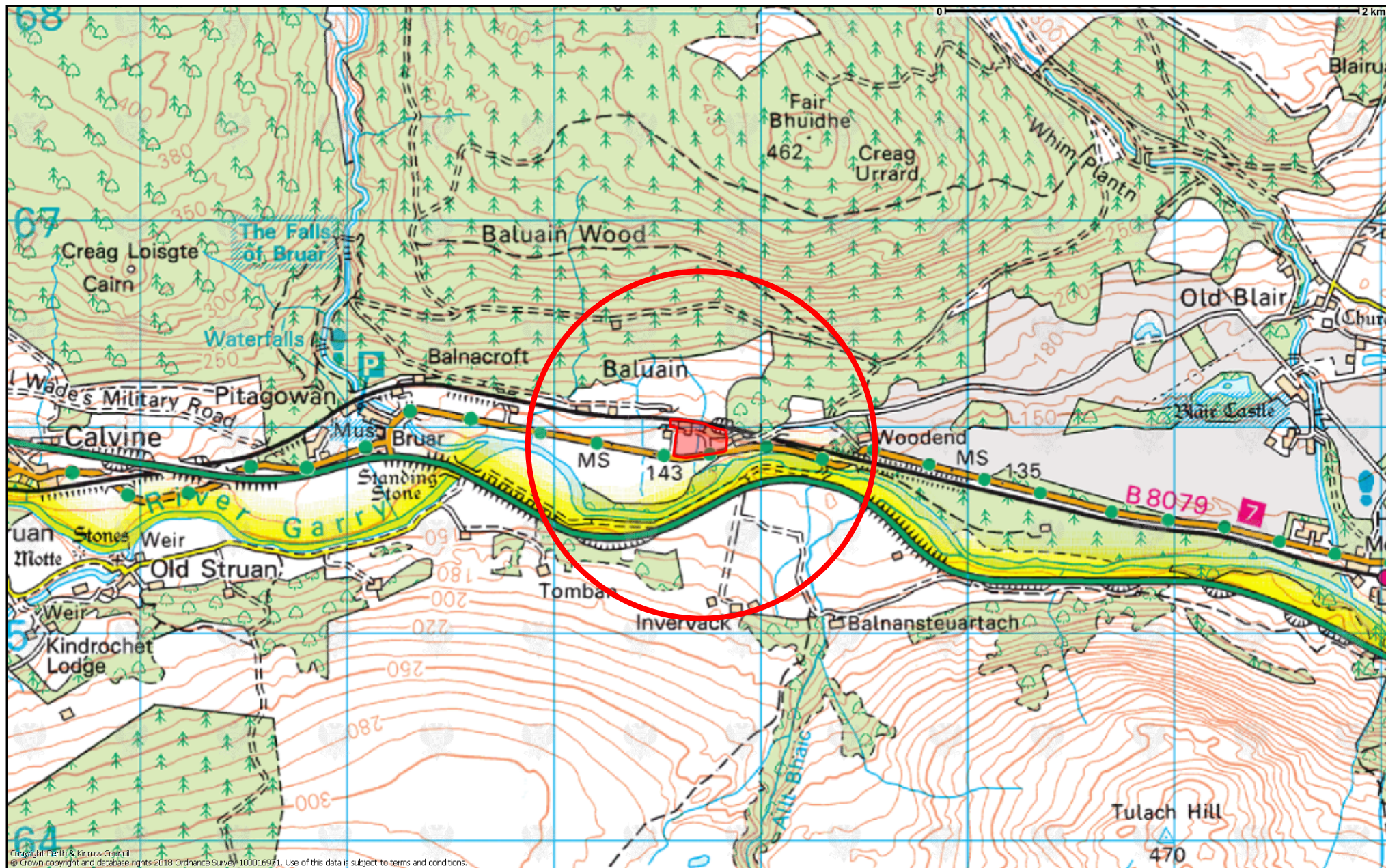
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