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Council Building
2 High Street
Perth
PH1 5PH

Tuesday, 07 November 2017

A Meeting of the **Planning and Development Management Committee** will be held in the **Council Chamber, 2 High Street, Perth, PH1 5PH** on **Wednesday, 15 November 2017 at 10:00.**

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

BERNADETTE MALONE
Chief Executive

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

Members:

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

Planning and Development Management Committee

Wednesday, 15 November 2017

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 18 OCTOBER 2017 FOR APPROVAL AND SIGNATURE 5 - 38**
- 4 DEPUTATIONS**
- 5 APPLICATIONS FOR DETERMINATION**
 - (1) MAJOR APPLICATIONS**
 - (i) 17/00088/IPM - STANLEY - MIXED USE DEVELOPMENT/EXPANSION AT STANLEY VILLAGE 39 - 78**

Report by Interim Head of Planning (copy herewith 17/379)
 - (ii) 17/00204/AMM - PERTH - APPLICATION FOR APPROVAL OF MATTERS SPECIFIED IN CONDITIONS OF 12/01692/IPM FOR ERECTION OF 70 DWELLINGHOUSES AND ASSOCIATED WORKS ON LAND TO THE WEST OF CHERRYBANK GARDENS, PERTH 79 - 104**

Report by Interim Head of Planning (copy herewith 17/380)
 - (iii) 17/00357/AMM - ERROL - ERECTION OF A RESTAURANT/FARMS SHOP, FORMATION OF PARKING AREAS AND ASSOCIATED WORKS (APPROVAL OF MATTERS SPECIFIED IN CONDITIONS 16/00298/IPM - PHASE 1) LAND WEST OF HORN FARM COTTAGE, ERROL 105 - 126**

Report by Interim Head of Planning (copy herewith 17/381)
 - (2) PROPOSAL OF APPLICATION NOTICE (PAN)**

- (i) **17/00008/PAN - BANKFOOT - PROPOSED CREATION OF SAND AND GRAVEL BORROW PIT AND ASSOCIATED READY MIX CONCRETE AND ASPHALT PLANTS, ON LAND SOUTH OF LOAK FARM, NEAR BANKFOOT, PERTSHIRE** 127 - 136
Report by Interim Head of Planning (copy herewith 17/382)

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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 18 October 2017 at 10.00am.

Present: Councillors M Lyle, B Brawn, B Band, M Barnacle (up to and including Art. 512 (iv)), H Coates, E Drysdale, T Gray, I James, R Watters and W Wilson.

In Attendance: Councillors X McDade, T McEwan, W Robertson, C Shiers and L Simpson; N Brian, D Niven, C Hall, M Petrie, A Rennie, D Salman, J Scott, C Stewart and R Stewart (all The Environment Service); E Ritchie and N Robson (Housing and Community Safety); G Fogg and D Williams (both Corporate and Democratic Services).

Apologies: Councillors H Anderson, A Jarvis and R McCall

Councillor M Lyle, Convener, Presiding.

. **WELCOME AND APOLOGIES**

The 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 Development Management Committee of 20 September 2017 (Arts. 508-512) was submitted, approved as a correct record and authorised for signature.

. **DEPUTATIONS**

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

Planning Application No.	Art. No.
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17/00806/FLM	** (1)(iii)
17/00838/FLM	** (1)(iv)
16/01715/FLL	** (2)(i)
17/00788/FLL	** (2)(ii)
17/01170/FLL	** (2)(iii)
17/01234/FLL	** (2)(iv)

512. APPLICATIONS FOR DETERMINATION

(1) Major Applications

- (i) 16/02156/AMM - OUDENARDE - Erection of 159 dwellinghouses with associated roads, drainage and landscaping at land to the north of A912 at Oudenarde, Bridge of Earn – Report 17/338 – Taylor Wimpey East Scotland and GS Brown Construction Ltd**

Resolved:

Grant, subject to the following terms, conditions, including additional condition 17 and informatives:

Conditions

1. The proposed development must be carried out in accordance with the approved drawings and documents, unless otherwise provided for by conditions imposed on the planning consent.
2. Prior to the occupation of any dwelling, all matters regarding access, car parking, road layout, design and specification, including the disposal of surface water, shall be in accordance with the standards required by the Council as Roads Authority.
3. Prior to the occupation of any dwelling, details of the specification including materials of all footpaths and cycleways shall be submitted to the Planning Authority for further approval. The agreed detail shall thereafter be implemented prior to the completion of the 50th dwelling.
4. The detailed landscaping and planting scheme as approved shall be commenced at the same time as commencement of the residential development and thereafter maintained and competed to the satisfaction of the Council as Planning Authority.
5. Any planting failing to become established within five years shall be replaced in the following planting season with others of similar sizes and species to the satisfaction of the Council as Planning Authority.
6. Prior to the commencement of development a detailed layout of the proposed children's play area indicated in the site layout plan shall be submitted for the further approval of the Planning Authority. The play area(s) shall be designed, laid out and equipped in accordance with the Planning Authority's current criteria for play area provision within six months of the first dwelling occupied on the site. The play area and its facilities/equipment shall thereafter be maintained to the satisfaction of the Council as Planning Authority.

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7. Prior to the commencement of development full details of proposed site boundary openings forming new access onto the spine road shall be submitted to the Planning Authority for further written approval. The opening details as approved shall thereafter be implemented prior to the occupation of any residential plot.
8. No development shall commence until a detailed delivery plan confirming the programmed delivery of the site and construction works has been submitted and approved in writing by the Planning Authority. Once approved, the development shall be implemented in accordance with the delivery plan.
9. All existing trees and hedgerows shown to be retained shall be protected by suitable fencing in accordance with BS5837 2012 (Trees in Relation to Construction), unless otherwise agreed in writing by the Planning Authority. The details of the protective fencing and its location shall be first submitted to and agreed in writing by the Planning Authority. No materials, supplies, plant, machinery, soil heaps, changes in ground levels or construction activities shall be permitted within the protected areas without the written consent of the Planning Authority and no fire shall be lit in the position where the flames could extend to within 5 metres of foliage, branches or trunks.
10. No removal of hedgerows, trees or shrubs or works to or demolition of any buildings or structures that may be used by breeding birds shall take place between 1st March and 31st August inclusive, unless a competent ecologist has undertaken a careful, detailed check of vegetation for active birds' nests immediately before the vegetation is cleared and provided written confirmation that no birds will be harmed and/or that there are appropriate measures in place to protect nesting bird interest on site. Any such written confirmation should be submitted to and agreed by the Planning Authority.
11. Measures to protect animals from being trapped in open excavations and/or pipe and culverts shall be implemented for the duration of the construction works of the development hereby approved. The measures may include creation of sloping escape ramps for animals, which may be achieved by edge profiling of trenches/excavations or by using planks placed into them at the end of each working day and open pipework greater than 150 mm outside diameter being blanked off at the end of each working day.
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

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provenance unless otherwise agreed in writing with the Planning Authority.

13. Prior to occupation of any buildings on site a minimum of 30% (41 units) of all completed 2 storey houses shall incorporate a minimum of 2 bat bricks (e.g. build-in Woodstone Bat Box) and swift nest bricks (e.g. WoodStone Build-in Swift Nest Box A) shall be incorporated at eaves height.
14. Prior to the commencement of development, any Orchids identified in the applicant's Habitat Survey shall be translocated to the landscape buffer area to allow them to be retained and thereafter maintained to the satisfaction of the Council as Planning Authority
15. Prior to the commencement of development a Construction Traffic Management Plan (CTMP) shall be submitted to and be approved in writing by the Planning Authority. Thereafter the development shall be fully undertaken in accordance with the CTMP.
16. The hours of operation at the construction stage shall be Monday to Friday 07:00 to 19:00 hours, Saturday 08:00 to 13:00 hours and no workings on a Sunday, unless otherwise agreed in writing with the Planning Authority.
17. Within 12 months of this decision notice the exact design specification and delivery timescale of interchange improvements to be provided at the M90/A912 junctions (northbound and southbound) and widening of the northbound merge road with the M90 will be submitted for written approval to the Planning Authority in consultation with Transport Scotland. The details shall generally be in accordance with the following TA Millard Partnership/Millard Consulting Drawings 2394/03/20 Revision C and 2394/03/15 Revision A associated with application 02/01482/IPM and Roads Construction Consent (RCC) drawing 316/03/408 (dated June 2009). The works shall be carried out and completed in accordance with the agreed design specification and delivery timescale.

Justification

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

Informatives

1. The development hereby permitted shall be commenced no later than the expiration of two years from the date of this consent or from the date of subsequent approval of matters specified in conditions, or three years from the

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date of planning permission in principle, whichever is later.

2. Under Section 27A of the Town and Country Planning (Scotland) Act 1997 (as amended) the person undertaking the development is required to give the Planning Authority prior written notification of the date on which it is intended to commence the development. A failure to comply with this statutory requirement would constitute a breach of planning control under section 123(1) of that Act, which may result in enforcement action being taken.
3. As soon as practicable after the development is complete, the person who completes the development is obliged by Section 27B of the Town and Country Planning (Scotland) Act 1997 (as amended) to give the Planning Authority written notice of that position.
4. This development will require the 'Display of notice while development is carried out', under Section 27C (1) of the Town and Country Planning Act 1997, as amended, and Regulation 41 of the Development Management Procedure (Scotland) Regulations 2013. The form of the notice is set out in Schedule 7 of the Regulations and a draft notice is included for your guidance. According to Regulation 41 the notice must be:
 - Displayed in a prominent place at or in the vicinity of the site of the development.
 - Readily visible to the public.
 - Printed on durable material.
6. Should any archaeology be discovered during construction, the applicant is advised to contact Mr David Strachan, Archaeologist – Perth and Kinross Heritage Trust to discuss what is required. Tel: 01738 477080.
7. The applicants are advised that they must apply to the Roads Authority, for construction consent to form a new street. Please contact The Construction and Maintenance Manager, The Environment Service, Perth and Kinross Council, Pullar House, 35 Kinnoull Street, Perth, PH1 5GD.
8. Please consult the Street Naming and Numbering Officer, The Environment Service, Perth and Kinross Council, Pullar House, 35 Kinnoull Street, Perth PH1 5GD
9. The applicant is advised that the granting of planning consent does not guarantee a connection to Scottish Water's assets. The applicant must make a separate application to Scottish Water Planning & Development Services team for permission to connect to the public wastewater system and/or water network and all their requirements must be fully adhered to.

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10. The applicant should ensure that access and operations during construction and the routes for any services for the site take account of both the servitudes of the Shell UK and BP pipelines
11. 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.
12. The applicant is reminded that, under the Wildlife and Countryside Act 1981, as amended, it is an offence to remove, damage or destroy the nest of any wild birds while that nest is in use or being built. Planning consent for a development does not provide a defence against prosecution under this act.
13. The Council's Community Waste Adviser in the Environment Service should be contacted to clarify the bin storage and recycling requirements for the development.
14. No work shall be commenced until an application for building warrant has been submitted and approved.

(ii) 17/00669/FLM - PERTH - Erection of 48 dwellinghouses, landscaping and associated works on land SW of Gannochy Farmhouse, Gannochy Road, Perth – Report 17/339 – The Gannochy Trust

Resolved:

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

Conditions

1. The proposed development must be carried out in accordance with the approved drawings and documents, unless otherwise provided for by conditions imposed on the planning consent.
2. Prior to the development hereby approved being completed or brought into use, all matters regarding access, car parking, road layout, design and specification, including the disposal of surface water, shall be in accordance with the standards required by the Council as Roads Authority.
3. The detailed landscaping and planting scheme as approved shall be commenced at the same time as commencement of the residential development and thereafter maintained to the satisfaction of the Council as Planning Authority.

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4. Any planting failing to become established within five years shall be replaced in the following planting season with others of similar sizes and species to the satisfaction of the Council as Planning Authority.
5. The hours of operation at the construction stage shall be Monday to Friday 07:00 to 19:00 hours, Saturday 08:00 to 13:00 hours and no workings on a Sunday.
6. The mitigation measure as recommended in Appendix E of the applicants Air Quality Assessment shall be carried out throughout the duration of the construction works.
7. Prior to the development hereby approved being completed or brought into use a Residential Travel Plan (RTP), aimed to encourage more sustainable means of travel, shall be submitted and approved in writing by the Council. The RTP will have particular regard to provision for walking, cycling and public transport access to and within the site and will identify the measures to be provided, the system of management, monitoring, review, reporting and the duration of the plan.
8. Development shall not commence on site until a detailed sustainable urban drainage system (SUDS) has been submitted for the further written agreement of the Council as Planning Authority, in consultation with SEPA where necessary. The scheme shall be developed in accordance with the technical guidance contained in The SUDS Manual (C753) and the Council's Flood Risk and Flood Risk Assessments Developer Guidance, and shall incorporate source control. All works shall be carried out in accordance with the agreed scheme and be operational prior to the bringing into use of the development.
9. The conclusions and recommended action points within the applicants supporting biodiversity survey submitted and hereby approved shall be fully adhered to, respected and undertaken as part of the construction phase of development to the satisfaction of the Planning Authority.
10. 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 shall be submitted to the Planning Authority for retention prior to commencement of development.

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11. Measures to protect animals from being trapped in open excavations and/or pipe and culverts shall be implemented for the duration of the construction works of the development hereby approved. The measures may include creation of sloping escape ramps for animals, which may be achieved by edge profiling of trenches/excavations or by using planks placed into them at the end of each working day and open pipework greater than 150 mm outside diameter being blanked off at the end of each working day.
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.
13. Where it is intended to create a wetland/SUDS area wildlife kerbs shall be installed adjacent to all road gullies within 500m of wetland/SUDS.
14. Where site boundaries affect trees, the development shall fully comply with, respect and remain in full accordance with BS5837 2012: *'Trees in relation to construction, demolition and construction. Recommendations'*.
15. Prior to commencement of development, a detailed Construction Management Plan (CMP) detailing required mitigation measures and construction method statements, including specific measures for monitoring during construction, shall be submitted to and approved in writing by the Planning Authority in consultation with Perth and Kinross Council's Environmental Health Section. Such details shall be submitted not less than two month prior to the agreed scheduled commencement date and shall incorporate detailed pollution avoidance and air quality mitigation measures for all construction elements. Thereafter the approved CMP shall thereafter be fully respected and adhered to through the construction phase of the development.

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. If the applicant would prefer to enter into a Section 75 Legal Agreement, consent shall not be issued until the Section 75 Agreement relating to transport infrastructure contributions has been completed and signed to reflect the current planning reference 17/00669/FLM.

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2. 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 will be ultimately recommended for refusal under delegated powers.

Informatives

1. This planning permission will last only for three years from the date of this decision notice, unless the development has been started within that period. (See section 58(1) of the Town and Country Planning (Scotland) Act 1997 (as amended).
2. Under Section 27A of the Town and Country Planning (Scotland) Act 1997 (as amended) the person undertaking the development is required to give the Planning Authority prior written notification of the date on which it is intended to commence the development. A failure to comply with this statutory requirement would constitute a breach of planning control under section 123(1) of that Act, which may result in enforcement action being taken.
3. As soon as practicable after the development is complete, the person who completes the development is obliged by Section 27B of the Town and Country Planning (Scotland) Act 1997 (as amended) to give the Planning Authority written notice of that position.
4. This development will require the 'Display of notice while development is carried out', under Section 27C (1) of the Town and Country Planning Act 1997, as amended, and Regulation 41 of the Development Management Procedure (Scotland) Regulations 2013. The form of the notice is set out in Schedule 7 of the Regulations and a draft notice is included for your guidance. According to Regulation 41 the notice must be:
 - Displayed in a prominent place at or in the vicinity of the site of the development.
 - Readily visible to the public.
 - Printed on durable material.
5. The applicant is advised that in terms of 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.

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6. The applicant is advised that in terms of Section 21 of the Roads (Scotland) Act 1984 they must obtain from the Council as Roads Authority consent to construct a new road prior to the commencement of roadworks. Advice on the disposal of surface water must be sought at the initial stages of design from Scottish Water and the Scottish Environment Protection Agency.
7. The applicants are advised that they must apply to the Roads Authority for construction consent to form a new street. Please contact The Construction and Maintenance Manager, The Environment Service, Perth and Kinross Council, Pullar House, Perth.
8. The applicant is advised that the granting of planning consent does not guarantee a connection to Scottish Water's assets. The applicant must make a separate application to Scottish Water Planning & Development Services team for permission to connect to the public wastewater system and/or water network and all their requirements must be fully adhered to.
9. The applicant 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
10. The Council's Community Waste Adviser in the Environment Service should be contacted to clarify the bin storage and recycling requirements for the development.
11. The applicant is reminded that, under the Wildlife and Countryside Act 1981, as amended, it is an offence to remove, damage or destroy the nest of any wild birds while that nest is in use or being built. Planning consent for a development does not provide a defence against prosecution under this act.
12. The applicant is reminded that, should any protected species be present a licence may be required from Scottish Natural Heritage to disturb a protected species. Failure to obtain a licence may constitute a criminal act under the Habitats Regulations and penalties are severe for non-compliance.

(iii) **17/00806/FLM – MILNATHORT – Erection of 77 dwellinghouses, formation of landscaping, open spaces and community woodland, and associated works on land north of Linden Park Road, Milnathort – Report 17/340 – Dundas Estates and Development Co Ltd**

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Mr T Malcolm and Mr P Grant, objectors to the application, Councillor W Robertson, Local Member, followed by Mr B Dunlop, Managing Director of Dundas and Mr J Garrett, on behalf of the architect, addressed the Committee and, following their respective representations, withdrew to the public benches.

Motion (Councillors M Barnacle and B Brawn) – Refuse the application for the following reason:

The proposal is contrary to Policies PM1A, RD1A and TA1B of the Perth and Kinross Local Development Plan.

Amendment (Councillors T Gray and B Band) – Grant the application subject to the following terms, conditions and informatives contained within Report 17/340.

Second Amendment (Councillors R Watters and E Drysdale) – Defer the application for a site visit and to allow for the Committee to address any concerns they may have.

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

4 members voted for the First Amendment as follows:

Councillors M Lyle, B Band, H Coates and T Gray.

6 members voted for the Second Amendment as follows:

Councillors B Brawn, M Barnacle, E Drysdale, I James, R Watters and W Wilson.

The Second Amendment became the substantive Amendment, and was set against the Motion.

4 members voted for the Motion as follows:

Councillors B Brawn, M Barnacle, I James and W Wilson.

6 members voted for the Amendment as follows:

Councillors M Lyle, B Band, H Coates, E Drysdale, T Gray and R Watters.

Resolved:

In accordance with the Amendment.

- (iv) **17/00838/FLM – BLAIRGOWRIE – Erection of 71 dwellinghouses and associated works at land at Moyness Park, Blackthorn Place, Blairgowrie – Report 17/341 – Stewart Milne Homes**

Ms W McKerchar, Mr M Smith and Mr K Kemp, objectors to the application, Councillor C Shiers, Local Member, followed by Mr

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R Fawcus, on behalf of the applicant, addressed the Committee. Following their respective representations, Ms McKerchar, Mr Smith, Councillor Shiers and Mr Fawcus withdrew to the public benches, and Mr Kemp left the meeting.

Motion (Councillors T Gray and E Drysdale)
Grant the application 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. No removal of vegetation, including trees and shrubs will take place between 1st March and 31 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.
3. All road gullies within 500m of a waterbody or Sustainable Urban Drainage (SUDS) basin shall have 'wildlife kerbs' installed adjacent to the gully. The details for which shall be submitted to the Planning Authority for approval and installed thereafter in accordance with the approved detail prior to the occupation of any dwellinghouse hereby approved.
4. No works which include the creation of trenches, culverts or the presence of pipes will commence until measures to protect animals from becoming trapped in open excavations and/or pipes and culverts are submitted to and approved in writing by the planning authority. The measures could include, but are not restricted to, creation of sloping escape ramps from trenches and excavations and securely sealing open pipework at the end of each working day.
5. The developer shall incorporate swift bricks and bat roost bricks at eaves height in a minimum of 40% of all 2 storey properties. These bricks shall be usable prior to the occupation of each property where the bricks have been installed.
6. Prior to the development hereby approved being completed or brought into use, all matters regarding access, car parking, road layout, design and specification, including the disposal of surface water,

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shall be in accordance with the standards required by the Council as Roads Authority.

7. No part of the development shall be occupied until a Residential Travel Plan (RTP), aimed to encourage more sustainable means of travel, has been submitted and approved in writing by the Council. The RTP will have particular regard to provision for walking, cycling and public transport access to and within the site and will identify the measures to be provided, the system of management, monitoring, review, reporting and the duration of the plan.
8. Prior to the commencement of the development hereby approved, details of the specification and colour of the proposed external finishing materials to be used shall be submitted to and agreed in writing by the Council as Planning Authority. The scheme as agreed shall be implemented prior to the completion or bringing into use of each dwellinghouse, whichever is the earlier.
9. No development shall commence until a detailed delivery plan confirming the phased delivery of the site to landscaping (public open spaces and tree lines) and construction works (incorporating the route and construction phasing for dwellings and location of any site/construction compounds) has been submitted and approved in writing by the Planning Authority. Once approved, the development shall be implemented in accordance with the delivery plan.
10. In association with Condition 9, prior to the commencement of development details for the specification, species and maintenance of the landscaping, open space and tree line areas shall be submitted to the Planning Authority for further approval. The phasing and delivery of the tree areas should incorporate provision in advance of the occupation of any dwellinghouse within any respective phase of the development in accordance with the required phasing programme (Condition 9) and agreed in writing with the Planning Authority prior to the commencement of the development. Once approved, the landscape specification shall be implemented in accordance with the approved scheme.
11. Development shall not commence on site until detailed proposals developed design of proposes to mitigate flood risk from the Sustainable Urban Drainage (SUDS) basin shall be submitted for the further written agreement of the Council as Planning Authority. Development shall not commence on site until all flood mitigation measures agreed as part of the agreed scheme are completed to the satisfaction of the Council as Planning Authority.

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12. The hours of operation for all construction activity shall be restricted to between 0700 hours and 1900 hours Monday to Saturday only, with no operations permitted on Sundays.
13. Prior to the commencement of the development hereby approved, the applicant shall submit for the further written agreement of the Council as Planning Authority, in consultation with the Roads Authority (Structures), 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) a code of conduct for HGV drivers to allow for queuing traffic to pass;
 - (d) arrangements for liaison with the Roads Authority regarding winter maintenance;
 - (e) emergency arrangements detailing communication and contingency arrangements in the event of vehicle breakdown;
 - (f) 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;
 - (g) arrangements for cleaning of roads affected by material deposited from construction sites associated with the development;
 - (h) 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;
 - (i) details of information signs to inform other road users of construction traffic;
 - (j) arrangements to ensure that access for emergency service vehicles are not impeded;
 - (k) co-ordination with other significant developments known to use roads affected by construction traffic;
 - (l) traffic arrangements in the immediate vicinity of temporary construction compound(s);
 - (m) the provision and installation of traffic counters at the applicant's expense at locations to be agreed prior to the commencement of construction;
 - (n) monitoring, reporting and implementation arrangements;

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- (o) arrangements for dealing with non-compliance;
and
 - (p) details of HGV movements to and from the site.
- The TMS as approved shall be strictly adhered to during the entire site construction programme.

Justification

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

Informatives

1. This planning permission will last only for three years from the date of this decision notice, unless the development has been started within that period. (See section 58(1) of the Town and Country Planning (Scotland) Act 1997 (as amended).
2. Under Section 27A of the Town and Country Planning (Scotland) Act 1997 (as amended) the person undertaking the development is required to give the Planning Authority prior written notification of the date on which it is intended to commence the development. A failure to comply with this statutory requirement would constitute a breach of planning control under section 123(1) of that Act, which may result in enforcement action being taken.
3. As soon as practicable after the development is complete, the person who completes the development is obliged by Section 27B of the Town and Country Planning (Scotland) Act 1997 (as amended) to give the Planning Authority written notice of that position.
4. This development will require the 'Display of notice while development is carried out', under Section 27C (1) of the Town and Country Planning Act 1997, as amended, and Regulation 41 of the Development Management Procedure (Scotland) Regulations 2013. The form of the notice is set out in Schedule 7 of the Regulations and a draft notice is included for your guidance. According to Regulation 41 the notice must be:
 - Displayed in a prominent place at or in the vicinity of the site of the development.
 - Readily visible to the public.
 - Printed on durable material.
5. The applicant 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

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at the initial stages of design from Scottish Water and the Scottish Environmental Protection Agency.

6. The applicant is advised that the detailed design of all SUDS shall conform to 'PKC Flooding and Flood Risk Guidance Document (June 2014)', or any subsequent update.

Associated with this, it is recommended that the following information and design should be embedded within the final drainage details:

- In the event that the soakaway overtops due to a capacity issue or siltation over time, the surrounding ground should be contoured such to allow a volume of water to be retained before it can overland flow elsewhere. I.e. the land would be graded down to the soakaway (very gently). This would make it easier to identify a problem with the soakaway in the future because it would pond around it. This would provide additional protection to surrounding land/property.
- A clear indication of the design standard of all the SUDS features on the design and As-Built drawings.

7. Please consult the Street Naming and Numbering Officer, The Environment Service, Perth and Kinross Council, Pullar House, 35 Kinnoull Street, Perth PH1 5GD.

8. The applicant is advised that the granting of planning consent does not guarantee a connection to Scottish Water's assets. The applicant must make a separate application to Scottish Water Planning & Development Services team for permission to connect to the public wastewater system and/or water network and all their requirements must be fully adhered to.

9. No work shall be commenced until an application for building warrant has been submitted and approved.

10. The applicant is recommended to contact the Council Contamination Officer immediately if any ground contamination is found during construction of the development.

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

12. The applicant is recommended to incorporate a mini glass recycling points in an appropriate location within the approved development to compliment the kerbside recycling services that will be provided. In order to comply with the 'Household Charter', each household

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should have access to 10 litres of recycling capacity per week, which would roughly equate to 3 mini glass points over the development. Further details of the requirements can be sought in discussion with the Council Waste Services Team. Further, The Environment Service Operations may request communal bins for the flatted properties; it is recommended that the developer make contact with the Community Waste Team to discuss this further.

Amendment (Councillors H Coates and B Brawn) – Refuse the application for the following reason;
The proposal is contrary to Policies PM1A and RD1A of the Perth and Kinross Local Development Plan, and the density of the proposed development was inappropriate.

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

5 members voted for the Motion as follows:
Councillors M Lyle, B Band, E Drysdale, T Gray and R Watters.

5 members voted for the Amendment as follows:
Councillors B Brawn, M Barnacle, H Coates, I James and W Wilson.
In terms of Standing Order 45, the Convener exercised his casting vote for the Motion.

Resolved:
In accordance with the Motion.

THERE FOLLOWED A 45 MINUTE RECESS
COUNCILLOR M BARNACLE LEFT THE MEETING AT THIS POINT.

(2) Local Applications

- (i) 16/01715/FLL – TUMMEL BRIDGE – Siting of 14 static caravan chalet units for holiday accommodation, partial infill of pond and associated landscaping on land Tummel Valley Holiday Park, Tummel Bridge, Pitlochry – Report 17/342 – Parkdean Holiday Parks Ltd**

Ms E Brown, objector to the application, Councillor X McDade, Local Member, followed by Ms R Whaley, applicant, addressed the Committee and, following their respective representations, withdrew to the public benches.

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Motion (Councillors W Wilson and M Lyle) – Defer the application for further information regarding flood risk, also allowing the Committee to view the SSE report on the site.

Amendment (Councillors H Coates and T Gray) –Grant the application subject to the following terms, conditions and informatives;

Conditions

1. The proposed development must be carried out in accordance with the approved drawings and documents, unless otherwise provided for by conditions imposed on the planning consent.
2. Development shall not commence until a detailed Construction Method Statement (CMS) has been submitted to the Council as Planning Authority and agreed in consultation with SNH and SEPA. The CMS must identify measures to prevent harmful materials entering the River Tay SAC, which could reduce water quality and lead to a damaging impact on the salmon, otter and lamprey interests. The CMS should include the following:
 - (a) pollution prevention safeguards including drainage arrangements and the possible use of siltation traps, settlement tanks and bunds
 - (b) storage and disposal of materials including the siting of stock piles, use of buffer strips and disposal methods
 - (c) construction site facilities including extent and location of construction site huts, vehicles, equipment, fuel, chemicals and materials compound
 - (d) timing, duration and phasing of construction particularly in relation to salmon and lamprey migration/spawning.The CMS and mitigations as agreed shall be fully implemented as part of the planning permission.
3. 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

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shall be fully undertaken in accordance with the agreed CEMP. For clarification, the CEMP shall include information to satisfy the matters referred to in the consultation response from SEPA and dated 13 June 2017.

4. Prior to the commencement of the development hereby approved, a detailed landscaping and planting scheme for the site shall be submitted for the further written agreement of the Council as Planning Authority. The scheme shall include details of the height and slopes of any mounding or recontouring of the site, full details of all hard landscaping proposals including materials and installation methods and, species, height, size and density of trees and shrubs to be planted. The scheme 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.
5. Prior to the occupation of the development or any phase of the development, whichever is the sooner, a landscape and ecological management plan for the site shall be submitted for the further written agreement of the Council as Planning Authority. The Plan shall include long term design objectives, management responsibilities and maintenance schedules for all landscape areas and include details of tree and woodland management and watercourse and pond management. The landscape and ecological management plan as agreed shall, where appropriate, include phased implementation concurrent with the development and shall be fully implemented and thereafter maintained.
6. Prior to the commencement of any works on site, all trees on site (other than those marked for felling on the approved plans) and those which have Root Protection Areas which fall within the site shall be retained and protected. Protection methods shall be strictly in accordance with BS 5837 2012: Trees in Relation to Design, Demolition and Construction. Protection measures, once in place, shall remain in place for the duration of construction.
7. 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.
8. Prior to the commencement of development a Flood Action Plan shall be prepared for the site and submitted

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for the further agreement in writing of the Planning Authority in consultation with the Council's Structures and Flooding Section. This should detail access and egress arrangements during a flooding event.

9. 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.
10. Storm water drainage from all paved surfaces, including the access, shall be disposed of by means of suitable a Sustainable Urban Drainage System to meet the requirements of best management practices.
11. Prior to commencement of the works a full bat activity survey shall be submitted to the planning authority for approval.
12. The conclusions and recommended action points within the supporting biodiversity survey and tree surveys submitted and hereby approved shall be fully adhered to, respected and undertaken as part of the construction phase of development.
13. 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. The agreed lighting scheme shall be implemented and maintained in full accordance with the agreed scheme.
14. The development hereby approved shall only be occupied between 1st March and 30th November and 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 considered to comply with the Development Plan and there are no other material considerations that would justify a departure therefrom.

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. An application for Building Warrant may be required.
5. The applicant should take cognisance of the advice contained in SEPA's letter dated 13 June 2017. Regulatory advice is also available from the local SEPA office at:
Broxden Business Park
Lamberkine Drive
PERTH
PH1 1RX
Tel: 01738 627989
Email : planning.se@sepa.org.uk
6. The applicant is reminded that, should any protected species be present a licence may be required from Scottish Natural Heritage to disturb a protected species. Failure to obtain a licence may constitute a criminal act under the Habitats Regulations and penalties are severe for non-compliance.
7. The applicant is reminded that, under the Wildlife and Countryside Act 1981, as amended, it is an offence to remove, damage or destroy the nest of any wild birds while that nest is in use or being built. Planning consent for a development does not provide a defence against prosecution under this act.
8. The Caravan Site Licence for this site will require to be updated. Contact should be made with Perth and Kinross Council Environmental Health Team tel. 01738 476415.

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

4 members voted for the Motion as follows:

Councillors M Lyle, E Drysdale, R Watters and W Wilson.

5 members voted for the Amendment as follows:

Councillors B Brawn, B Band, H Coates, T Gray and I James.

Resolved:

In accordance with the Amendment

- (ii) **17/00788/FLL – FEARNAN – Change of use and alterations to nursery school to form holiday/staff accommodation, erection of 2 holiday/staff accommodation units and siting of 4 static caravans/chalets for holiday/staff accommodation (in part retrospect) at Boreland Farm, Fearnan, Aberfeldy – Report 17/343 – Boreland Farm Ltd**

Mr N Grant, objector to the application, followed by Mr J Ewen, applicant, addressed the Committee, and, following their respective representations, withdrew to the public benches.

Resolved:

Grant, subject to the following terms, conditions, including additional conditions 6 and 7, 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. The development hereby approved shall be used solely for holiday accommodation and staff accommodation. Furthermore no more than 2 of the approved cabins at any one time shall be used as staff accommodation. For the avoidance of doubt the holiday accommodation shall not be occupied as the sole or main residence of any occupant and the staff accommodation shall only be occupied by someone employed by Boreland Farm Limited.
3. 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.
4. Prior to the occupation of the new units hereby approved a path to link the holiday accommodation with the shorefront area under the applicants control will be formed and signposted. Details of this shall be submitted to and agreed in writing with the Council as Planning Authority.
5. The stoves shall only operate on fuel prescribed and stored in accordance with the manufacturer's instructions.

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The stoves and flues 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 without the prior written agreement of the Council as Planning Authority.

6. The existing agricultural barn shall not be used for any activities until such times that measures to control noise have been submitted to and approved by the Planning Authority. The approved measures shall be undertaken in full prior to use recommencing and maintained thereafter.

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

7. A Noise Management Plan shall be submitted for the approval of the Planning Authority within 3 months of the date of this decision. The plan shall include such measures to ensure that noise from the site is controlled at all times and adequate protocols are instituted to prevent any impact of neighbouring residential amenity. The approved plan shall thereafter be implemented to the satisfaction of the Planning Authority.

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

Justification

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

Informatives

1. 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.
2. An application for Building Warrant may be required.

(iii) 17/01170/FLL – MURRAYSHALL – Erection of 2 dwellinghouses (revised design plot 2) on land SW of Stonegarth, Murrayshall – Report 17/344 – Fergus Purdie Architect

Mr P Cooper, objector to the applicant, followed by Mr F Purdie, agent, addressed the Committee, and, following their respective representations, withdrew to the public benches.

Councillor W Wilson moved a motion to refuse the Late Hours the application on the grounds that it was contrary to Policy

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PM1B of the Perth and Kinross Local Development Plan. Having failed to find a seconder Councillor Flynn's amendment fell.

Resolved:

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

Conditions

1. The proposed development must be carried out in accordance with the approved drawings and documents, unless otherwise provided for by conditions imposed on the planning permission.
2. A sample of external materials shall be submitted for the approval of the Planning Authority prior to the commencement of the development. The external materials as approved shall be implemented prior to the occupation and or use of the development.
3. Details of the proposed boundary treatments for the site shall be submitted for the approval of the Planning Authority prior to the commencement of the development. The approved scheme shall be completed prior to the occupation of the unit.
4. The wood burning stove shall only burn fuel as recommended by the manufacturer and shall be operated and maintained in line with manufacturer's advice.
5. The gradient of the access shall not exceed 3% for the first 5.00 metres measured back from the edge of the carriageway and the access shall be constructed so that no surface water is discharged to the public road.
6. Prior to the occupation or use of the approved development the vehicular access shall be formed in accordance with specification Type B, Fig 5.6 access detail to the satisfaction of the Planning Authority.
7. Prior to the occupation or use of the residential unit, turning facilities shall be provided within that plot to enable all vehicles to enter and leave in a forward gear and thereafter retained to the satisfaction of the Planning Authority.
8. Prior to the occupation or use of the approved development a minimum of 2 No. car parking spaces shall be provided within the plot and thereafter retained.
9. No development or extensions, whether or not permitted by virtue of Schedule 1, Part 1, Class 1A, 1B and 3A of the Town and Country Planning (General Permitted Development)(Scotland) Order, 1992 or any Order revoking and re-enacting that Order, shall be erected within the curtilage of the dwellinghouse hereby approved.

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Justification

The proposal is not in accordance with the Development Plan however there are 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).
2. Under section 27A of the Town and Country Planning (Scotland) Act 1997 (as amended) the person undertaking the development is required to give the planning authority prior written notification of the date on which it is intended to commence the development. A failure to comply with this statutory requirement would constitute a breach of planning control under section 123(1) of that Act, which may result in enforcement action being taken.
3. As soon as practicable after the development is complete, the person who completes the development is obliged by section 27B of the Town and Country Planning (Scotland) Act 1997 (as amended) to give the planning authority written notice of that position.
4. The applicant is advised that 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.
5. 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
6. No work shall be commenced until an application for building warrant has been submitted and approved.

- (iv) **17/01234/FLL – ABERNETHY – Erection of an agricultural building for free range egg production and associated works at Wilson Cordon Farm, Abernethy, Perth – Report 17/345 – Robert S Wilson (Cordon)**

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

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Resolved:

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

Conditions

1. The proposed development must be carried out in accordance with the approved drawings and documents, unless otherwise provided for by conditions imposed on the planning consent.
2. 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.
3. 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.
4. 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.
5. All operational traffic movements to and from the site shall be undertaken in accordance with the routing outlined in the Transport Statement hereby approved (doc ref: 17/01234/13) to the satisfaction of the Council as Planning Authority.
6. Prior to the development hereby approved being completed or brought into use, a passing place shall be constructed in full to the south of the railway bridge to formalise the existing informal passing place. The passing place shall be constructed in accordance with the National Roads Development Guide to provide a minimum road width of 5.5 metres, 15 metres in length (excluding 1:2 metre splays. Prior to the commencement of any development on site a scaled drawing at 1:200

scale shall be submitted to and approved in writing by the Planning Authority which demonstrates the proposed location and works to form the passing place. The passing place shall be formed in accordance with these approved details.