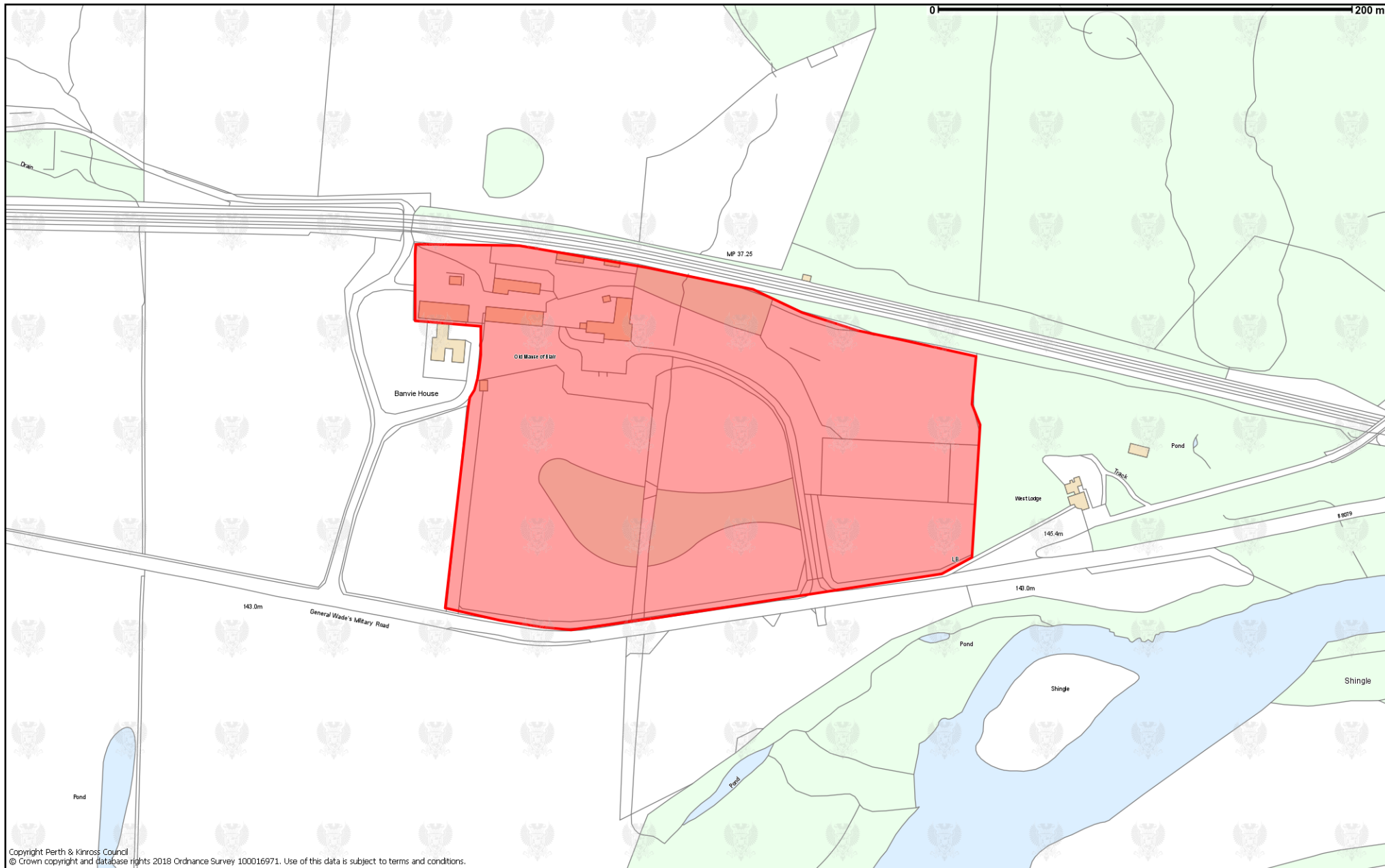
17/01976/FLL

Change of use of dwellinghouse to form conference/venue facilities, alterations and extension, erection of toilet facilities, siting of a marquee, formation of car parking area and an earth bund and associated works at The Old Manse, Blair Atholl, Pitlochry









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Scale 1:2500



17/01976/FLL

Change of use of dwellinghouse to form conference/venue facilities, alterations and extension, erection of toilet facilities, siting of a marquee, formation of car parking area and an earth bund and associated works at The Old Manse, Blair Atholl, Pitlochry





Perth and Kinross Council  
Planning & Development Management Committee – 14 February 2018  
Report of Handling by Interim Development Quality Manager

**PROPOSAL:** Change of use of vacant land to form garden ground, formation of a vehicular access and erection of a fence and gates (in part retrospect).

**LOCATION:** Eldorado, Balnaguard, Pitlochry, PH9 0PY.

Ref. No: 17/02092/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 Eldorado, Balnaguard, by Pitlochry. The site forms part of the Strathtay Special Landscape Area and Breadalbane Environmentally Sensitive Area. The application seeks detailed planning permission for the change of use of vacant land to form garden ground, the formation of vehicular access and the erection of a fence and gates (in part retrospect).
- 2 The site is a narrow wedge to the immediate south of Eldorado Cottage and has previously been used by local residents as a walkway. The site is not listed as a right of way or a core path and is all under the applicant's ownership. This application seeks consent to fence off this piece of land with a 1.2 metre post and rail timber fence to the eastern and western boundaries with a timber access gate on the western boundary. The access gate will measure approximately 3.4 metres in width. Once fenced off, the site will be used as garden ground for Eldorado Cottage with an area of gravel driveway for the property.
- 3 The applicant has already partly commenced the proposals with the eastern section of fencing having been erected which has been subject to an enforcement case (17/00271/UNAUSE). No further works have been carried out since the enforcement case was opened and this application has been submitted to regularise works.

**ENVIRONMENTAL IMPACT ASSESSMENT (EIA)**

- 4 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.

- 5 This procedure, known as Environmental Impact Assessment (EIA), is a means of drawing together, in a systematic way, an assessment of a project's likely significant environmental effects. 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.
- 6 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**

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

### **National Planning Framework**

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

### **Scottish Planning Policy 2014**

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

## **Planning Advice Notes**

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

- PAN 40 Development Management
- PAN 68 Design Statements

## **National Roads Development Guide 2014**

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

## **DEVELOPMENT PLAN**

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

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

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

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

- 16 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.

- 17 The principal relevant policies are, in summary

### Policy PM1A - Placemaking

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

#### Policy PM1B - Placemaking

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

#### Policy RD1 - Residential Areas

- 20 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 CF2 – Public Access

- 21 Development proposals that would have an adverse impact upon the integrity of any (proposed) core path, disused railway line, asserted right of way or other well used route will be refused. Development proposals that would affect unreasonably public access rights to these features will be refused unless these adverse impacts are adequately addressed in the plans and suitable alternative provision is made.

### **SITE HISTORY**

- 22 01/00562/FUL - Alterations and formation of a dormer window extension to house at 21 May 2001: Application Approved under Delegated Powers.
- 23 11/02008/FLL - Change of use of waste ground to garden ground and erection of boundary fence, shed and decking (in retrospect) 31 January 2012: Application Refused under Delegated Powers.
- 24 12/00913/FLL - Change of use from waste ground to garden ground and erection of fence, shed and decking (in retrospect) 24 July 2012: Application Approved under Delegated Powers.
- 25 16/00739/FLL - Extension to dwellinghouse 7 June 2016: Application Approved under Delegated Powers.

### **CONSULTATIONS**

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

#### **Internal**

#### Community Greenspace:

- 27 Community Greenspace identified that the existing path is not listed as a right of way or core path.

### Transport Planning:

- 28 No objection to the proposed development.

### **External**

- 29 No external consultations were undertaken.

### **REPRESENTATIONS**

- 30 6 letters of representation were received objecting to the proposal. In summary, the letters highlighted the following concerns:

- Out of character with the area/ inappropriate land use
- Loss of open space and access
- Visual impact
- Setting a precedent
- Land ownership concerns
- Errors in application

- 31 These issues are addressed in the Appraisal section of the appraisal.