7. 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.
8. Development shall not commence until the developer has secured the implementation of a programme of archaeological work in accordance with a written scheme of archaeological investigation which has been submitted by the applicant, and agreed in writing by the Council as Planning Authority, in consultation with Perth and Kinross

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Heritage Trust. Thereafter, the developer shall ensure that the programme of archaeological works is fully implemented including that all excavation, preservation, recording, recovery, analysis, publication and archiving of archaeological resources within the development site is undertaken. In addition, the developer shall afford access at all reasonable times to Perth and Kinross Heritage Trust or a nominated representative and shall allow them to observe work in progress.

9. All plant or equipment shall be so enclosed, attenuated and/or maintained such that any noise therefrom shall not exceed Noise Rating 35 between 0700 and 2300 hours daily, or Noise Rating 20 between 2300 and 0700 hours daily, within any neighbouring residential property, with all windows slightly open, when measured and/ or calculated and plotted on a rating curve chart.
10. Should any aspect of the operation of this facility lead to a breach of condition 9, within 14 days of a written request by the Council as Planning Authority the applicant shall arrange for an investigation by a suitably qualified noise consultant with the scope and timescale submitted to and agreed in writing with the Council as Planning Authority in consultation with Environmental Health. Thereafter the agreed measures shall be implemented to ameliorate the nuisance.
11. Prior to the commencement of the development, an Odour Management Plan (OMA) shall be submitted to and approved in writing by the Planning Authority in consultation with Environmental Health. The management arrangements agreed within the approved OMA shall be strictly adhered to at all times.
12. Should any aspect of the development result in verified odour complaint determined by the Council as Planning Authority in consultation with Environmental Health, within 14 days of written request by the Council as Planning Authority, the applicant shall arrange for an Odour Impact Assessment (OIA) to be carried out by a qualified consultant. The OIA findings shall be submitted for the written approval of the Council as Planning Authority, in consultation with Environmental Health and must draw conclusions and make recommendations as necessary. Thereafter any necessary measures to ameliorate the odour nuisance should be put in place, and a new or revised Odour Management Plan must be submitted to the council within a specified agreed timescale.
13. 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. The agreed lighting scheme shall be implemented and maintained in full accordance with the agreed scheme.

14. All external lighting shall be sufficiently screened and aligned so as to ensure that there is no direct illumination of neighbouring land and that light spillage beyond the boundaries of the site is minimised to a degree that it does not adversely affect the amenity of the neighbouring land.
15. 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.
16. Prior to the commencement of development, details of the tree planting proposed to the west and south of the building shall be submitted to and approved in writing by the Planning Authority. The agreed detail shall thereafter be implemented prior to the completion of the development and completed in accordance with the timescales outlined in condition 16.
17. The planting scheme as approved under condition 15 shall be implemented fully within one calendar year of the commencement of development and thereafter maintained.
18. Any planting failing to become established within five years shall be replaced in the following planting season with others of similar sizes and species.
19. Storm water drainage from all paved surfaces, including the access, shall be disposed of by means of suitable a Sustainable Urban Drainage System to meet the requirements of best management practices.

Justification

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

Informatives

1. 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. 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.
5. No work shall be commenced until an application for building warrant has been submitted and approved.
6. The applicant is reminded that, should any protected species be present a licence may be required from Scottish Natural Heritage to disturb a protected species. Failure to obtain a licence may constitute a criminal act under the Habitats Regulations and penalties are severe for non compliance.
7. The applicant is reminded that, under the Wildlife and Countryside Act 1981, as amended, it is an offence to remove, damage or destroy the nest of any wild birds while that nest is in use or being built. Planning consent for a development does not provide a defence against prosecution under this act.
8. The applicant should be aware of the SEPA's General Binding Rules of The Water Environment (Controlled Activities) (Scotland) Regulations 2011 (as amended) and the Intake and Outfall Good Practice Guide https://www.sepa.org.uk/media/150984/wat_sg_28.pdf with regards the proposed treatment and discharge of treated surface water to the burn. Further information is available to the applicant in the [CAR Practical Guide](#)
9. The developer is advised to contact Mr David Strachan, Archaeologist to discuss terms of reference for work required Tel 01738 477080.
10. 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

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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.

(v) **17/01402/IPL – LONGFORGAN – Erection of a dwellinghouse (in principle) on land north of Grieves House, Longforgan – Report 17/346 – Mr G Lawson**

Resolved:

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

Conditions

1. The development shall not commence until the following matters have been approved by the Planning Authority through the submission of an application or applications for approval of matters specified in conditions:
 - (i) The siting design, height and external materials of all buildings or structures;
 - (ii) Details of vehicular access to the site and the provision of two car parking spaces and turning facilities.
 - (iii) Details of all landscaping, planting, screening and boundary treatment.
2. In pursuance of Condition 1(i), the physical development shall be:
 - (i) Limited to a single storey with any accommodation above ground floor level being contained in the roof space.
 - (ii) Situated within the western portions of the plot and shall not extend eastwards of the established building line of the property located to the south and the property to the north of the site.
3. In pursuance of Condition 1(ii), the scheme shall include:
 - (i) Turning facilities to enable all vehicles to enter and leave the application site in a forward gear which shall be formed prior to the occupation of the dwellinghouse.
 - (ii) A layout to accommodate a minimum of two car parking spaces which shall be formed prior to the occupation of the dwellinghouse.

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- (iii) Suitable storage for waste disposal/collection which shall be formed prior to the occupation of the dwellinghouse.
- 4. In pursuance of condition 1(iii), the scheme shall include;
 - (i) The location of new trees, shrubs, hedges, and grassed areas.
 - (ii) A schedule of plants to compromise species, plant sizes and proposed numbers and density.
 - (iii) The location, design and materials of all hard landscaping works including walls, fences, gates, and any other means of enclosure.

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, or such date as may be agreed in writing with the Planning Authority.

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

- 5. The development shall be in accordance with the requirements of Perth & Kinross Council's Developer Contributions and Affordable Housing Supplementary Guidance 2016 in line with Policy PM3: Infrastructure Contributions of the Perth & Kinross Local Development Plan 2014 with particular regard to transport infrastructure, unless otherwise agreed in writing with the Council as Planning Authority.
- 6. The development shall be in accordance with the requirements of Perth & Kinross Council's Developer Contributions and Affordable Housing Supplementary Guidance 2016 in line with Policy PM3: Infrastructure Contributions of the Perth & Kinross Local Development Plan 2014 with particular regard to primary education infrastructure, unless otherwise agreed in writing with the Council as Planning Authority.

Justification

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

Informatives

- 1. Application for the approval of matters specified in conditions shall be made before the expiration of 3 years from the date of the grant of planning permission in

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principle, unless an earlier application for such approval has been refused or an appeal against such refusal has been dismissed, in which case application for the approval of all outstanding matters specified in conditions must be made within 6 months of the date of such refusal or dismissal.

The approved development shall be commenced not later than the expiration of 3 years from the date of grant of planning permission in principle or 2 years from the final approval of matters specified in conditions, whichever is later.

2. Applicants are advised that should their application for Approval of Matters specified be refused and/or their appeal against such refusal dismissed outwith the three year time limit they are entitled to submit a revised application for Approval of Matters specified within six months after the date of refusal of the earlier application or of the dismissal of an appeal against such refusal.
3. 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.
4. An inspection of the proposed development site did not raise any real concerns, although historical mapping indicates there was previously a nearby use which may have resulted in contamination in the vicinity of the site. The applicant is advised that, given historical uses of the wider area, there may be potential for contamination within the site. Should any contamination be found during the approved works, works should cease and the Land Quality team should be contacted on 01738 475000 or es@pkc.gov.uk for further advice.

Perth and Kinross Council
Planning & Development Management Committee – 15 November 2017
Report of Handling by Interim Head of Planning

Mixed use development/expansion at Stanley Village

Ref. No: 17/00088/IPM
Ward No: N5 Strathay

Summary

This report recommends approval of the 'In Principle' application and masterplan for a mixed use (residential and employment) development and expansion of Stanley 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 PROPOSAL

- 1 The proposed masterplan consists of five development sites inter-connected by public roads totalling an area of 39.2hectares (ha) located around the periphery of the existing settlement of Stanley. The village is located at a sharp loop of the River Tay and is bi-sected by the Highland Railway Line which runs through the village in a deep cut. The western edge of the village is enclosed by a belt of woodland and mature tree planting within the gardens of larger properties. The eastern edge of the village is contained by rising and undulating ground with relatively little woodland. All the sites are allocated in the Perth and Kinross (PKC) Local Development Plan. The proposed sites are as follows:

SITE H30

- 2 This is the southern-most site in the proposed masterplan, and is accessed via Perth Road which runs along the eastern edge of the site. The site extends to approximately 12.7 ha is contained to the west and northwest by a railway line and core path as well as existing housing along the northern boundary. There is existing woodland planting in the centre and along the west/north-west boundary.
- 3 The masterplan and indicative layout plan shows an indicative number of 125 additional dwellings with a woodland boundary along the north western boundary adjacent to the railway line and this woodland continues along the southern boundary of the site. Existing woodland is proposed to be retained and a large area of open space is proposed from the north of the site to the south. A Sustainable Urban Drainage System (SUDs) pond is also proposed at the south western corner of the site. A core path is also proposed to encircle the dwellings and through the site that will link up with existing core path to the north. Access to the site will be via Perth Road and pedestrian and cycling access is also proposed from the north western corner of the site.

SITE H31

- 4 This site is located to the south-east corner of Stanley and northwest of Stanley Mill. The site covers an area of approximately 4.7 ha and is contained to the south, east and west by existing woodland. There is existing housing to the north which overlooks the site.
- 5 This site has extant planning permission (09/01788/FUL) for 34 dwellings (the site area above includes this application site). Worked commenced on site in June 2017 but has not continued. The masterplan and indicative layout plan shows an indicative number of 40 additional dwellings with open space and woodland planting to the south. A core path is also proposed to encircle the proposed dwellings and connect up with the existing core path network. Access is proposed from the north-western corner of the site.

SITE H32

- 6 Located directly to the west of the village centre, it is bound to the south-east by the railway line and to the north east by existing housing. The site covers an area of approximately 8.3 ha. There is low-level woodland planting to the north and west. Immediately west is Active Kids recreation park and visitor attraction.
- 7 The masterplan and indicative layout plan shows an indicative number of 125 additional dwellings with open space and planting along the southern boundary adjacent to the railway line. A woodland boundary is proposed along the northern boundary and western boundary. A SUDs pond is also proposed along the western edge of the site. A core path is also proposed to encircle the dwellings and will link up with existing core path to the east. Access to the site will be via the entrance road that leads to Active Kids. A secondary vehicle access is also proposed from the existing housing (Manse Crescent) immediately north east of the site.

SITE H33

- 8 This site is located along the north eastern edge of the village. The site extends to approximately 1.8 ha. It is bound to the north-west by the railway line, to the south west by existing housing and to the south-east by Linn Road. There is an open aspect to the north-east towards Sidlaw Hills and open countryside.
- 9 Part of this site has extant planning permission (14/01365/FLL) for 35 dwellings in advance of the wider site being allocated in the LDP. This site is currently under construction and scheduled for completion in early 2018. The masterplan and indicative layout plan shows an indicative number of 44 additional dwellings with open space and planting along the southern boundary. A narrow woodland boundary and SUDs pond is proposed to be located along the northern boundary adjacent to the railway line. Footpath connections are also proposed to link up with existing core path network along the northern and eastern boundaries. Access is proposed to be via the existing access serving the current housing development.

SITE H34

- 10 This site is located at the north-western edge of Stanley. The site covers an area of approximately 8.8 ha and is constrained to the west by Perth Road, to

the south west by existing housing and to the south-east by the railway line. There is an open aspect to the north and north-east towards the Sidlaw Hills and open countryside

- 11 The masterplan and indicative layout plan shows an indicative number of 131 dwellings in behind the existing row of dwellings fronting onto Perth Road. Access will be created through the demolition of an existing dwelling on Perth Road. A 1 hectare area of employment is proposed at the northern edge of the site and will be accessed directly via Perth Road and through the proposed housing. Open space and planting along the southern boundary with the railway line. A narrow woodland boundary is proposed along the north and north eastern boundary and a play area and SUDs pond are proposed at the south eastern boundary. Footpath connections are proposed centrally and along the southern, eastern and to link up with existing path network in the area.
- 12 Across the 5 sites (H30-34) the applicant has indicated 465 proposed dwellings. Because the application is 'In Principle' there is no detail on house types, design and materials at this stage. An indicative Phasing Plan has been submitted with the proposal and it indicates a 14 year build out rate. Landscape and buffer planting is proposed to be established from the commencement of development of sites H31 and H33. For the other phases (H30, H32 and H34) advance buffer planting will commence one year prior to the start of the development.

ENVIRONMENTAL IMPACT ASSESSMENT

- 13 Due to the scale of the proposal it was necessary to screen as to whether the proposal is an Environmental Impact Assessment (EIA) development under the EIA 2011 regulations as it was submitted before the Regulations changed in June 2017. The proposal was screened (16/01867/SCRN) and found that an EIA is not required in this instance as it did not trigger an impact on specific EIA sensitivities.

PRE-APPLICATION PROCESS

- 14 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 15/00010/PAN) outlined that a public exhibition was held locally and the previous Ward Councillors for the area were consulted as well as Stanley Community Council and Stanley Development Trust.

NATIONAL POLICY AND GUIDANCE

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

National Planning Framework

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

The Scottish Planning Policy 2014

- 17 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

- 18 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 61 Planning and Sustainable Urban Drainage Systems
- PAN 63 Waste Management Planning
- PAN 65 Planning and Open Space
- PAN 67 Housing Quality
- PAN 68 Design Statements
- PAN 69 Planning & Building Standards Advice on Flooding
- PAN 75 Planning for Transport
- PAN 79 Water and Drainage
- PAN 83 Masterplanning

Designing Places 2001

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

Designing Streets 2010

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

National Roads Development Guide 2014

- 21 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

- 22 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

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

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

- 24 The following sections of the TAYplan 2016 are of particular importance in the assessment of this application.

Policy 1: Locational Priorities

- 25 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

- 26 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

- 27 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

- 28 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

- 29 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

- 30 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

- 31 The Local Development Plan (LDP) was adopted by Perth and Kinross Council on 3 February 2014. It is the most recent statement of Council policy and is augmented by Supplementary Guidance.
- 32 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.”
- 33 The application site is located within the settlement boundary of Stanley and are all allocated for residential development. The following policies are of particular importance in the assessment of this application.

PM1A - Placemaking

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

Policy PM1B – Placemaking

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

Policy PM3 - Infrastructure Contributions

- 36 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

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

Policy RD4 - Affordable Housing

- 38 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 CF1B - Open Space Retention and Provision

- 39 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

- 40 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

- 41 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 NE2B - Forestry, Woodland and Trees

- 42 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

- 43 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

- 44 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

- 45 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

- 46 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

- 47 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

- 48 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

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

Policy EP3D - Water, Environment and Drainage

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

Policy EP8 - Noise Pollution

- 51 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

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

TA1B - Transport Standards

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

OTHER POLICIES

- 54 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)

Perth & Kinross Corporate Plan 2013-2018

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

PLANNING SITE HISTORY

- 56 The following history is of relevance;
- **09/01788/FLL** Erection of 34 dwellinghouses and associated infrastructure and landscaping at land 90 Metres West Of King Street Junction (LDP Site H31). Approved under delegated powers March 2010.
 - **14/01365/FLL** Erection of 35 dwellinghouses, access and associated works at land 160 Metres West Of Shielhill Farm (LDP Site H33). Approved by Development Management Committee July 2015.
 - **15/00010/PAN**: Proposal of Application Notice (PAN) for expansion of Stanley Village. Content of PAN agreed June 2015.
 - **16/01867/SCRN** EIA Screening Opinion for expansion of Stanley Village. EIA not required January 2017.

CONSULTATIONS

EXTERNAL

Scottish Environmental Protection Agency (SEPA)

- 57 No objection to the proposal provided specified conditions are applied.

Scottish Natural Heritage (SNH)

- 58 No formal comment on this proposal as it falls below their threshold for consultation.

Scottish Water

- 59 No response received.

Transport Scotland

- 60 No objection to the proposal. Condition recommended restricting housing numbers to below 500 units.

Historic Environment Scotland (HES)

- 61 No objection to the proposal.

Royal Society of Protection of Birds (RSPB)

- 62 No objection to the proposal. Stanley is an important area for breeding swifts and they recommend swift boxes are installed in new builds.
- 63 There are several large mature trees that will have significant ecological value which may be affected by the development. They welcome the proposal within the submitted Tree Survey to replant with native species and the suggestion to join up gaps in the hedgerows. If large trees are to be removed, the developer may wish to consider providing nest boxes particularly for kestrels and owls and for tree sparrows in the hedges.
- 64 A full breeding bird survey is requested to be carried out prior to any work being carried out on the ground or any tree removal if being undertaken during the breeding season.

Forestry Commission Scotland (FCS)

- 66 No response received.

Network Rail

- 67 No objections in principle to the proposal but due to its close proximity to the operational railway, they request that certain matters are taken into account, and if necessary included as conditions or Informatives.

Perth and Kinross Heritage Trust (PKHT)

- 68 No objection to the proposal. An archaeological desk based assessment of the proposed development sites has been carried out which found nothing of archaeological interest within the study areas.

Stanley Community Council and Stanley Development Trust

- 69 Object to the proposal unless there is contribution made towards a new sports hub located centrally in the village that will benefit the entire community.

INTERNAL

Environmental Health

70 Air Quality

Following submission of an Air Quality Assessment no objection is offered.

71 Noise

The noise impact assessment (NIA) for this application considers sites H30, H32 and H34 in relation to noise from the Perth to Inverness railway line and the B9099/A9 roads. From each site the rail noise was considered acceptable and no mitigation is required.

72 Road noise was assessed for H30 and H34,. They request that noise be reassessed at the detailed planning stage with further information on mitigation and a calculation of residual levels internally and externally.

73 Water

No existing private water supplies will be affected by the proposed activities.

Land Quality (Contaminated Land)

74 An inspection of the proposed development site did not raise any real concerns, although there is railway land adjacent to the site, which is a potential source of contamination. A watching brief during development will be required.

Biodiversity Officer

75 The applicant's ecological survey provided sufficient baseline information to allow an assessment of the application and no objection is offered.