### **32 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**

- 33 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**

#### Change of use from vacant land to form garden ground

- 34 The local plan through Policy CF2 – Public Access, specifies that development proposals that would have an adverse impact upon the integrity of any (proposed) core path, disused railway line, asserted right of way or other well-

used route will be refused. In this instance, the site is not listed as a right of way or designated as a core path. The site is however a well-used route which has been reinforced through the 6 letters of representation received. Whilst the site is acknowledged as being well-used, it is not considered that by granting this proposal that this would restrict public access in the area. Balnaguard is a small village with a significant track and path network throughout the settlement. This in turn means that the change of use of this land would not restrict public access as there are a number of alternative routes in close proximity. The nearest alternative route wraps around Struan Cottage which is to the immediate north of Eldorado. As such, as the proposal is not considered to have an adverse impact upon the public access of this area and it is considered to be compliant with Policy CF2.

- 35 Policy RD1 – Residential Areas is also directly applicable to the proposal as the site falls within the settlement boundaries of Balnaguard. This policy seeks to retain small areas of private and public open space where they are of recreational or amenity value. In this instance, the existing land is not considered to be of a level of amenity value that would warrant the refusal of the application. By changing the use of the land to garden ground, this would still have a positive amenity value to the area similar to that of the existing garden ground for the property. The proposal is therefore considered to be compliant with Policy RD1.

## **Design and Layout**

### Design

- 36 With regards to design, it is not considered that there are any concerns arising from the proposed development. The proposed timber post and rail fence is similar to a number of fences within the Balnaguard settlement and thus will not appear out of place on the streetscene. It has also been designed to respect the height of the existing dry-stone wall surrounding Eldorado.

### Layout

- 37 The layout of the proposed development will provide a parking space for Eldorado accessed from the existing track to the west elevation. The layout will however prevent users from using this piece of land as a short cut through Balnaguard. The applicant was contacted to see whether it would be possible to include a small pathway for public use however the applicant has stated that this is not in his interest as he would be responsible for the maintenance of the pathway and would effectively be giving up some of his privately owned land for public gain. The applicant has therefore stated that he is unwilling to include a footpath. Regardless, as previously mentioned, the proposal is not considered to obstruct public access due to the number of alternative routes in close proximity. The layout is therefore considered acceptable.



## **Landscape**

- 38 Development and land use change should be compatible with the distinctive characteristics and features of Perth and 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 change of use of the land and the erection of boundary fences within the settlement boundary of Balnaguard is not considered to erode local distinctiveness, diversity and quality of the landscape.

## **Residential Amenity**

- 39 The change of use to garden ground will not negatively impact upon the residential amenity of any neighbouring unit. It is considered however that the change of use will positively impact the existing amenity of Eldorado Cottage itself. This is due to Eldorado Cottage currently being immediately adjacent to the vacant land and there are a number of ground floor windows on this elevation. By changing this land to garden ground, this will provide an element of privacy for Eldorado thus improving the residential amenity of the unit.

## **Visual Amenity**

- 40 The fences, gate and hardstanding are considered to have a minimal impact upon the visual amenity of the area. As previously mentioned, the fence will be similar to other boundary treatments within Balnaguard and thus will not appear out of place on the streetscene.

## **Roads and Access**

- 41 The proposal will create a parking space for Eldorado Cottage which will be accessed from the existing track to the west of the property. Transport Planning were consulted as part of this application and raised no objections to the proposed development. As such, the provision of a parking space is therefore considered acceptable in this location.
- 42 With regards to access, as previously mentioned, the proposal is not considered to have an adverse impact upon the public access of this area. Community Greenspace was consulted as part of this application where it was highlighted that the site is not a right of way or a core path and as such have no adverse concerns with the proposal.
- 43 Overall, it is not considered that there are any roads or access implications associated with the development.

## **Drainage and Flooding**

- 44 The proposals are not considered to raise any drainage or flooding implications and no alterations to the existing gradient of the land are proposed.

### **Waste Collection**

- 45 The proposal does not seek to amend the existing waste collection arrangements for Eldorado and as such it is considered that there are no implications in relation to waste collection arising from this proposal.

### **Natural Heritage and Biodiversity**

- 46 There are no trees, established scrubs or habitat opportunities within the application site and as such the impacts upon the natural heritage and biodiversity of the area are likely to be minimal.

### **Developer Contributions**

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

### **Economic Impact**

- 48 The economic impact of the proposal is likely to be minimal and limited to the construction phase of the development.

### **LEGAL AGREEMENTS**

- 49 None.

### **DIRECTION BY SCOTTISH MINISTERS**

- 50 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**

- 51 To conclude, the application must be determined in accordance with the adopted Development Plan unless material considerations indicate otherwise. In this respect, I have taken account of the Local Development Plan and material considerations and in this case I am content that the development proposed does not conflict with the Development Plan.
- 52 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.

## **B JUSTIFICATION**

- 53 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**

- 54 None.

## **D INFORMATIVES**

- 1 As soon as practicable after the development is complete, the person who completes the development is obliged by section 27B of the Town and Country Planning (Scotland) Act 1997 (as amended) to give the planning authority written notice of that position.

Background Papers: 6 letters of representation

Contact Officer: Sean Panton

Date: 1<sup>st</sup> February 2018

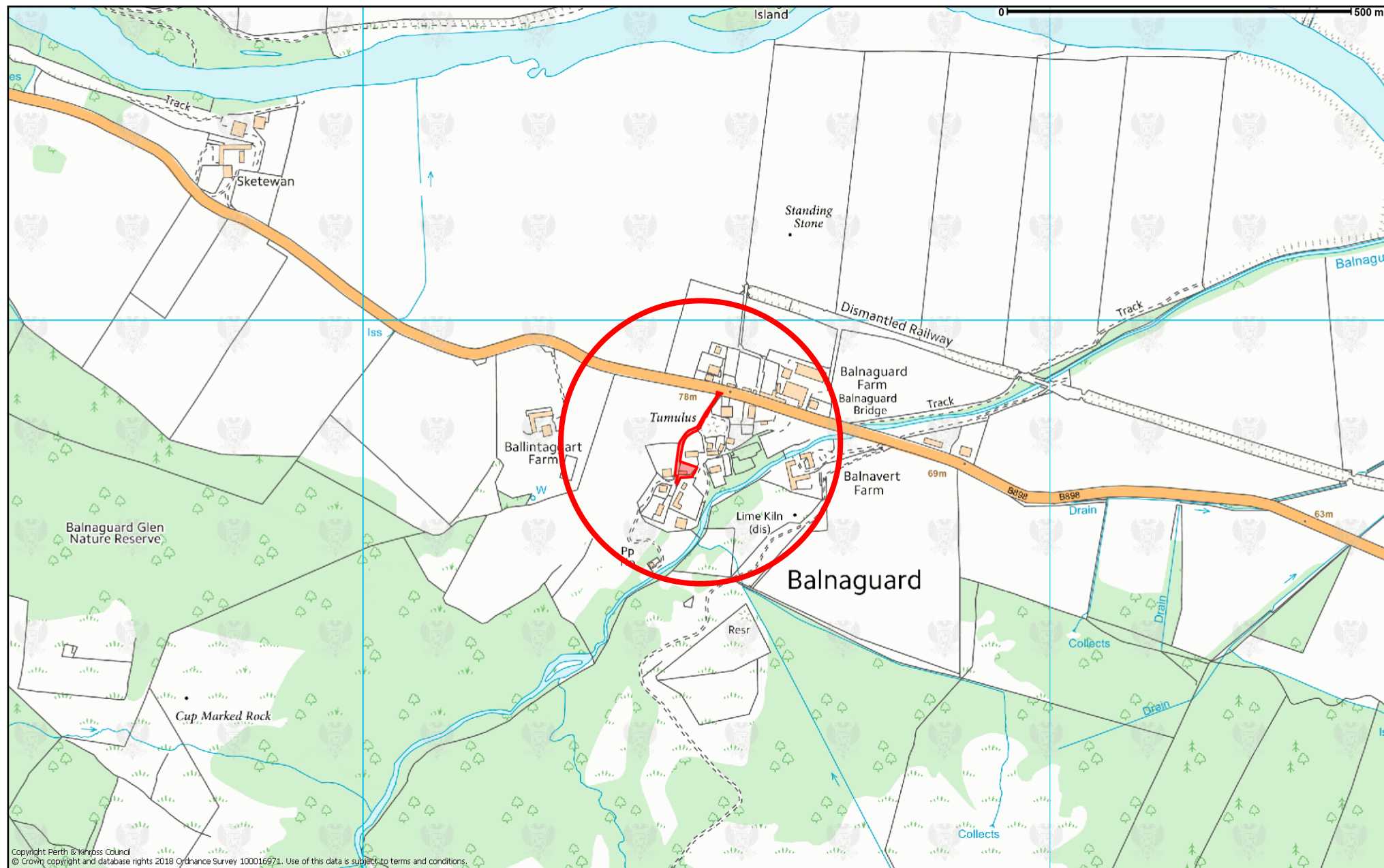
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17/02092/FLL