Strategic Planning and Policy

76 Supports the proposal as it is consistent with the LDP. In terms of the information provided, the applicant has provided a comprehensive Design and Access Statement which details the overall concept and vision of the sites. Analysis of movement, landscaping and local context has been clearly addressed as well as the site specific developer requirements that the LDP lists. The visualisation has furthermore identified gateways into the village and focused on enhancing pedestrian connections. From a policy context, this is all positive and meets with the LDP.

Developer Contributions

77 Affordable Housing

The application site is allocated in the LDP for 280+ dwelling houses, which would mean that the Affordable Housing Policy would apply. A condition to reflect the required 25% Affordable Housing contribution should be attached to any planning application granted.

78 Primary Education

With reference to the above planning application 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.

79 This proposal is within the catchment of Stanley Primary School where there is currently no constraint.

80 Transport Infrastructure

The application falls within the identified Transport Infrastructure Supplementary Guidance boundary and a condition to reflect this should be attached to any planning application granted.

Community Greenspace including Access

81 No objection to the proposal. Provided detailed feedback on open space, core paths, play area, sports pitch provision, community facilities and woodland.

Transport Planning

82 No objection to the proposal.

Structures and Flooding

83 No objection to the proposal.

Community Waste Advisor

84 No response received.

REPRESENTATIONS

85 The application has attracted 12 representations with 11 against the proposal. The following issues raised in the objections are addressed in the Appraisal section of this report;

- Excessive scale
- Limited infrastructure
- Increased traffic
- Road safety
- Flood risk
- Adverse noise impact
- Adverse impact on air quality
- Site topography
- Privacy
- Affordable housing

ADDITIONAL STATEMENTS

86	Environment Statement	Screened – Not Required
	Screening Opinion	Completed
	Environmental Impact Assessment	Not Required
	Appropriate Assessment	Not Required
	Design Statement/Design and Access Statement	Submitted
	Report on Impact or Potential Impact	Pre Application Consultation Report; Flood Record and Drainage Position; Engineering, Ground Conditions and Hydrogeology Report; Transport Assessment; Ecology Survey; Noise Assessment; Air Quality Assessment; Tree Survey and Arboricultural Report; Archaeological Assessment;

APPRAISAL

Policy

- 87 Sections 25 and 37(2) of the Town and Country Planning (Scotland) Act 1997 (as amended) requires that planning decisions be made in accordance with the Development Plan unless material considerations indicate otherwise. The determining issues here are whether the proposals in principle comply with current Development Plan policy, or if there are other material considerations, which justify departure from policy.
- 88 The Development Plan consists of TAYplan Strategic Development Plan 2016 and Perth and Kinross Local Development Plan 2014 (LDP) including Supplementary Guidance and the most relevant policies are listed above.

Principle

- 89 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. Stanley and the proposed sites are located within Tier 1 - Perth Core Area and it therefore complies with the objective of this policy.
- 90 The principle of housing and employment development for circa 500 dwellings and 1 hectare of employment land has been established through its allocation (H30-34) in the LDP. The proposed development is a medium density proposal suitable for edge of settlement locations in the context of national policy stating the desirability of using land efficiently. The proposed density is considered to be acceptable at this location and therefore the principle of the development can be supported.

LDP Site Specific Requirements

- 91
- Comprehensive masterplan required for village expansion
 - Development phased to ensure that there is adequate infrastructure to accommodate it.
 - The identification and provision of 1ha of employment land.
 - The identification and provision of suitable public open space/playing fields together with changing facilities to support the expanded requirements of the village.
 - Flood Risk Assessment required for site H31 which must consider risk of flooding from adjacent reservoir.
 - Cycle paths, core paths and pedestrian routes incorporated into masterplan.
 - The development of a comprehensive landscape masterplan for the village creating a robust landscape framework maximising the potential to enhance biodiversity and protection of habitats.
 - Contributions to enhanced community facilities.
 - Flood risk assessment required for site H30, as the developable area of the site may be constrained by flood risk from a field drain along the southern and western part of the site.

Comprehensive masterplan required for village expansion

- 92 A detailed masterplan process including indicative layout plan and phasing plan for the LDP allocated site has been undertaken by the applicant and has been submitted as part of this 'In Principle' application. This sets out the principal components, uses and estimated timescales of the proposed development.
- 93 The masterplan includes an Indicative Phasing Plan that identifies which phases of residential development will be brought forward and what timescale is anticipated for each. The Indicative Phasing Plan further defines the structural and buffer landscaping that takes account of existing and proposed

landscape components to ensure there will be not be a significant impact on existing residential and commercial properties within and near each site.

- 94 In terms of masterplan submitted the applicant has provided a comprehensive Design and Access Statement which details the overall concept and vision of the sites and how they integrate within Stanley. Analysis of movement, landscaping and local context has been clearly addressed as well as the site specific developer requirements of the LDP. The visualisations have furthermore identified gateways into the village and focused on enhancing pedestrian connections. The Councils Strategy and Policy team are supportive of the masterplan as it meets with the LDP requirements.

Development phased to ensure that there is adequate infrastructure to accommodate it

- 95 Based upon the submitted Indicative Phasing Plan there is provision provides an estimated of 36 homes being completed per annum and the development of all the phases is anticipated to be built out over a 14 year time period.
- 96 The Proposed Masterplan, Design and Access Statement and Indicative Phasing Plan analyses the sites assets and constraints and looks at delivering a clear relationship and connection with Stanley and the surrounding hinterland. It is considered that the Proposed Masterplan and Phasing Plan sets out an acceptable vision, timescale and platform to create a stronger identity for Stanley with improved community facilities and is deliverable without a significant impact on existing residents and businesses.
- 97 The indicative phasing strategy sets out how the areas of land are to be released and their provisional timescales. Because the application is 'In Principle' at this stage there are other triggers associated with the delivery of on and off-site infrastructure that need to be taken into account in greater detail. While some of these issues will likely be secured by legal agreement it will also be necessary to secure a detailed phasing or delivery plan by way of conditional control. Please see Condition 3(1).
- 98 Landscape and buffer planting is proposed to be established from the commencement of development of H31 and H33. For the other phases (H30, H32 and H34) advance buffer planting will commence one year prior to the start of the development.

The identification and provision of 1ha of employment land

- 99 The submitted masterplan shows the provision of 1ha of employment land located within LDP site H34 at the north western edge of the settlement. It will be accessible directly off the main road and also through H34. The proposed location for employment use is considered to be acceptable and will provide potential opportunities for people to live and work within Stanley. Please see Condition 4 on delivery timescale of the employment land.

The identification and provision of suitable public open space/playing fields together with changing facilities to support the expanded requirements of the village.

- 100 Community Greenspace have provided detailed analysis of the proposal regarding public open space (POS) including equipped play areas, sports provision, and appropriate woodland and excellent path connections for both recreation and active travel.
- 101 With an indicative 500 residential units the level of POS provision required for a development of this scale is significant as it will result in a 50% growth in the village housing stock. The masterplan shows good use of open space including paths to provide pleasing living spaces with the emphasis on people rather than cars. As the landscape plans develop general principles should apply to public open space which the Council will expect to adopt. The final design of public open spaces will need to be multifunctional and maintenance efficient and small areas of POS should be avoided. Planting should relate to function so sufficient space must be given for trees to avoid creating shade and other issues for residents in the longer term, and shrubs should not require onerous pruning.
- 102 In terms of play area provision they should be located where they are naturally overlooked and accessible to the maximum number of residents possible. Within Stanley there is an existing NEAP (to cater for 4-14 years) located in the POS near the primary school, and a LEAP to cater for 4-8 years at Shielhill Place. These are likely to be required to be upgraded to meet the needs of the expanding population. The masterplan shows additional play areas within sites H30 and H34 and these should be LEAPs but must be located to be safely accessible and set within sufficient POS to allow for possible future expansion. The location of the play area within H34 is not ideal being next to the railway and to the edge of the development and should be repositioned to a more central location.
- 103 With regard to sports pitch provision Community Greenspaces requirement is 1.20 ha per 1,000 people. Based on 500 dwellings, 2 full sized football pitches or the equivalent are required. The current football pitch adjacent to the primary school is unplayable and requires improvement. A financial contribution towards its improvement or on-site works to bring the pitch up to standard will be required. In addition the community through Stanley Development Trust intend to develop a community sports hub with a multi-use games area (MUGA) and community hall (changing facilities) and is currently planned for the POS adjacent to the primary school and bowling green. This new hub would meet the sports provision requirements and associated infrastructure required on the back of this development. A proportionate contribution towards the delivery of this facility at an early stage will mitigate the impact of the development. Contributions should be paid to the Council in advance and phased in line with the development. This can be controlled and delivered through the required Section 75 legal agreement. It is also essential that a good path access to this community hub is provided. This can be controlled at the detailed design stage.

Flood Risk Assessment required for site H31 which must consider risk of flooding from adjacent reservoir

- 104 LDP Policy EP2 confirms there will be a general presumption against proposals for built development in areas where there is a significant probability of flooding from any source, or where the proposal would increase the probability of flooding elsewhere. In addition, built development should avoid areas at significant risk from landslip, erosion and storm surges. Both a Flood Record and Drainage Statement have been submitted in support of the application. They have been assessed by SEPA and the Councils Flood Risk and Structures team.
- 105 Review of the SEPA flood maps shows that areas of H30 are at risk of surface water flooding. The updated SEPA /Planning Authority Protocol on Planning and Flooding specifies that water quantity aspects of surface water drainage are a matter for the flood prevention authority and Scottish Water to consider. SUDs and surface water drainage arrangements need to be appropriate and in accordance with guidance set by the Council's Flood Risk and Structures team and Scottish Water. Neither consultee have expressed concern regarding surface water flood risk at site H30.
- 106 A small watercourse flows along the south western boundary of H30 and may be culverted along the western boundary. SEPA are unsure of the source or catchment area of this watercourse. Due to the small catchment area, the estimated risk of flooding has not been incorporated within the SEPA flood map.
- 107 In site H31 there is a small watercourse and reservoir. SEPA are unsure of the source or catchment area of this watercourse and reservoir. Due to the small catchment area, the estimated risk of flooding has not been incorporated within the SEPA flood map.
- 108 Due to the fact that the majority of the sites are not likely to be affected by flood risk and this application is for development in principle, neither SEPA nor Flood Risk and Structures object at this stage. Additional information will be required to inform the detailed design stage for sites H30 and H31. This requirement is requested by Condition 13.
- 109 With regards H30 and H31 this could simply be a basic flood risk assessment to show that the development is not at risk of flooding from the small watercourse based upon a site visit, particularly as the masterplan shows that dwellings will be located some distance away from the watercourse.

Cycle paths, core paths and pedestrian routes incorporated into masterplan.

- 110 Community Greenspace have reviewed the proposal and advise that safe off-road paths are essential to connect to key community facilities especially existing and planned play areas and sports facilities and to visitor attractions such as Stanley Mills and the riverside. This should include safe crossings over the railway line and is covered by Informative 15.

- 111 The masterplan development areas show good use of open space including paths to provide pleasing living spaces with the emphasis on people rather than cars.
- 112 The masterplan and proposed path network plan show most of the existing core paths but does not show the crucial core path link between Stanley and Luncarty (STAN/117). Within the Design and Access Statement at paragraph 1.2, it recognises that the development of the off road cycle path to Luncarty is a key community consideration and at paragraph 2.8 it recognises the importance of the core path network and states the intention to connect and enhance these as walking routes. At paragraph 4.9 it states
- ‘A network of permeable pedestrian / cycle routes into the sites from the core paths will provide developments with strong connections to its surrounding environment and back to the village centre.’*
- 113 These connections are clearly shown within the proposed path network layout. It is essential that the masterplan clearly demonstrates a commitment to providing and contributing to the improvement of the Stanley to Luncarty cycle path/core path (STAN/117). Off-site developer contributions and enabling works with neighbouring landowners will be required to develop this path. This will be controlled by a Section 75 Legal Agreement.
- 114 A proportionate off site contribution in addition to the incorporation of the cycle path within the development is required and should be an early priority. Contributions should be paid to the Council in advance and phased in line with the development. The Stanley Development Trust is taking a lead role in the design and routing of this cycle path and the Council will be working in partnership with them to deliver it.
- 115 The connecting planned paths should be to multi use standard to be available for all. Path specifications are not provided at this stage but all paths should be a minimum of 3m wide and surfaced within naturalised green corridors. Opportunities should be taken to provide wildlife corridors incorporating paths along the woodland and within the SUDS schemes to provide for public amenity and biodiversity. Where paths are close to houses care should be taken to ensure privacy for the houses without high hedges or fencing creating a channelling effect for path users. This can be enforced by Condition 6.

The development of a comprehensive landscape masterplan for the village creating a robust landscape framework maximising the potential to enhance biodiversity and protection of habitats

- 116 The submitted Masterplan, Design and Access Statement and Green Network Plan detail at this stage the proposed landscaping for each site in terms of open space, paths, planting, buffer planting, woodland retention and creation. The application is also supported by a Tree Survey and Ecological Assessment. These help recognise the biodiversity value of each site and help provide the appropriate level of required protection of habitats.

- 117 The Ecological Assessment of the sites provide baseline information on each of the development sites. There are 22 records of bat species within 1km of the sites and existing trees and woodland on or around each site will need to be surveyed for bat roost potential and submitted as part of further detailed applications for each site. Please see Condition 21.
- 118 The Ecological Assessment also identifies opportunities to enhance the sites including planting, SUDS, lighting and incorporation of features in the buildings. It is recommended that these are included in conditions of any approval. Please see Condition 22.
- 119 The Tree Survey is an accurate reflection of the existing tree cover and shows that it is generally in good condition with only 1 tree recommended for removal. The survey recommends that residential buildings should be set well back from the existing tree cover with a separation of at least 15m between edge trees and residential buildings and 10m between trees/woodlands and garden boundaries. This should also apply to existing gardens and dwellings neighbouring the site. Please see Condition 11.
- 120 The existing woodland belts should be retained as it makes a positive contribution to the local habitat network and biodiversity. They will also help screen the development to a certain extent. The proposed areas of new woodland are considered appropriate. Please see Condition 11.
- 121 Additional woodland cover should also be planted adjacent to the railway line in sites H32 and H34. This will provide valuable screening and make a further contribution to landscape quality and biodiversity. Please see Condition 11.
- 122 Any gaps in existing hedges should be planted and additional hedgerow trees should be included in detailed landscape plans for each detailed phase to ensure appropriate species are planted to maximise the contribution made to landscape quality and biodiversity and minimise any conflict between trees, new development and existing dwellings and infrastructure. A woodland management plan should also be submitted. Please see condition 11.
- 123 RSPB commented that Stanley is an important area for breeding swifts, an amber listed species of conservation concern whose breeding numbers have dropped by 47% between 1995-2014 across the UK. They are also a Tay LBAP priority species.
- 124 A lack of nest sites has been identified as one of the threats facing nesting swifts, Stanley has a population of over 30 pairs most of which nest in older buildings in the village. The location of the new development areas is considered will provide an opportunity to expand the nesting colony and can be installed in some of the new builds. Please see Condition 24.
- 125 RSPB also note, from the applicants tree survey, that there are several large mature trees that will have significant ecological value which may be affected by the development. There is also a large rookery in the south-west of the village that may be affected by removal of trees. RSPB welcome the proposal within the tree survey to replant with native species and the suggestion to join

up gaps in the hedgerows. However, if large trees are to be removed, the developer may wish to consider providing nest boxes particularly for kestrels and owls and for tree sparrows in the hedges.

- 126 RSPB request a full breeding bird survey should be carried out prior to any work being carried out on the ground or any tree removal if being undertaken during the breeding season. As this an 'In Principle' application this can be covered by way of a planning Condition 20.

Contributions to enhanced community facilities

- 127 As already metioned at paragraph 103 the current football pitch adjacent to the primary school is unplayable and requires improvement. A financial contribution towards its improvement will be required. Through Stanley Development Trust, they intend to develop a community sports hub with a multi-use games area (MUGA) and community hall (changing facilities) and this is planned for the public open space adjacent to the primary school and bowls green. This new hub would meet the sports provision requirements and associated infrastructure required on the back of this development. A proportionate contribution towards the delivery of this facility at an early stage will mitigate the impact of the development. Contributions for this can be controlled and delivered through the required Section 75 legal agreement. A draft Heads of Terms has been agreed and includes a proportionate contribution towards the new sports hub.

Flood Risk Assessment required for site H30, as the developable area of the site may be constrained by flood risk from a field drain along the southern and western part of the site.

- 128 Please see section above relating to Flood Risk Assessment of H31.

Traffic and Transport

- 129 A Transport Assessment (TA) has been submitted in support of the proposal and has been fully assessed by Transport Planning and Transport Scotland.
- 130 Transport Scotland has no objection to the proposal and Transport Planning are satisfied that the TA is a robust assessment of the implications of the development on the local transport network. As the application is 'in principle' the submitted TA assesses the overall site in general terms and further detail will need to be included as part of future detailed applications.
- 131 In terms of the overall site, the impact of the development on the local road network has been tested using industry standard trip rates and assumptions and found to pose no particular issues. The impact of the development on the wider network (including the Trunk Road Network) has been tested previously as part of the LDP process using the Council's S-Paramics traffic model.
- 132 Transport Scotland has no adverse comment on any implications for the trunk road network.

- 133 The TA work also includes indicative access solutions for all the sites within the masterplan and the assessment of these all demonstrates that they can operate satisfactorily and comply with current standards. The TA also suggests some off-site works to mitigate and improve aspects such as public transport infrastructure and traffic calming schemes and while these are welcome, the detail and final form of such works will further assessed as part of future detailed applications and associated Road Construction Consent (RCC) processes.
- 134 The Councils Public Transport Unit (PTU) are content that the existing Stanley bus services have the capacity to accommodate the anticipated additional passengers generated by the proposed development and are content with the indicative public transport improvements.

Network Rail Infrastructure

- 135 Whilst Network Rail has no objection to the proposal, nevertheless due to its close proximity to the operational railway line, they request certain matters are taken into account, and if necessary included as conditions or informatives.
- 136 The proposed development includes a possible footpath link incorporating the Overbridge 133/135 between Site H33 to Site H34. This bridge was built as a private accommodation crossing and is owned and maintained by Network Rail. According to Network Rails records there are no public rights of access over this bridge and additional servitude rights of access/bridge agreements will have to be secured from Network Rail for the creation of any proposed links. The applicant will be made aware of this through Informative 15.

Archaeology

- 137 An archaeological desk based assessment of the proposed development sites found nothing of archaeological interest within the study areas. The area has a long history of aerial photography survey and analysis of the drift geology reveals glacial till, which is conducive to revealing archaeological remains in tilled soils. However the proposed development does not raise any archaeology issues and no mitigation is required.