Change of use of vacant land to form garden ground, formation of a vehicular access and erection of a fence and gates (in part retrospect)







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|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------|-----------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------|





Perth and Kinross Council  
Planning & Development Management Committee – 14 February 2018  
Pre-Application Report by Interim Development Quality Manager

**PROPOSAL:** Proposed employment/business park (use classes 4, 5 and 6) and associated works

**LOCATION:** Land north of Thomson Landscapes, Inchcape Place, Perth

Ref. No: 17/00010/PAN

Ward No: P12- Perth City Centre

**Summary**

This report is to inform the Committee of a potential forthcoming planning application in respect of a major development for proposed increased employment use flexibility of the food and drink park to include employment uses to extend into use classes 4, 5 and 6. 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 key planning issues which are likely to be relevant to the proposal.

**BACKGROUND AND DESCRIPTION OF PROPOSAL**

- 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 21 November 2017. The purpose of this report is to inform the Planning and Development Management Committee of forthcoming planning applications in respect of proposed increased use class flexibility to the adjacent Perth Food and Drink Park to allow for Use Classes 4, 5 and 6 in future detailed planning application submissions. Pre-application report's give the Committee an opportunity to raise issues, which it would like to see addressed in any future planning application.
- 2 The site area extends to approximately 4 hectares and is identified in the current adopted Local Development Plan (LDP) forming part of the E3 zoning in the Local Development Plan for employment uses where Policy ED1A applies. This states that areas identified for employment uses should be retained for those uses. It also requires new development to relate to be compatible with surrounding uses.
- 3 The exact design, scale and details of any development proposals will be arrived at during further discussions and subsequent planning applications.

**ENVIRONMENTAL IMPACT ASSESSMENT (EIA)**

- 4 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.

- 5 This procedure, known as Environmental Impact Assessment (EIA), is a means of drawing together, in a systematic way, an assessment of a project's likely significant environmental effects. 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.
- 6 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**

- 7 The Proposal of Application Notice (reference 17/000010/PAN) outlined a public exhibition held at the North Inch Community Campus on the 27<sup>th</sup> January 2018. Local Councillors (Ahern, Coates, Doogan, Rebbeck, Barrett, Drysdale and Parrot), North Muirton Community Council and Tulloch Community Group 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**

- 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
  - 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

### **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 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

### **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 Under the LDP, the following policies are of particular importance in the assessment of any future planning applications:

### **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 PM3 -Infrastructure Contributions**

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

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

- 22 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 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 NE1A - International Nature Conservation Sites**

- 24 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**

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

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

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

- 27 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.

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

- 28 EP3A: 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.
- 29 EP3B: Foul drainage from all developments within and close to settlement envelopes that have public sewerage systems will require connection to the public sewer. A private system will only be considered as a temporary measure or where there is little or no public sewerage system and it does not have an adverse effect on the natural and built environment, surrounding uses and the amenity of the area.
- 30 EP3C: All new development will be required to employ Sustainable Urban Drainage Systems (SUDS) measures.

## **Policy EP8 - Noise Pollution**

- 31 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.

## **OTHER POLICIES**

- 32 The following supplementary guidance and documents are of particular importance in the assessment of this application:
- Developer Contributions Supplementary Guidance including Affordable Housing (April 2016)
  - Flood Risk and Flood Risk Assessments – Developer Guidance (June 2014)
  - Sustainable Design and Zero Carbon Development Supplementary Guidance (May 2014)
  - Green Infrastructure Supplementary Guidance (Draft) (July 2014)

## **Perth & Kinross Corporate Plan 2013-2018**

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

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

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

## **SITE HISTORY**

- 35 There is no current site planning history.

## **CONSULTATIONS**

- 36 As part of the planning application process, the following would be consulted:

### **External**

- Scottish Environmental Protection Agency (SEPA)
- Scottish Water
- Perth and Kinross Heritage Trust (PKHT)
- 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**

- 37 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**

- 38 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

- 39 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 01738 475353

Date: 1<sup>st</sup> February 2018

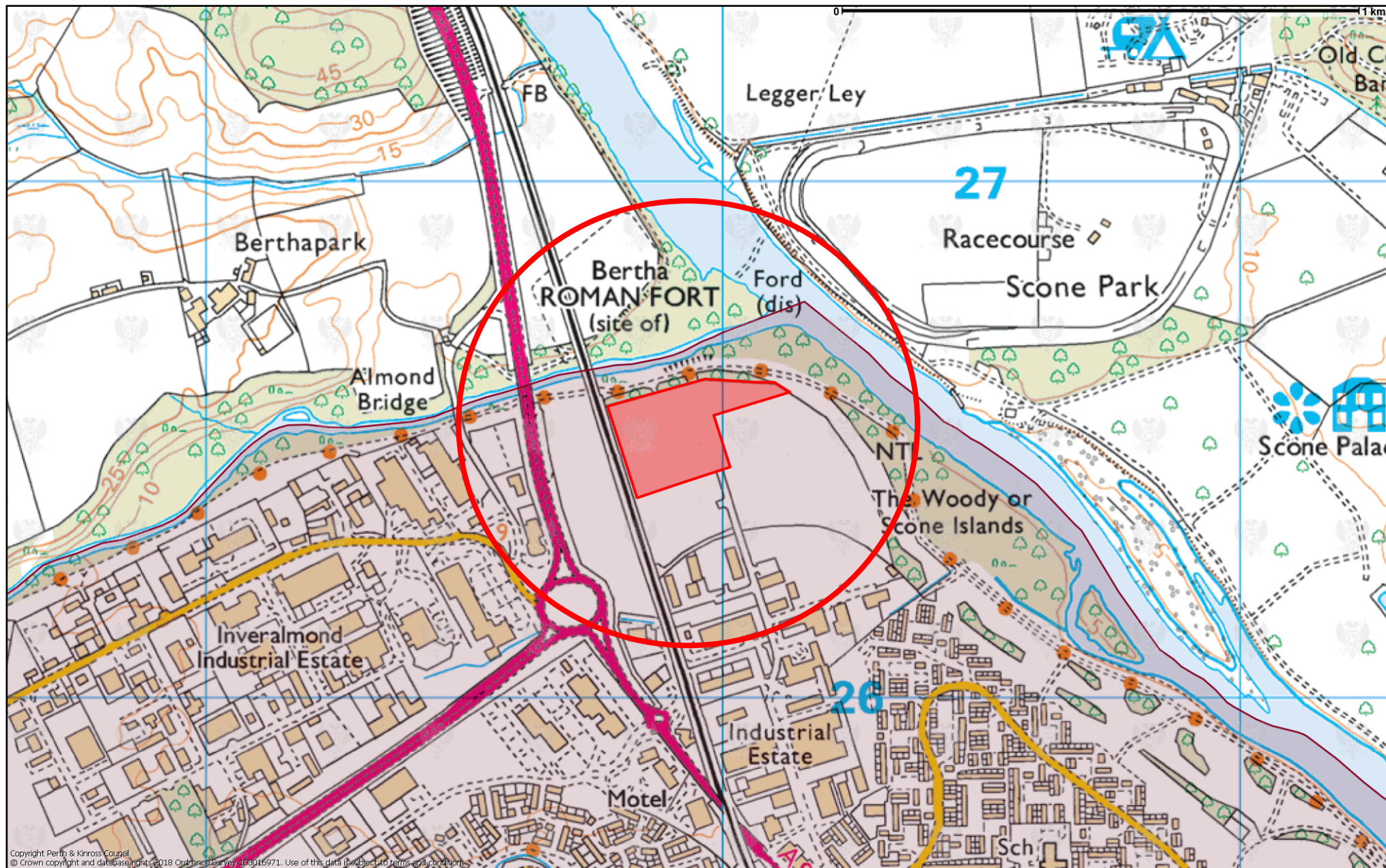
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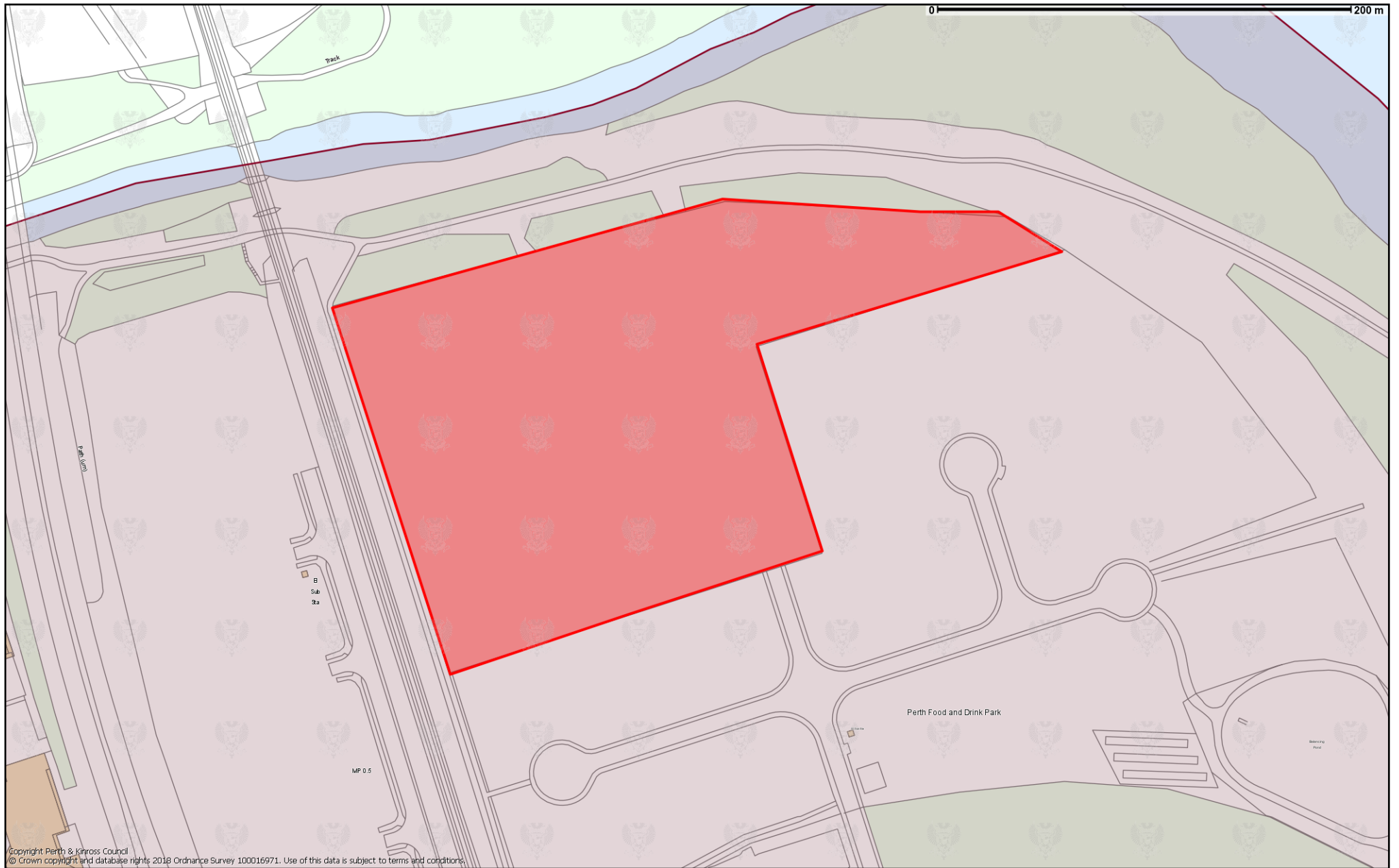


17/00010/PAN

Proposed employment/business park (use classes 4, 5 and 6) and associated works on land north of Thomson Landscapes, Inchcape Place, Perth







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17/00010/PAN

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