Developer Contributions

- 138 A draft Heads of Terms has been agreed with the applicants and a Section 75 Legal Agreement is in the process of been prepared and will cover the following matters;
- Affordable Housing provision
 - Primary Education contribution
 - Transport Infrastructure contribution
 - Core Path contribution including Stanley to Luncarty Path
 - Contribution to Sports Pitch Provision/Improvement
 - Contribution to Stanley Sports Hub development
 - Open Space Provision and Maintenance

- Play Area Provision

Air Quality

- 139 Perth and Kinross Council have a statutory duty under the Environment Act 1995 to review and assess air quality within its area. This is done by the Environmental Health Team. Whilst this application is not within the boundary of the Perth Air Quality Management Area (AQMA) and Air Quality Assessment (AQA) was requested as this application is for up to 500 houses spread over 5 sites and there is also a large scale housing application 2 miles away in Luncarty.
- 140 Environmental Protection Scotland along with the Royal Town Planning Institute (RTPI) have produced a document called Delivering Cleaner Air for Scotland which advises on air quality within planning applications. This document states that an AQA is required where there is a change of daily average traffic flows of 500 out with and Air Quality Management Area. Some of the roads local to this development are predicted to see this increase, therefore an AQA was required in this instance.
- 141 The AQA considers nitrogen dioxide (NO₂) and particulates (PM₁₀ and PM_{2.5}) at several receptors locally. This is done using an air quality model which was verified using monitoring data obtained within Perth. Dust and PM₁₀ impacts are also assessed for the construction phase of this development.
- 142 The maximum increase in NO₂ is a 7% increase at Duchess Street and Environmental Health have no issues with this. Similarly the most significant increase for PM_{2.5} is a 2% increase on Perth Road. Both these increases are given a slight significance of impact in terms of the above guidance and are well below the objective for each pollutant. All impacts for PM₁₀ were given negligible significance.
- 143 As part of this AQA, a dust and PM₁₀ assessment was also undertaken for the construction phase, this concluded that a Dust Management Plan should be developed and implemented; this may include monitoring for dust and or PM₁₀. This can be controlled by way of Condition 25.

Noise

- 144 The submitted Noise Impact Assessment (NIA) considers sites H30, H32 and H34 relating to noise from the railway line and the B9099/A9 roads. The noise was assessed in line with PAN 1/2011 and BS8233 looking for a target of 50dBA externally, however Environmental Health would normally accept 55dBA for the daytime period. From each site the rail noise was considered acceptable at 42dBA for day and 41dBA for night time, therefore no mitigation need to be considered.
- 145 Road noise however was measured and subsequently predicted to be much higher for sites H30 and H34, for the worst affected properties. For these sites this was predicted to be 69.3dB and 60.6dB for day and night respectively.

These levels are very high and considerably above the 55dBA recommended for garden ground. Internally, through an open window it would give levels of 54.3dBA and 45.6dBA for day and night respectively, which again is too high.

- 146 By way of mitigation, a barrier is suggested and Environmental Health agree this can be effective particularly for garden areas and ground floor rooms but less so for first floor properties which are usually bedrooms and can lead to sleep disturbance.
- 147 A double glazing specification has been suggested to bring internal noise levels down to an acceptable level with alternative ventilation but Environmental Health's preference is for internal levels to be achieved with windows open. Methods such as positioning of houses and rooms should be explored before closed windows are considered. Much of the details of this will not be known until the Approval of Matters stage therefore Environmental Health request that noise be reassessed at this stage with further information on mitigation and a calculation of residual levels internally and externally. Please see Condition 26.

Socio-Economic Impact

- 148 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.
- 149 The development of circa 500 dwellings and 1 hectare of employment land will provide a substantial increase in available expenditure for the economy of Stanley in particular and further afield. The Perth and Kinross Retail Study in 2014 estimates that average convenience goods available expenditure in 2019 per household will be £2,047 per annum and the average comparison goods available expenditure per household will be £3,634 per annum. Based on these figures and 500 dwellings the estimated annual expenditure on convenience and compassion goods will be in the region of £1.82 million. This expenditure should have a positive impact on Stanley in particular. The proposal accords with the aspirations of the Perth City Plan 2015 - 2035 by providing additional expenditure and skilled workforce to the local economy that will help sustain the city.
- 150 The proposed development will also have a positive effect in assisting Perth and Kinross Council to achieve affordable housing land requirements.

LEGAL AGREEMENTS

- 151 A legal agreement is required to secure infrastructure for Stanley Village expansion. A Draft Heads of Terms have been agreed (please see paragraph 138) with the applicant and the S75 is currently being prepared to reduce any time post committee before a decision notice can be issued.

DIRECTION BY SCOTTISH MINISTERS

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

CONCLUSION AND REASONS FOR RECOMMENDATION

- 153 Section 25 of the Act requires that determination of the proposal should be made in accordance with the provisions of the Development Plan, unless material considerations indicate otherwise.
- 154 The expansion of Stanley 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 Stanley and the wider area.
- 155 The proposed development sites are considered to 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.
- 156 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 as respects 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 14 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 2008 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 site layout plan and housing numbers as submitted are purely indicative and are not approved.

Reason: The application is for planning permission in principle only at this stage.

- 3 No works in connection with the development of each site 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 by condition') have been submitted to and approved in writing by the Planning Authority. The specified matters include:

- (i) a revised detailed phasing plan for each site;
- (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;
- (vi) measures to maximise environmental sustainability through design, orientation and planting or any other means;
- (vi) details of all landscaping, structure planting and screening associated with the development of each site;
- (vii) the lighting of all streets and footpaths;
- (viii) the layout of play areas and the equipment to be installed;
- (ix) full details of the proposed means of disposal of foul and surface water from the development.
- (x) details of car charging points to be provided within the development.

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.

- 4 Prior to the start of any work on site, an agreed construction programme shall be submitted to and approved in writing by the Planning Authority. The construction programme shall accord with the phase outlined below.

- (i) the employment land development must be fully serviced before the occupation of the first residential dwelling of H34;

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.

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

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

- 6 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.

- 7 The development hereby approved shall not exceed 431 residential units and 3,000 sqm Ground Floor Area (GFA) of Class 4 (Office) use, in addition to the 69 residential units already consented on the application sites.

Reason: To ensure that the scale of development does not exceed that assessed by the supporting Transport Assessment, and to ensure that the scale and operation of the proposed development does not adversely affect the safe and efficient operation of the trunk road network.

- 8 Prior to the occupation and use of the approved development 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. Technical Approval will be required for 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.

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.

- 9 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.

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

Reason: In the interests of sustainable travel.

- 11 Schemes of hard and soft landscaping works shall be submitted to the Local Planning Authority as part of the Matters Specified by Condition application for that phase of development.

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.

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

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

- 12 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.

- 13 As part of any Application for Matters Subject to Conditions application for sites H30 and H31 a detail Flood Risk Assessment must be submitted for the approval of the Planning Authority in consultation with SEPA.

Reason: To prevent flood risk.

- 14 As part of any Application for Matters Subject to Conditions application for site H31 a feasibility study with regards de-culverting the watercourse to restore it to its natural state must be submitted for the approval of the Planning Authority in consultation with SEPA.

Reason: To prevent flood risk.

- 15 Prior to the submission for approval of further detailed applications a Feasibility Study shall be submitted in writing for the approval of the Planning Authority to assess the technical feasibility and financial viability of heat network/district heating for this site, identifying any available sources of heat (either within the site or offsite) and other factors such as where land will be safeguarded for future district heating infrastructure.

The accompanying Design and Access Statement or other document as agreed by the Council should show/demonstrate how the findings of the feasibility study has been incorporated into the finalised design and layout of the proposal.

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

- 16 All surface or foul water arising from the development must be collected and diverted away from Network Rail Property. Any Sustainable Urban Drainage Scheme should not be sited within 10 metres of railway infrastructure and should be designed with long term maintenance plans which meet the needs of the development.

Reason: To prevent flood risk of Network Rail infrastructure.

- 17 If not already in place, and prior to the commencement of development the applicant must provide a suitable trespass proof fence (rivetless palisade or expanded mesh) 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. Network Rail's existing boundary measure must not be removed without prior permission.

Reason: To prevent access to Network Rail infrastructure.

- 18 Where trees/shrubs are to be planted adjacent to the railway boundary they should be positioned at a distance agreed by Network Rail. For the avoidance of doubt from the distance should be greater than their predicted mature tree height. Clarification from Network Rail should also be sought on the proposed tree species as certain broad leaf deciduous species are not permitted adjacent to the railway boundary.

Reason: To prevent impact on Network Rail infrastructure.

- 19 Prior to the commencement of development 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 and approved by Network Rail's Asset

Protection Engineer. For the avoidance of doubt, 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.

Reason: To prevent impact on Network Rail infrastructure.

- 20 As part of any detailed application for each site a detailed protected species surveys including breeding birds covering the site shall be submitted as part of the specified matters requiring to be the subject of a further formal planning application for the approval of the Council as Planning Authority. The report shall include appropriate mitigations to protect any 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).

- 21 Should the development hereby approved does not commence (or, having commenced, is suspended for more than 12 months) within 12 months from the date of the planning consent, the ecological surveys shall be reviewed and, where necessary, amended and updated. Further ecological surveys shall establish if there have been any changes in the presence of any protected species and identify any likely new ecological impacts that might arise from any changes. Where the survey results indicate that changes have occurred that will result in ecological impacts not previously addressed in the approved scheme, the original approved ecological measures will be revised and new or amended measures, and a timetable for their implementation, will be submitted to and approved in writing by the local planning authority prior to the commencement of development. Works will then be carried out in accordance with the approved revised ecological measures and timetable.

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).

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

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

- 23 No works which include the creation of trenches or culverts or the presence of pipes shall commence until measures to protect animals from being trapped in open excavations and/or pipe and culverts are submitted to and approved in writing by the Council as Planning Authority and implemented thereafter. The measures should 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.

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

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

- 25 Prior to commencement of development a Dust Management Plan shall be prepared and submitted to the Planning Authority for approval in consultation with Environmental Health. This shall include details of any required monitoring for dust and particulates (PM₁₀) and shall be maintained throughout the construction process.

Reason: In the interests of residential amenity and protection of air quality.

- 26 Noise shall be reassessed at the detailed planning application stage for each site to ensure that a suitable level of residential amenity can be achieved at all residential receptors.

Reason: In the interests of residential amenity and to prevent disturbance from noise.

- 27 The development shall be in accordance with the requirements of Perth & Kinross Council's Developer Contributions and Affordable Housing Supplementary Guidance 2016 in line with Policy RD4: Affordable Housing of the Perth & Kinross Local Development Plan 2014.

Reason: To ensure the development is in accordance with the terms of the Perth and Kinross Council Local Development Plan 2014 and to comply with the Council's policy on Developer Contributions and Affordable Housing Supplementary Guidance 2016.

- 28 The development shall be in accordance with the requirements of Perth & Kinross Council's Developer Contributions and Affordable Housing Supplementary Guidance 2016 in line with Policy PM3: Infrastructure Contributions of the Perth & Kinross Local Development Plan 2014 with particular regard to primary education infrastructure.

Reason: To ensure the development is in accordance with the terms of the Perth and Kinross Council Local Development Plan 2014 and to comply with the Council's policy on Developer Contributions and Affordable Housing Supplementary Guidance 2016.

- 29 The development shall be in accordance with the requirements of Perth & Kinross Council's Developer Contributions and Affordable Housing Supplementary Guidance 2016 in line with Policy PM3: Infrastructure

Contributions of the Perth & Kinross Local Development Plan 2014 with particular regard to transport infrastructure.

Reason: To ensure the development is in accordance with the terms of the Perth and Kinross Council Local Development Plan 2014 and to comply with the Council's policy on Developer Contributions and Affordable Housing Supplementary Guidance 2016.

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

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

B Justification

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

C Procedural Notes

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 17/00088/IPM

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 will be ultimately recommended for refusal under delegated powers.

D INFORMATIVES

- 1 This development will require the 'Display of notice while development is carried out', under Section 27C (1) of the Town and Country Planning Act 1997, as amended, and Regulation 41 of the Development Management Procedure (Scotland) Regulations 2013. The form of the notice is set out in Schedule 7 of the Regulations and a draft notice is included for your guidance. According to Regulation 41 the notice must be:
 - Displayed in a prominent place at or in the vicinity of the site of the development
 - Readily visible to the public
 - Printed on durable material.
- 2 Applicants are advised that should their application for 'matters specified by condition' be refused and/or their appeal against such refusal dismissed outwith the three year time limit they are entitled to submit a revised application for

'matters specified by condition' within six months after the date of refusal of the earlier application or of the dismissal of an appeal against such refusal

- 3 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.
- 4 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.
- 5 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.
- 6 The applicants are advised that they must apply to the Roads Authority for construction consent to form a new street. Please contact The Construction and Maintenance Manager, The Environment Service, Perth and Kinross Council, Pullar House, Perth.
- 7 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.
- 8 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
- 9 The Council's Community Waste Adviser in the Environment Service should be contacted to clarify the bin storage and recycling requirements for the development.
- 10 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.
- 11 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.

- 12 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.
- 13 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.
- 14 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.
- 15 Public rights of access and servitude must be acquired from Network Rail for the proposed footpath link incorporating the Overbridge 133/135 between Site H33 to Site H34.

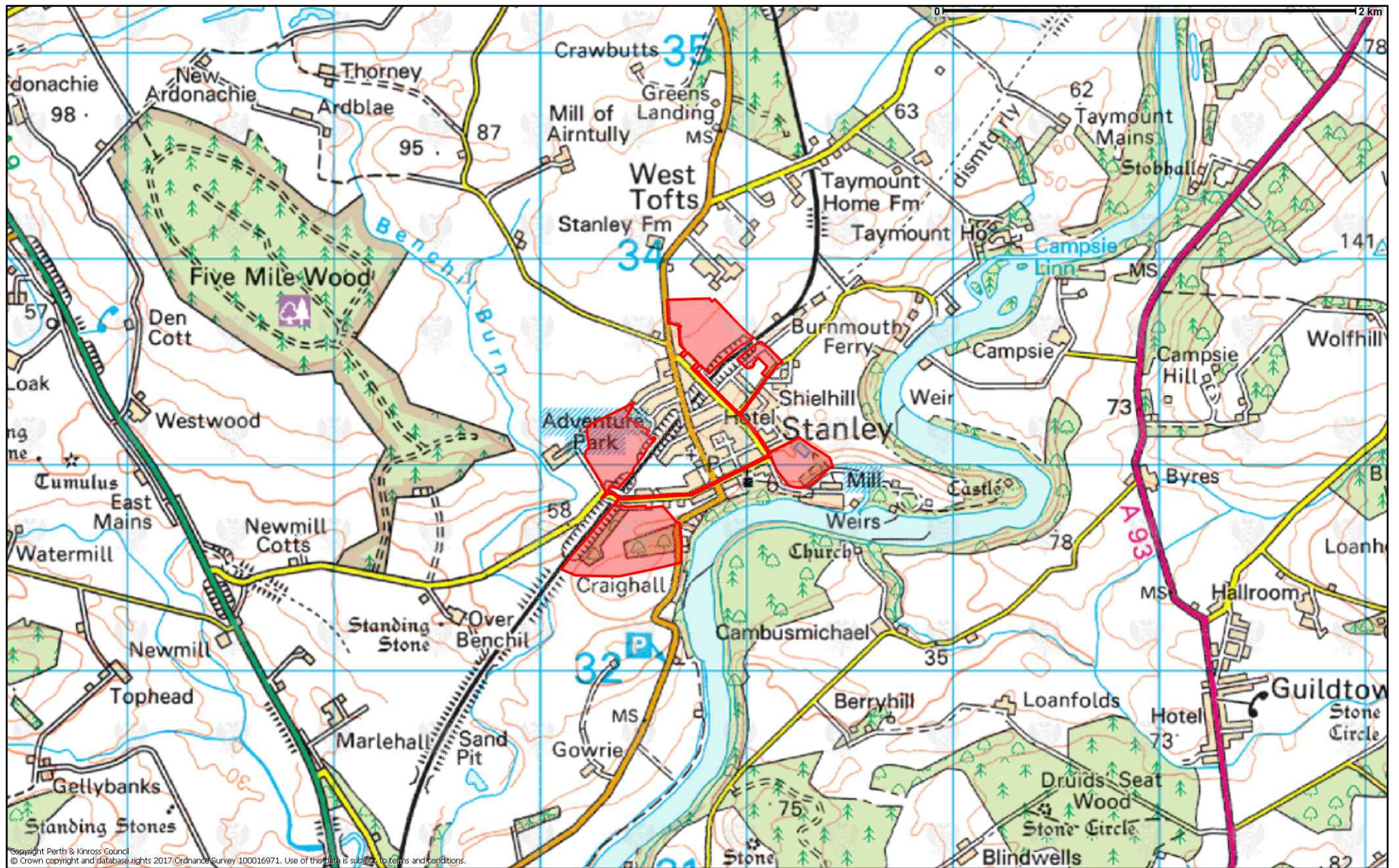
Background Papers: 12 letters of representation
Contact Officer: Steve Callan – Ext 75337
Date: 2 November 2017

Nick Brian
Interim Head of Planning

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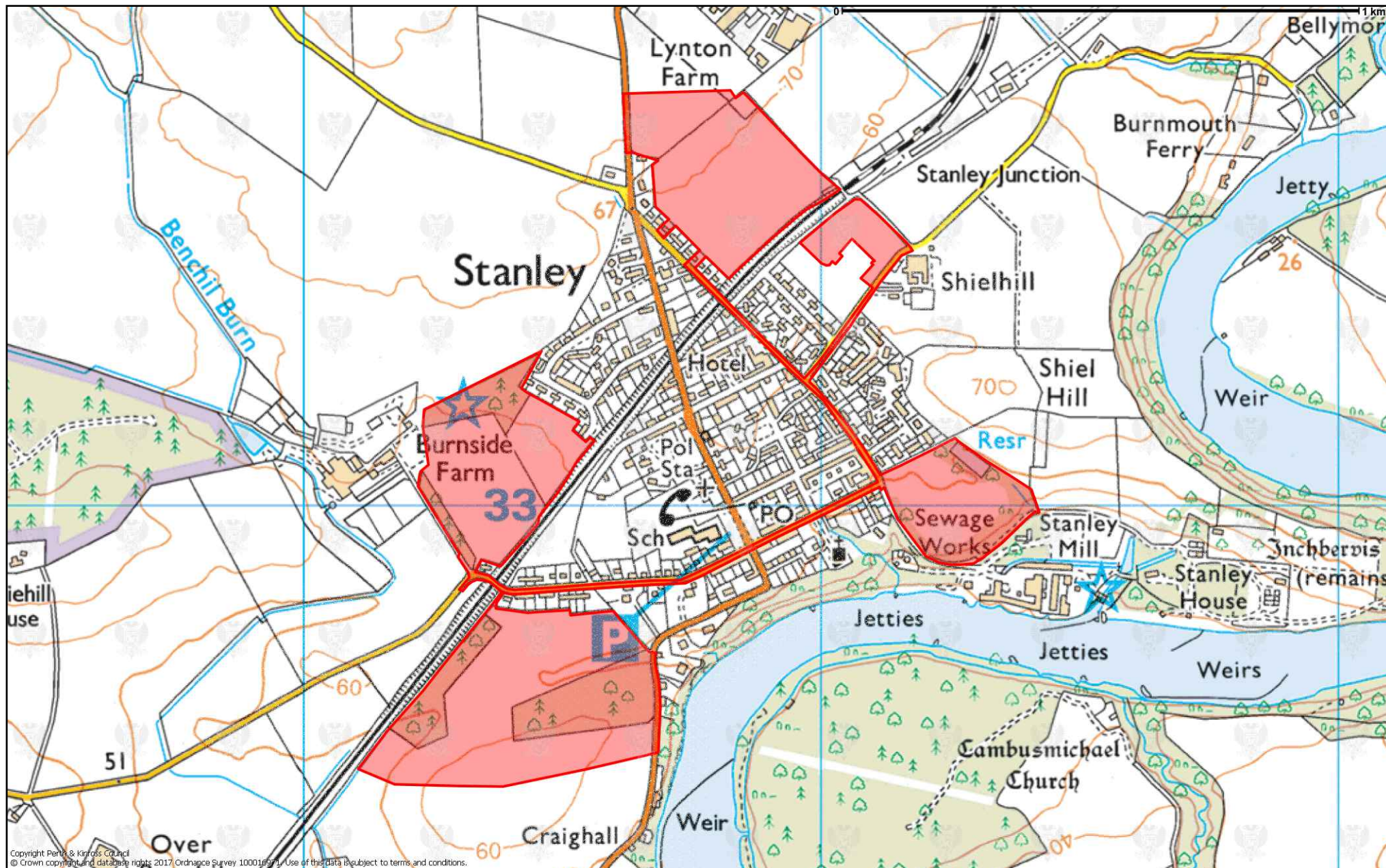
Scale 1:25000



17/00088/IPM

Mixed use development (in principle)





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17/00088/IPM

Mixed use development (in principle)



Perth and Kinross Council
Planning & Development Management Committee – 15 November 2017
Report of Handling by Interim Head of Planning

Application for Approval of Matters Specified in Conditions of 12/01692/IPM for erection of 70 dwellinghouses and associated works on land to the west of Cherrybank Gardens, Perth.

Ref. No: 17/00204/AMM
Ward No: 10 Perth City South

Summary

This report recommends approval of the Associated Matters Specified by Condition application to formally develop the final residential phase of the mixed use (residential and employment) approval granted under application 12/01692/IPM at land to the west of Cherrybank Gardens

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

BACKGROUND AND PROPOSAL

- 1 The planning application site is located to the western edge of Perth in between Cherrybank Gardens and the services at Broxden Roundabout. The site extends to some 3.7 Hectares (ha) and was previously agricultural use. It now forms part of a wider site area covered by 'In Principle' approval 12/01692/IPM for residential and employment use. Phases 1-3 for 164 units was approved (15/00809/AMM) in December 2015 and construction of these phases is currently ongoing with 29 completed and 17 occupied at the time of writing. The application site also forms part of a site allocated (MU1) in the Perth and Kinross Local Development Plan 2014 for residential and employment use.
- 2 The topography of the site slopes from the M90 down to the Glasgow Road. A number of watercourses run through the site on a north/south axis, existing detention ponds (that are part of the Perth Flood Defence scheme) are within the northern part of the site. The site is very visible from Glasgow Road and is a key gateway site into Perth.
- 3 The M90 motorway is located to the south of the site with Cherrybank Gardens to the east and the A93 Glasgow Road to the north of the site. West of the application site is the area of employment land approved by the 12/01692/IPM consent. Beyond this is the Broxden Park and Ride site as well as other roadside services that have been developed to the south of the existing Glasgow Road/ Lamberkine Drive roundabout. A mix of residential and

business uses are located to the north west of the site's Glasgow Road boundary.

- 4 As with the 15/00809/AMM application, this proposal seeks to formally discharge conditions 2 (iv; v, vi, vii, iix, ix and x), 4, 5, 7, 13, 14, 15, 16, 17, 19, 21 associated with the residential element of 12/01692/IPM and establish the development of 70 dwellings, open space and associated infrastructure on the final residential phase approved in the masterplan.
- 5 Layout and House Design (Conditions 2, 4, 19): Residential development is proposed for this phase of development at the north western corner side which is adjacent to the ongoing development and fronts Glasgow Road. The detailed layout and house types provided for the final phase of 70 dwellings largely follows the approved masterplan for the site and the similar house types are proposed.
- 6 A mix of house types is proposed, incorporating mainly detached with some semi-detached and terraced units, all of 2 storey height. The proposed mix is as follows:
 - 3 bed terrace: 4 dwellings
 - 3 bed semi-detached: 10 dwellings
 - 3 bed detached: 9 dwellings
 - 4 bed detached: 42 dwellings
 - 5 bed detached: 5 dwellings
- 7 A standard palette of materials has been proposed for the dwellings consisting of brick basecourse, dry dash render and concrete roof tiles. It will be the same as the previous phases with only exception being the introduction of solar panels on each roof to help meet current Building Standards regulations.
- 8 Vehicular access (Conditions 2 and 4 of permission 12/01692/IPM): Formation of a new access off Glasgow Road and another one in the south east corner off Necessity Brae has been achieved through the 15/00809/AMM permission. The plans show this phase connecting with the main access road through the site and providing access to the approved employment area to the west which will also provide access onto Glasgow Road.
- 9 Pedestrian/cycle access (Conditions 2, 4 and 9): The plans show this phase will connect up with the approved network of pedestrian and cycle routes integrated into the overall site and link up with the existing network in the area as well as neighbouring sites and land uses such as the employment area, Necessity Brae and Cherrybank Gardens.
- 10 Transport Infrastructure (Conditions 2, 3, 4, 11): The proposed road network largely follows the approved masterplan and a road hierarchy is evident in the submitted plans.
- 11 Flood Risk Assessment (FRA) (Condition 20): The applicant has re-submitted the FRA that was submitted with the IPM application.

- 12 Air Quality Assessment (Condition 21): The applicant has re-submitted the Air Quality Assessment that was submitted with the IPM application.
- 13 Other associated infrastructure (Conditions 5, 6, 7, 16 and 17): Drainage infrastructure plans in the form of a sustainable urban drainage system (SUDS) is proposed to connect up with the approved SUDs ponds at the northern edge of the site.
- 14 This report refers to the corresponding conditions of the 'In Principle Consent' and how they are proposed to be addressed through the current application.

Environmental Impact Assessment (EIA)

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

PRE-APPLICATION CONSULTATION

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

NATIONAL POLICY and GUIDANCE

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

National Planning Framework

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

The Scottish Planning Policy 2014

- 19 The SPP is a statement of Scottish Government policy on land use planning. The following sections of the SPP will be of particular importance in the assessment of this proposal:-
 - Sustainability : paragraphs 24 - 35
 - Placemaking : paragraphs 36 – 57

- Valuing the Natural Environment : paragraphs 193 – 218
- Maximising the Benefits of Green Infrastructure: paragraphs 219 – 233
- Managing Flood Risk and Drainage: paragraphs 254 – 268
- Promoting Sustainable Transport and Active Travel : paragraphs 269 - 291

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

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

Designing Places 2001

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

Designing Streets 2010

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

National Roads Development Guide 2014

23 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

24 The Development Plan for the area consists of the TAYplan Strategic Development Plan 2016 and the Perth and Kinross Local Development Plan 2014.

TAYplan Strategic Development Plan 2016-2036

- 25 The vision states *“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.”*

Policy 1: Locational Priorities

- 26 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

- 27 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

- 28 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

- 29 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

- 30 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

- 31 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

- 32 The Local Development Plan (LDP) was adopted by Perth and Kinross Council on 3 February 2014. It is the most recent statement of Council policy and is augmented by Supplementary Guidance.
- 33 The application site is located within the settlement boundary of Perth City, sandwiched between Glasgow Road and Necessity Brae, north of the M90 bypass. The principal relevant policies are in summary:

PM1A: Placemaking

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

Policy PM1B - Placemaking

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

Policy PM3 - Infrastructure Contributions

- 36 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 HE2 - Listed Buildings

- 37 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 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 EP5 - Nuisance from Artificial Light and Light

- 42 Consent 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 ED1B - Employment and Mixed Use Areas

- 44 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.

TA1B - Transport

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

OTHER POLICIES

- 46 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

Planning Site History

- 47 The following history is of relevance;
- **00/00362/OUT** National Garden for Scotland offices, business units, hotel, restaurant, trunk road service area and associated roads parking and landscaping (in outline). Application approved by Development Management Committee July 2001.
 - **04/01500/OUT** Renewal of planning consent 00/00362/OUT for development of a National Garden for Scotland (including entrance, plant sales, retail, restaurant and exhibition facilities); Scottish Tartan Centre; offices and Class 4 Business units; Hotel and restaurant development and associated facilities; Trunk Road Service Area (including: Travelodge, family restaurant/pub, petrol filling station and associated infrastructure); Roads and Transport Infrastructure; parking; landscaping and associated features and ancillary development (in outline). Application approved by Development Management Committee November 2004.
 - **11/00010/PAN** Mixed use development comprising of residential and employment uses, landscaping and associated infrastructure. Content of PAN approved October 2011.
 - **12/01692/IPM** Mixed use development comprising of residential and employment uses (Class 4), new vehicular access, pedestrian access, open space, landscaping and associated infrastructure (In Principle). Application approved by Development Management Committee August 2013.
 - **15/01116/MPO** Modification of Section 75 Agreement associated with permission 00/00362/OUT. Approved under delegated powers August 2015.

- **15/00809/AMM** Erection of 164 dwellings, open space, play area and associated infrastructure. Approved by Development Management Committee December 2015.

CONSULTATIONS

EXTERNAL

48 Transport Scotland

No objection to the proposal as a financial contribution towards trunk road network improvements at the A9/A90 Broxden Roundabout has been paid via the 15/00809/AMM permission.

49 Scottish Environment Protection Agency

No objection to the proposal.

50 Scottish Water

No response received.

INTERNAL

51 Environmental Health

No objection to the proposal regarding air quality or noise.

52 Waste Services

Advice is provided on the roads requirements for the type and size of refuse vehicles that will be used on the site.

53 Developer Contributions Officer including Affordable Housing;

Affordable Housing

The affordable housing requirement for this proposal is 25% and the required on-site provision was provided through Phases 1-3 and the remainder of the affordable requirement will be delivered through a commuted sum.

Primary Education

The application falls within the Craigie Primary School Catchment area and the Finalised Primary Education and New Housing Contributions Policy will need to be applied to this application.

Transport Infrastructure

Transport infrastructure contribution is not required as the site has in-principle consent under 12/01692/IPM which was approved prior to the adoption of the Transport Infrastructure Supplementary Guidance.

54 **Flood Risk and Structures**

No objection to the proposal. Condition recommended to ensure there is no flood risk and the integrity of the Perth Flood Prevention Scheme is not compromised.

55 **Transport Planning**

No objection to the proposal.

56 **Community Greenspace**

No response received

REPRESENTATIONS

- 57 The application has attracted no letters of representations for or against the proposal.

ADDITIONAL STATEMENTS

58

Environment Statement	Submitted with IPM application
Screening Opinion	Undertaken for IPM application
Environmental Impact Assessment	Yes – Submitted with IPM application
Appropriate Assessment	Appropriate assessment not required.
Design Statement/Design and Access Statement	Submitted with IPM application
Report on Impact or Potential Impact	Flood Risk Assessment, Air Quality Assessment, Noise Assessment, Site Waste Management Plan, Site Investigation Plan

APPRAISAL

Policy Appraisal

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

most relevant policies of the Development Plan are listed in the policy section above.

- 60 TAYplan Policy 1 (Location Priorities) states that Tier 1 settlements should make a major contribution to the regional economy over the next 20 years. The site is situated within the Tier 1 settlement of Perth City and the proposed development of 70 dwellings at this location satisfies TAYplan Policy.
- 61 The site is located within the LDP site MU1 and is allocated for mixed use development. The principle of residential development has been established through IPM Consent 12/01692/IPM which has established a material planning commitment given to the principle of a large proportion of residential development within LDP site MU1. The proposed residential density of the current submission of 70 dwellings will result in a slightly higher number of units (234) than the allocation of the entire residential element of 200 units but is considered to be an acceptable scale of development and density at this location.
- 62 It is considered that the proposal accords with the majority of the policy requirements detailed in the Development Plan. The development of residential units as detailed in layout plan is consistent with its allocation in the LDP and the masterplan approved with the 12/01692/IPM application.

Landscape and Visual

- 63 The landscape quality of this site is a key, valuable asset as it currently offers a highly visible gateway when arriving and departing Perth via Glasgow Road.
- 64 Due to its topography the site offers a considerable landscape asset for the area and it is important that the existing landscape framework is largely retained, enhanced and maintained in perpetuity as a result of this proposal.

Listed Buildings

- 65 In this case the category C listed group of laundry, coach house and hen house at West Woodlands lies approximately 220m to the north of the site. Pitheavlis Cottages which are category B listed are approximately 350m to the east of the proposals boundary. Both groups still retain a sense of their original semi-rural setting, although West Woodlands has been eroded more significantly due to encroaching development over the years.
- 66 The approved landscaping and flood protection corridor at the edge of the overall development site will protect the setting of West Woodlands to a degree by preserving a degree of open, green character along the Glasgow Road corridor.
- 67 Pitheavlis Cottages will retain their prominence against a largely open landscape backdrop. The tree/landscaping belt around the perimeter of the overall site will mitigate this impact to an extent and the Conservation Officer is satisfied there will only be a low impact on nearby Pitheavils Cottages and the

listed buildings at West Woodlands are considered to be a suitable distance away.

Open Space and Play Area Provision

- 68 As this this the final phase of the residential element much of the open space, planting and the play area are being provided by the 15/00809/AMM consent. A grassed and planted bank above the SUDs pond adjacent to Glasgow Road will in time help continue the landscape corridor that already screens the Persimmon Homes development at Cherrybank and Cherrybank Gardens. Condition 5 will ensure the landscaping requirements will be met.
- 69 A children's play area is already in place as part of the 15/00809/AMM near the southern boundary of the site close to the proposed entrance and is immediately east of this phase. The play area is designed to a high standard to meet the requirements for the entire site and is considered acceptable.

Drainage and Flooding

- 70 The proposed development lies within the catchment of the River Tay. Runoff from the site enters the Scouring Burn, which becomes Craigie Burn downstream and east of the site before discharging into the River Tay in the South Inch area of Perth.
- 71 There are three watercourses within the overall site, one of which runs along western boundary of the site and currently drains into two flood storage ponds which forms part of the existing Perth Flood Defence Scheme.
- 72 Three SUDs ponds have been constructed along the northern boundary and will form part of the landscape corridor and open space provision. The SUDs ponds will be adopted and maintained by Scottish Water.
- 73 Consultation with the Council's Flooding Section provided detailed comments regarding flood risk, greenfield run-off, floor levels and SUDs. SEPA have no objection to the proposal. Conditional control (No.11) can ensure that the construction phase achieves the necessary control of drainage arrangements to meet the requirements of the Flooding Section and not compromise the integrity of the existing Perth Flood Prevention Scheme.

Air Quality

- 74 The construction activities associated with the site are likely to result in dust and particulate matter being released. Wind blow from dried out exposures associated with cut and fill operations to create the development platforms are likely to be the main source as well as construction vehicular movement distributing material within, to and off the site.
- 75 The Air Quality Assessment confirms that residents living in proximity to such a site can potentially be affected by dust up to 1 km from the source, although

continual or severe concerns regarding dust sources are likely to be experienced near to dust sources, and generally within 100 metres.

- 76 Given the distance of potential receptors the assessment confirms that the likelihood of a dust nuisance occurring is considered small which could be limited further by deploying Best Practice Measures, this could be incorporated into an updated Construction Environmental Management Plan (CEMP) (Condition 8) to help reduce the impact of construction activities. Environmental Health has no objection to the proposal on air quality grounds.

Noise

- 77 The planning system has an important role to play in preventing and limiting noise pollution. Although the planning system cannot tackle existing noise problems directly, it has the task of guiding development to the most suitable locations and regulating the layout and design of new development. The noise implications of development can be a material consideration in determining applications for planning permission.
- 78 A detailed noise assessment for the site was undertaken for the IPM application and was re-submitted with the current application. Environmental Health have no objection on noise grounds as the proposed dwellings are an acceptable distance from the M90 to not require additional acoustic control.

Transport and Access

- 79 The site plan provides a secondary road serving the dwellings and connects with the established road from the Glasgow Road junction to Necessity Brae. The plan also proposes access into the future neighbouring employment area should this phase come forward for development in the future.
- 80 Pedestrian/cycle links will be provided between the development site and the existing local facilities. Condition 3 will ensure it is done to the required standard. This phase also provides access to the employment area of the approved masterplan. Whilst it was originally envisaged that the delivery of the employment phases were to occur during the current construction period, it is now considered that this phase, given the road link, is the most appropriate stage to facilitate its delivery and can be enforced by way of Condition 10.
- 81 Overall the proposal provides acceptable vehicle access onto Glasgow Road and permeability for pedestrians and other non motorised users through the rest of the site connecting with local facilities including Necessity Brae.

Transport Wider Network

- 82 Broxden Interchange has known performance issues with extensive queues. Past modelling of the roundabout has indicated that capacity will be further impacted upon by this proposed development.

- 83 It is recognised that development of MU1 will add to congestion issues and the land owner has paid a significant financial contribution to Transport Scotland to help mitigate its impact and no further transport related contribution is required for this phase.

Sustainable Transport

- 84 In terms of sustainability the site is located in a highly sustainable location adjacent to the Park and Ride site that will encourage the use of public transport and provides a frequent and attractive service into Perth city centre and to the bus and rail stations. A green travel plan for the site has been submitted for the first three phases and Transport Planning raised no issues with it. The plans also provide links to the paths and cycle paths being delivered by 15/00809/AMM and these are linked to the existing core path network that should encourage future residents and employees to walk and cycle.

Car Parking

- 85 The site plan provides car parking opportunities down the side of 24 dwellings at key points and thereby significantly reduces the potential visual impact of cars when the development is complete. Transport Planning are satisfied that the parking arrangements now broadly complies with the National Roads Development Guide.

Design, Scale and Layout

- 86 The proposed development utilises the existing landscape and topography to shape the layout of the site. The layout broadly follows the parameters set in the approved masterplan for the site and is therefore supported. The proposal takes account of the sites importance as a gateway into the City of Perth. The design of the site has been guided by existing field boundaries, planting, watercourses and natural features. Generally, the proposed layout takes cognisance of Designing Streets and the National Roads Development Guide and incorporates appropriate natural surveillance of open space, the children's play area and the main pedestrian and cycle routes.
- 87 The proposal consists of two storey detached, semi-detached and terraced dwellings providing a mixture of house types for the current market. The layout includes a hierarchy of surfaces that assist in achieving a sense of place with proposed 'secondary treatments' on street edges. The street layout is considered to be usable and broadly achieves Designing Streets (2010) policy objectives.
- 88 The proposed layout and linkages ensure the site has appropriate levels of permeability and future connectivity for all modes of transport, especially pedestrians and cyclists with footpaths connecting to existing infrastructure on Glasgow Road and onto public transport connections.

- 89 The massing and scale of the dwellings can be accommodated within the plots without having an adverse impact on the amenity of nearby properties and works within the parameters of the established landscape framework. The proposed 70 dwellings is considered to be acceptable and most dwellings will benefit from reasonably generous garden sizes. The density of the development would equate to a medium scale of 19 dwelling per hectare which is an indicator that the scale of development and relationship between houses is acceptable. None of the properties will adversely impact on the amenity enjoyed by neighbouring properties or land uses in terms of overlooking or overshadowing. It is considered appropriate to remove permitted development rights (Condition 4) from the proposed terraced plots where the private amenity space is tightest and future development, including house extensions and outbuildings would have the greatest impact on neighbouring amenity.
- 90 In terms of house design and finish, the elevations and external finishes are consistent with the current adjacent development. The current development is being constructed to a high standard and the material composition is therefore considered appropriate.
- 91 The proposals are considered appropriate in terms of design, scale and form and the development is considered to satisfy the policy objectives of Designing Places, Designing Streets and Council Placemaking Policy. It is considered that the proposed density of development represents an efficient use of the site whilst still respecting the surrounding environment.

Affordable Housing

- 92 The affordable housing requirement for this proposal is 25% and this equates to 17.5 dwellings. It has been agreed that the required onsite provision was provided through Phases 1-3 and the remainder of the affordable requirement will be delivered through a commuted sum. The commuted sum for the Perth Housing Market Area (HMA) is £26,500 per unit, with the total contribution required amounting to £463,750 (17.5 x £26,500). A Section 75 legal agreement will be required to secure this commuted payment.

Primary Education

- 93 The application falls within the Craigie Primary School Catchment area and Education and Children's Services request that the Finalised Primary Education and New Housing Contributions Policy be applied to this application.
- 94 The education contribution will be calculated on 52.5 units, with contributions not required from the 17.5 affordable units. The contribution requirement therefore totals £339,150 (52.5 x £6,460). A Section 75 legal agreement will be required to secure this commuted payment.

Transport Infrastructure

- 95 Transport infrastructure contribution is not required in this instance as the site has in-principle consent under 12/01692/IPM which was approved prior to the adoption of the Transport Infrastructure Supplementary Guidance.

Economic Development

- 96 The economic impact of 70 residential dwellings is considered to be reasonably significant in assisting in the Perth Housing Market delivery. Employment opportunities will exist during the construction phase and consequently achieve increased available expenditure through net growth in residential occupation, resulting in a positive impact on consumer spend within the Perth City market area.
- 97 The Perth and Kinross Retail Study in 2014 estimates that average convenience goods available expenditure in 2019 per household will be £2,047 per annum and the average comparison goods available expenditure per household will be £3,634 per annum. Based on these figures and 70 dwellings the estimated annual expenditure on convenience and compassion goods will be in the region of £256,000 per annum.

LEGAL AGREEMENTS

- 98 A Section 75 Legal Agreement has been drafted to secure the following:
- Off-site Affordable Housing provision (17.5 units commuted sum at £26,500 per unit);
 - Commuted sum for primary school education provision (£339,150);
 - Open Space provision and maintenance;

DIRECTION BY SCOTTISH MINISTERS

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

CONCLUSION AND REASONS FOR RECOMMENDATION

- 100 Section 25 of the Act requires that the application must be determined in accordance with the adopted Development Plan unless material considerations indicate otherwise.
- 101 In this respect, the proposal is considered to satisfactorily comply with the adopted Perth and Kinross Local Development Plan 2014 and TAYplan 2016. I have taken account of material considerations and find none that would justify overriding the adopted Development Plan. On that basis the application is recommended for approval subject to conditions and completion of a Section 75 legal agreement.

RECOMMENDATION

A Approve the application subject to the following conditions:

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

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

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

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

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

Reason: In the interest of pedestrian safety.

- 4 Permitted development rights associated with Classes 1A, 1B, 3A and 3B of The Town and Country Planning (General Permitted Development) (Scotland) Order 1992 (as amended), or any subsequent comparable classes in future legislation relating to development within the curtilage of a dwellinghouse, are hereby revoked in full for all terraced dwellings (4) (Plots 54, 55, 56, 57) as detailed on the approved Site Layout Plan (drawing number: PB/Site 2/01 Rev F).

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

- 5 Notwithstanding the submitted drawing, an updated detailed landscaping and planting scheme for the site shall be submitted for the further approval of this Planning Authority prior to the commencement of the development. The scheme shall include details of the height and slopes of any mounding or recontouring of the site, species, height, size and density of trees and shrubs to be planted and the scheme as subsequently approved shall be implemented fully within one calendar year of the commencement of development and thereafter maintained.

Reason: In the interests of visual amenity; to ensure a satisfactory standard of local environmental quality and in pursuance of suitably satisfying placemaking policy criteria of the adopted Perth and Kinross Local Development Plan 2014.

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

Reason: In the interests of visual amenity; to ensure a satisfactory standard of local environmental quality and in pursuance of suitably satisfying placemaking policy criteria of the adopted Perth and Kinross Local Development Plan 2014.

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

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

- 8 Prior to commencement of development, an updated and 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 to and approved in writing by the Planning Authority. Such details shall be submitted not less than two month prior to the agreed scheduled commencement date and shall incorporate detailed pollution avoidance and mitigation measures for all construction elements. Thereafter the approved CEMP shall thereafter be fully respected and adhered to through the construction phase of the development.

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

- 9 For the duration of all construction activities, where site boundaries affect trees, the development shall fully comply with, respect and remain in full accordance with BS5837 2012: *'Trees in relation to construction, demolition and construction. Recommendations'*.

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

- 10 Prior to the start of any work on the site, an agreed construction programme shall be submitted to and approved in writing by the Planning Authority. The construction programme shall accord with the phases outlined below:

- (i) Phase 2 of the adjoining business land development associated with Planning Permission 12/01629/IPM must be fully serviced before the occupation of the first residential dwelling associated with this approved residential phase.

- (ii) Phase 1 of the business land development associated with Planning Permission 12/01629/IPM must be fully serviced before the occupation of 50% of the dwellings associated with this residential phase.

Once approved, the development shall proceed in accordance with the approved construction programme.

Reason: In order to ensure the implementation and completion of the business 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.

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

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

B JUSTIFICATION

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

C PROCEDURAL NOTES

Consent shall not to be issued until a Section 75 Agreement relating to planning contributions has been completed and signed to reflect the current planning reference 17/00204/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 will result in the planning application being re-assessed through failing to comply with the associated developer contributions policy and will be ultimately recommended for refusal under delegated powers:

- Affordable housing contribution
- Education contribution
- Open Space provision and maintenance

D INFORMATIVES

- 1 The development hereby permitted shall be commenced no later than the expiration of two years from the date of this consent or from the date of

subsequent approval of matters specified in conditions, or three years from the date of planning permission in principle, whichever is the later.

- 2 Under section 27A of the Town and Country Planning (Scotland) Act 1997 (as amended) the person undertaking the development is required to give the planning authority prior written notification of the date on which it is intended to commence the development. A failure to comply with this statutory requirement would constitute a breach of planning control under section 123(1) of that Act, which may result in enforcement action being taken.
- 3 As soon as practicable after the development is complete, the person who completes the development is obliged by section 27B of the Town and Country Planning (Scotland) Act 1997 (as amended) to give the planning authority written notice of that position.
- 4 This development will require the 'Display of notice while development is carried out', under Section 27C (1) of the Town and Country Planning Act 1997, as amended, and Regulation 41 of the Development Management Procedure (Scotland) Regulations 2013. The form of the notice is set out in Schedule 7 of the Regulations and a draft notice is included for your guidance. According to Regulation 41 the notice must be:
 - Displayed in a prominent place at or in the vicinity of the site of the development
 - Readily visible to the public
 - Printed on durable material.
- 5 The applicant is advised that this permission relates to just Residential Phase Two of the 12/01692/IPM planning approval for residential and employment uses of LDP site MU1. Further applications will be required to discharge the conditions for the remaining employment phases.
- 6 The applicant is advised that to enable any remaining negative suspensive conditions associated with the 12/01692/IPM planning approval to be fulfilled development may have to be undertaken outwith the application site. These works themselves may require the submission of a planning application.
- 7 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.
- 8 The applicant is advised that in terms of Sections 21 of the Roads (Scotland) Act 1984 they must obtain from the Council as Roads Authority consent to construct a new road prior to the commencement of roadworks. Advice on the disposal of surface water must be sought at the initial stages of design from Scottish Water and the Scottish Environmental Protection Agency.

- 9 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, Pullar House, 35 Kinnoull Street, Perth PH1 5GD.
- 10 The applicant is advised that the granting of planning consent does not guarantee a connection to Scottish Water's assets. The applicant must make a separate application to Scottish Water Planning & Development Services team for permission to connect to the public wastewater system and/or water network and all their requirements must be fully adhered to.
- 11 The applicant is advised that the works are likely to 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
- 12 The Council's Community Waste Adviser in the Environment Service should be contacted to clarify the bin storage and recycling requirements for the development.
- 13 No work shall be commenced until an application for building warrant has been submitted and approved.
- 14 Please consult the Street Naming and Numbering Officer, The Environment Service, Perth and Kinross Council, Pullar House, 35 Kinnoull Street, Perth PH1 5GD.

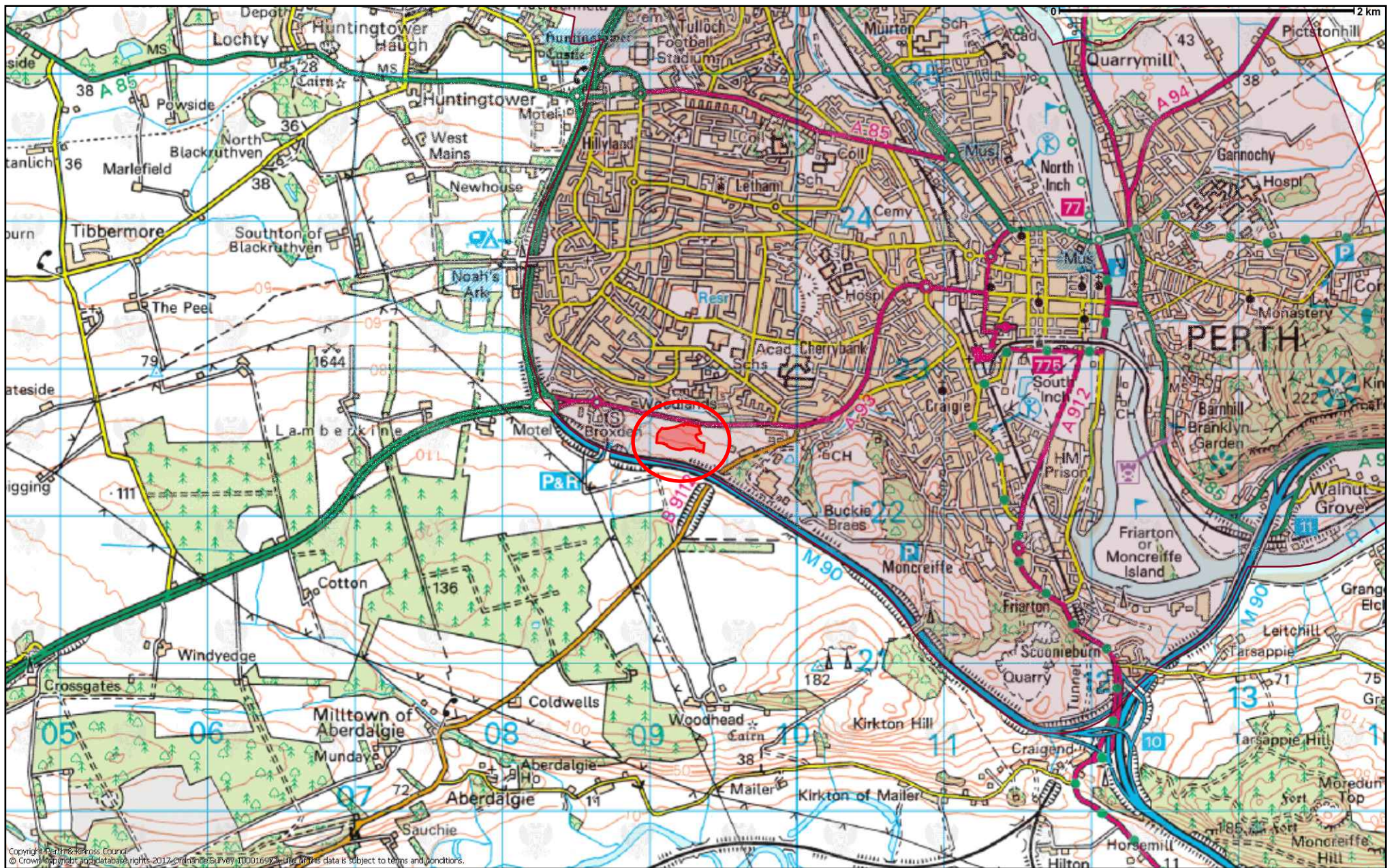
Background Papers: None
Contact Officer: Steve Callan - Ext 75337
Date: 2 November 2017

Nick Brian
Interim Head of Planning

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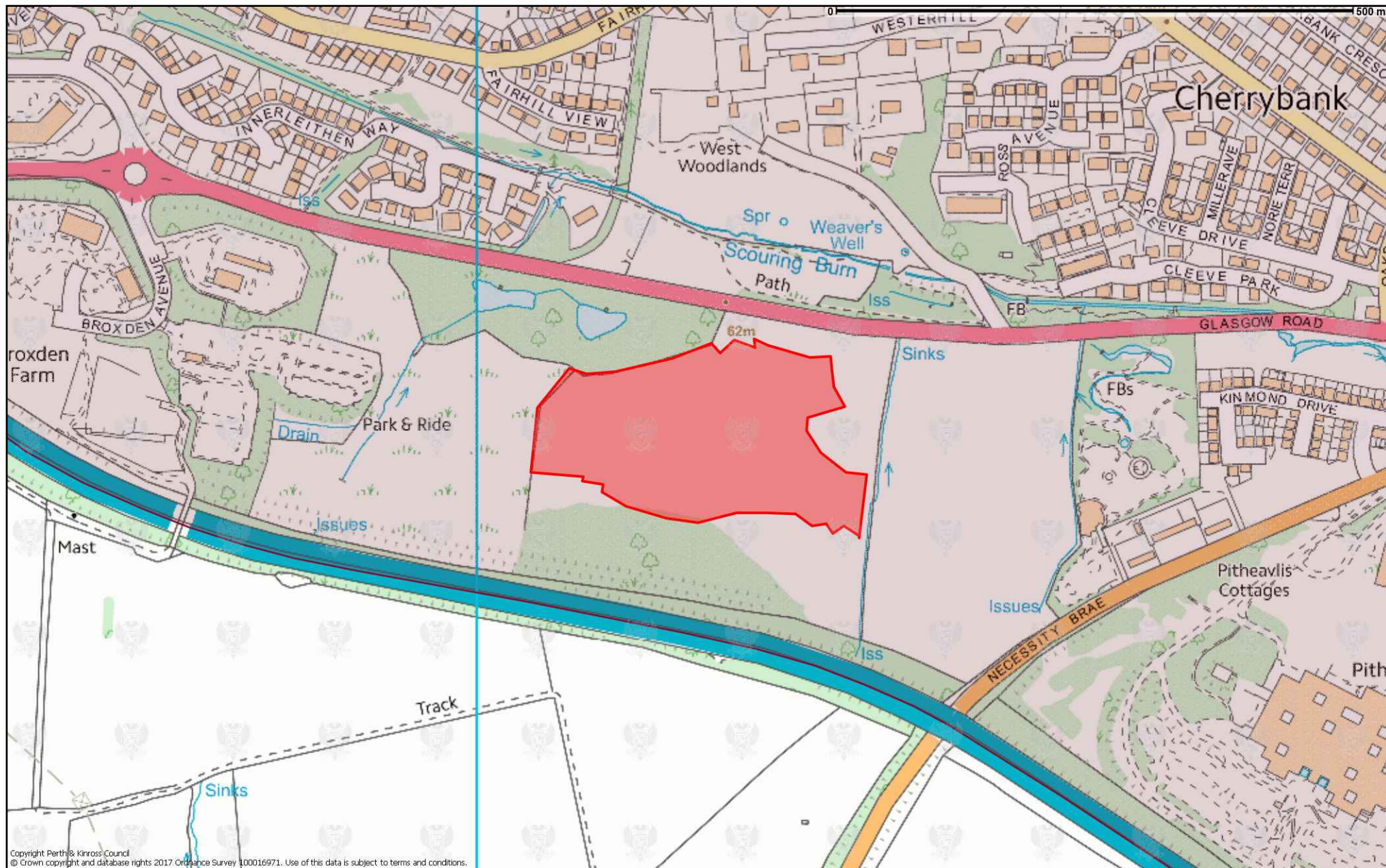
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17/00204/AMM

Erection of 71no dwellinghouses (approval of matters specified in conditions 12/01692/IPM - Phase 3)





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17/00204/AMM

Erection of 71no dwellinghouses (approval of matters specified in conditions 12/01692/IPM - Phase 3)



Perth and Kinross Council
Planning & Development Management Committee – 15 November 2017
Report of Handling by Interim Head of Planning

Erection of a restaurant/farm shop, formation of parking areas and associated works
(approval of matters specified in conditions 16/00298/IPM - Phase 1) land west of
Horn Farm Cottage, Errol

Ref. No: 17/00357/AMM
Ward No: N1- Carse of Gowrie

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 Approval of matters specified in conditions is sought for phase 1 of the erection of a restaurant/farm shop, formation of parking areas and associated works at land to the west of The Horn Farm near Errol.
- 2 This proposal is part of the wider approved site and relates to phase 1 only which extends to approximately 0.93ha of agricultural land located to the east of the Inchmichael grade separated junction on the A90 - Perth to Dundee Road. The site is reasonably flat, contained to the west by the slip road, which leads off the interchange to serve the Horn Milk Bar and Perthshire Caravans and to the south by Errol Station Road. The site has good vehicular access via the interchange to both carriageways of the A90.
- 3 In February 2010, the Council granted outline planning permission for the development of roadside services on the site. That consent followed a long planning history, stretching back to 1990 when planning consent was granted for a roadside service centre. That consent was subsequently renewed in 1995, and again in 2005. The 2005 consent expired in January 2009; however a subsequent consent (09/01277/IPM) reinstated the permission on the site. A section 42 application was then granted in June 2013 (13/00394/IPM) and then again in August 2016 (16/00298/IPM) for an extension of time in relation to the submission of a detailed application and subsequent commencement of development. The 2016 permission requires the matters specified in conditions for phase 1 to be submitted for approval within 7 years of the date of the original approval (i.e. prior to 3rd March 2017). This current application forms the detail of phase 1 of the site and was submitted prior to this date in accordance with the condition.

- 4 This proposal relates to the relocation of the Horn Cafe restaurant, associated access and parking area, landscaping and drainage. The proposed restaurant is a single storey structure which extends to 49.2m in length and 16.9m in width. The building is proposed to be finished in a mixture of horizontal cladding, off white wet dash render and a steel profiled standing seam roof in a colour to be agreed. The design is proposed to reflect the surrounding agricultural character of the A90 corridor.
- 5 Vehicular access into the site is proposed from the north with a separate egress proposed adjacent to "Powside" along an existing farm track which was formerly used as the access to Errol from the A90 prior to the construction of the Inchmichael grade separated junction. The access track, which runs north west to south east through the site, is proposed to form part of a one way system for vehicles. The proposed restaurant is to be located to the north east of the existing track along with the proposed car parking area with coach and HGV parking on the south west side. A landscaping and planting scheme is proposed around the building and hardstanding area together and the access track. Further planting is proposed to the north of the site to provide screening and containment from the A90 trunk road.

ENVIRONMENTAL IMPACT ASSESSMENT (EIA)

- 6 As the proposed development is a development project with a site area exceeding 0.5ha, falls under Schedule 2 (10(b)) of the Town & Country Planning (Environmental Impact Assessment) (Scotland) Regulations 2017, it must be screened under those regulations to determine whether any likely significant environmental effects arising from this development in this location would require examination through Environmental Impact Assessment (EIA). A screening opinion has been historically carried out under the 2011 regulations, which concluded that undertaking an EIA was not required in this case.

PRE-APPLICATION CONSULTATION

- 7 The proposed development is classed as a Major development under class 9 of the Town and Country Planning (Hierarchy of Developments) (Scotland) Regulations 2009. Given the historic consents on this site which were granted prior to the above regulations there is no requirement for a public consultation exercise to be undertaken for this application.

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 Of relevance to this application are;
 - Paragraphs 24 – 35: Sustainability
 - Paragraphs 36 – 57: Placemaking
- 12 A Successful, Sustainable Place:
 - Paragraphs 92- 108 Supporting Business and Employment
- 13 A Natural, Resilient Place;
 - Paragraphs 193 – 218 The Natural Environment
 - Paragraphs 219 – 233 Maximising the Benefits of Green Infrastructure
 - Paragraphs 254 – 268 Managing Flood Risk & Drainage
- 14 The following Scottish Government Planning Advice Notes (PAN) are also of interest;
 - PAN 1/2011 Planning and Noise
 - PAN 40 Development Management
 - PAN 51 Planning, Environmental Protection and Regulation
 - PAN 60 Planning for Natural Heritage
 - PAN 61 Planning and Sustainable Urban Drainage Systems
 - PAN 68 Design Statements
 - PAN 69 Planning and Building Standards Advice on Flooding
 - PAN 75 Planning for Transport
 - PAN 77 Designing Safer Places
 - PAN 79 Water and Drainage

National Roads Development Guide 2014

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

DEVELOPMENT PLAN

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

TAYPlan Strategic Development Plan 2016-2036

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

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

- 18 The following sections of the TAYplan 2016 are of particular importance in the assessment of this application.

Policy 1: Locational Priorities

- 19 Seeks to focus the majority of development in the region’s principal settlements. 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

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

Policy 6: Developer Contributions

- 21 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

- 22 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

- 23 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

- 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.

The principal 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 PM2 - Design Statements

- 27 Design Statements should normally accompany a planning application if the development comprises 5 or more dwellings, is a non-residential use which exceeds 0.5 ha or if the development affects the character or appearance of a

Conservation Area, Historic Garden, Designed Landscape or the setting of a Listed Building or Scheduled Monument.

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 ED3 - Rural Business and Diversification

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

Policy TA1A - Transport Standards and Accessibility Requirements

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

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 NE1A - International Nature Conservation Sites

- 32 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

- 33 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

- 34 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

- 35 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

- 36 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

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

Policy EP5 - Nuisance from Artificial Light and Light

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

Policy EP8 - Noise Pollution

- 39 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 HE1B - Scheduled Monuments and Non Designated Areas

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

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

OTHER POLICIES

- 42 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

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

SITE HISTORY

- 44 An original in principle planning consent on the site was obtained in 1990 (PK90/01045) for the development of Roadside Services. That consent was never implemented and was subsequently renewed in 1995, and then in 2005. The 2005 consent expired in January 2009, however a further consent in 2010 (09/01277/IPM) reinstated the in principle consent on the site. – Approved at Committee
- 45 13/00394/IPM Modification of existing consent (09/01277/IPM) condition 1(i) extended the time limit of the consent for a further 3 years - Approved at Committee
- 46 16/00298/IPM varied of condition 1 of permission 13/00394/IPM (Development of roadside service facilities (in principle)) to extend the time period for the commencement of the development – Approved at Committee

CONSULTATIONS

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

External

- 48 **Perth And Kinross Heritage Trust** – condition recommended for archaeological evaluation.

- 49 **Dundee Airport Ltd** – no objection.
- 50 **Errol Community Council** – no objection.
- 51 **Scottish Environment Protection Agency** – no response within statutory period.
- 52 **Transport Scotland** – does not advice against the proposal

Internal

- 53 **Local Flood Prevention Authority** – requested additional drainage information and design calculations which have now been submitted and have now confirmed no objection. Conditions recommended regarding drainage and permeable paving.
- 54 **Transport Planning** – no objection.
- 55 **Environmental Health** – no objection and conditions recommended regarding noise, lighting, ventilation.
- 56 **Development Contributions Officer** – no contribution required.

REPRESENTATIONS

- 57 The following points were raised in the two letters of representation(s) received. This includes a letter from the Errol Community Council advising that they have no objections to the proposal.
- No details of location of buildings associated with future phases.
 - Insufficient overnight parking for lorries.
- 58 These issues are addressed in the Appraisal section below. The comments relating to future phases of the development and where these will be located are not relevant at this stage as this proposal relates to phase 1 only. A further application will be required for the detail associated with phase 2 of the site.

ADDITIONAL STATEMENTS

59

Environment Statement	Not Required
Screening Opinion	Previously undertaken
Environmental Impact Assessment	Not required
Appropriate Assessment	Not required
Design Statement / Design and Access Statement	Submitted
Reports on Impact or Potential Impact	Flood Risk Assessment, Drainage Design and Calculations

APPRAISAL

Policy Appraisal

- 60 Sections 25 and 37(2) of the Town and Country Planning (Scotland) Act 1997 (as amended) requires that planning decisions be made in accordance with the Development Plan unless material considerations indicate otherwise. The determining issues here are whether the proposals in principle comply with current Development Plan policy, or if there are other material considerations, which justify departure from policy.
- 61 The Development Plan is made up of the TAYplan Strategic Development Plan 2016 and Perth and Kinross Local Development Plan 2014 (LDP). There is also a series of supplementary guidance. The policies and guidance relevant to this application are outlined within the policy section above.

Principle

- 62 The principle of developing the site to form a new restaurant and associated infrastructure has been established through the historic in principle consents, the most recent of which refers to Policy ED3 of the PKLDP which relates to rural business and diversification.

Scale, Layout and Design

- 63 The proposed layout makes use of the existing track through the site to provide an access from the south with the car and coach/HGV parking positioned on either side of the access and as such the layout seeks to relate to an existing feature in an otherwise flat rural landscape. It is clear from the submission that the design of the proposal seeks to maintain the visual connections and characteristics of the existing Horn Milk Bar to the north east. The design proposes a portal frame structure with materials which are considered to reflect the rural character of the location. The scale and form of the building is considered to relate appropriately to its context and the single storey rectangular footprint will sit comfortably on the flat site. The orientation of the building considers the position of the public road to the south west with the side elevation facing the road. The principle gable elevation where the main entrance is proposed will face north west towards the A90 with the iconic cow positioned above the doorway replicating the design of the existing Horn Milk Bar which is clearly visible from the A90 also. A mixture of finishing materials are proposed including horizontal cladding, wet dash harling and profiled metal sheeting all of which are considered appropriate in this context. Full details of the finishing materials will be requested through condition 2.
- 64 The associated coach and car parking areas are to be finished in gravel with the hardstanding around the building finished in brick pavers and the land around the building remaining as grassland. The parking spaces are to be delineated by a series of timber posts and logs which is considered to relate well to the agricultural aesthetic sought by the design of the restaurant building.

- 65 The servicing area for the restaurant is proposed to the north east of the restaurant in the least visible area of the site and is proposed to be contained by new landscaping. The Sustainable Urban Drainage System (SUDS) is proposed to the east of the restaurant building, the details of which will be considered in more detail below.
- 66 Overall the form, design, massing and scale of the building is considered to be acceptable in the context of the wider area and the adjacent A90 and the layout of the site seeks to relate to the adjacent A90 and public road to the south. As such the proposal is considered to comply with policies PM1A and B of the LDP which relate to placemaking.

Landscaping

- 67 A detailed landscape layout has been submitted with the application to address the requirements of condition 5 of the planning permission in principle which requires a minimum landscape buffer depth of 20 metres around the wider application site. This condition refers to the wider 8 hectare planning application site which includes the phase 2 development proposals and as such there is no specific requirement to provide a 20m buffer around the proposed restaurant and car park specifically. The northern boundary of this phase 1 application site is the north boundary of the wider site so additional landscaping is proposed here in the form of a buffer between the public road and A90 to the north and the proposed building. This area is proposed to be planted with an orchard area to include apple, pear and plum trees and this will help to provide an element of screening of the proposed car parking area from the A90. Around the proposed restaurant and car parking area is a mixed native hedgerow and beech hedging with interspersed sessile oak trees. The extent of landscaping for this particular phase of the development is considered to be acceptable given the scale of the building and hardstanding area. As such the proposal complies with the relevant elements of the Development Plan where it refers to landscaping and meets the requirements of condition 5 of the planning permission in principle.

Traffic and Transport

- 68 The site is proposed to utilise the existing Errol Farm Road which previously served as an access point into Errol prior to the construction of the Inchmichael junction on the A90. Traffic will enter the site from the north and a one way system is proposed with all vehicles leaving the site from the south. There are sufficient car parking and coach/HGV parking facilities indicated on the submitted site layout, together with cycle parking facilities given the sites close proximity to National Cycle Route 77 (Dundee to Pitlochry). The layout also proposes the provision of electric car charging points. The service access is proposed adjacent to the north east elevation of the building with a refuse area in this location also. The layout is considered sufficient to cater for the level of traffic generated and there are sufficient turning facilities to allow cars, coaches, HGVs and service vehicles to enter and leave the site in a forward gear. Transport Planning and Transport Scotland have offered no objections to the application. As such the proposal addresses the requirements of condition 8 of

the planning permission in principle and meets the criteria contained within Policy TA1B of the LDP.

Drainage and Flooding

- 69 Policy EP2 relates to flooding and states that there is a general presumption against proposals for built development or land raising on a functional flood plain and in areas where there is a significant possibility of flooding from any source. Condition 10 of the planning permission in principle requires the proposal to accord with the recommendations contained with Perth and Kinross Council 'Developers Guidance Note on Flooding and Drainage' (June 2014). Furthermore condition 9 requires each phase of the development to ensure that no land raising or erection of solid boundaries occurs within the 1 in 200 year floodplain. On that basis a Flood Risk Assessment and detailed drainage design for the site, including a Sustainable Urban Drainage System (SUDS) has been submitted. It is noted from the drawings that no land raising or built development is proposed within the 1 in 200 year flood plain and as such condition 9 has been addressed. For the avoidance of any doubt this condition will remain.
- 70 A detailed drainage design has been submitted including calculations and PKC Flooding have confirmed that the detailed designs and calculations submitted are considered acceptable.
- 71 In accordance with the submitted FRA the finished floor level of the building should be no lower than 11.37m and this is identified on the submitted site layout.
- 72 PKC Flooding have confirmed that part of the car parking area is located within the 1 in 200 year flood risk area and therefore requires to be constructed using a permeable surface. This can be secured by condition (6).
- 73 The proposal is now considered to meet the requirements of conditions 9 and 10 of the planning permission in principle and accords with Policy EP2 of the LDP.

Developer Contributions

- 74 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.
- 75 This site has an existing consent (16/00298/IPM) which was itself a renewal of an earlier consent which predated the adoption of the Transport Infrastructure Supplementary Guidance. As such the Guidance did not apply to that In Principle application. The current application is for the approval of matters specified in conditions for 16/00298/IPM. The Guidance will therefore not apply.

Residential Amenity

- 76 There is potential for odour and noise from the proposed restaurant to give rise to nuisance and loss of amenity to nearby residential receptors. Environmental Health have indicated that they do not have any significant concerns given the position of the site relative to residential properties which are some distance away. They have, however, recommended conditions relating to servicing and deliveries, noise, ventilation and external lighting (7 - 11) which match those outlined in condition 6 of the planning permission in principle.
- 77 Given the position of the building there is not considered to be any impact on residential amenity in terms of overlooking or overshadowing. Whilst the proposal will generate traffic, the level of traffic proposed can be catered for on the existing road network without any significant detriment to residential amenity. The proposal therefore accords with the criteria relating to residential amenity contained within policies PM1A and B, ED3 and EP8 of the LDP

Lighting

- 78 No indication of lighting for the site has been provided with the submission. Details of the proposed lighting can be requested and secured by condition (10) to ensure compliance with condition EP5.

Ecology/Biodiversity

- 79 Policy NE3 of the LDP requires new development to take account of any potential impact on natural heritage including protected species and states that the Council should seek to protect and enhance all wildlife and wildlife habitats whether formally designated or not.
- 80 The site is currently grazing land. It is considered that the development of this site is unlikely to have any significant impact on any protected species. It is acknowledged that the undisturbed nature of the site will provide a habitat for various insects and wildlife but the site could be developed without having a significant impact on the biodiversity of the local area. The proposed landscaping on the site will provide long term bio diversity opportunities.

Archaeology

- 81 Policy HE1B seeks to protect the integrity of areas or sites of known archaeological interest and their settings. Similar to the planning permission in principle a condition (12) is recommended to ensure an archaeological evaluation is undertaken to accord with the consultation response provided by Perth and Kinross Heritage Trust (PKHT). This will ensure that the proposal complies with Policy HE1B of the LDP.

Economic Impact

- 82 The proposal will directly support a longer term future and more appropriate location for the re-siting of the established Horn Café business. The applicant

has advised that 'The Horn' presently employs 12 full time / part-time catering staff in the restaurant and shop. Following construction of the new facility to accommodate 160 covers, it is anticipated a further 12 new positions will be required; thereby doubling staff numbers.

LEGAL AGREEMENTS

- 83 None required

DIRECTION BY SCOTTISH MINISTERS

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

CONCLUSION AND REASONS FOR RECOMMENDATION

- 85 In conclusion, 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 Tayplan 2016 and 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.
- 86 Accordingly the proposal is recommended for approval subject to the following conditions.

RECOMMENDATION

Approve the application subject to the following conditions and reasons:

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

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

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

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

- 3 The detailed landscaping and planting scheme which is hereby approved shall be completed within the first available planting season (October to March) after the completion or bringing into use of the development, whichever is the earlier.

The approved scheme shall thereafter be maintained, with any planting which fails to become established within five years being replaced in the following planting season with others of a size and species as previously approved.

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

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

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

- 5 No landraising or the erection of solid boundaries within the 1 in 200 year floodplain identified on drawing number 17/00357/11 is permitted.

Reason - In order to take account of the flood risk from the adjacent watercourse.

- 6 The car parking area located within the 1 in 200 year floodplain identified on drawing number 17/00357/11 shall be constructed using a permeable surface and maintained in perpetuity to the satisfaction of the Council as Planning Authority.

Reason - In order to take account of the flood risk from the adjacent watercourse.

- 7 Servicing of and deliveries to the premises shall be carried out between 0700 and 1900 Monday to Saturday only, with no servicing or deliveries permitted on Sundays.

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

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

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

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

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

- 10 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. The agreed lighting scheme shall be implemented and maintained in full accordance with the agreed scheme.

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

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

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

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

Reason - To ensure a programme of archaeological works is carried out to safeguard and record any archaeological remains within the development area.

- 13 Prior to the commencement of the development hereby approved, a Construction Method Statement (CMS), a Site Waste Management Plan (SWMP), a Drainage Management Plan (DMP) and Environmental Management Plan (EMP) detailing pollution prevention and control measures will be submitted to and be approved in writing by the Planning Authority. Such details shall be submitted not less than two months prior to the agreed scheduled commencement date and shall incorporate detailed pollution avoidance and mitigation measures for all construction elements. Thereafter the development of that phase shall be fully undertaken in accordance with the agreed details.

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

- 14 Concurrent with the initiation of the development hereby approved and for the duration of construction, a temporary surface water treatment facility shall be

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

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

B JUSTIFICATION

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

C PROCEDURAL NOTES

None.

D INFORMATIVES

- 1 The development hereby permitted shall be commenced no later than the expiration of two years from the date of this permission or from the date of subsequent approval of matters specified in conditions, or three years from the date of planning permission in principle, whichever is the later.
- 2 Under section 27A of the Town and Country Planning (Scotland) Act 1997 (as amended) the person undertaking the development is required to give the planning authority prior written notification of the date on which it is intended to commence the development. A failure to comply with this statutory requirement would constitute a breach of planning control under section 123(1) of that Act, which may result in enforcement action being taken.
- 3 As soon as practicable after the development is complete, the person who completes the development is obliged by section 27B of the Town and Country Planning (Scotland) Act 1997 (as amended) to give the planning authority written notice of that position.
- 4 This development will require the 'Display of notice while development is carried out', under Section 27C(1) of the Town and Country Planning Act 1997, as amended, and Regulation 41 of the Development Management Procedure (Scotland) Regulations 2013. The form of the notice is set out in Schedule 7 of the Regulations and a draft notice is included for your guidance. 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 The applicant is advised that in terms of Sections 56 of the Roads (Scotland) Act 1984 he must obtain from the Council as Roads Authority consent to open an existing road or footway prior to the commencement of works. Advice on the disposal of surface water must be sought at the initial stages of design from Scottish Water and the Scottish Environmental Protection Agency.
- 6 No work shall be commenced until an application for building warrant has been submitted and approved.

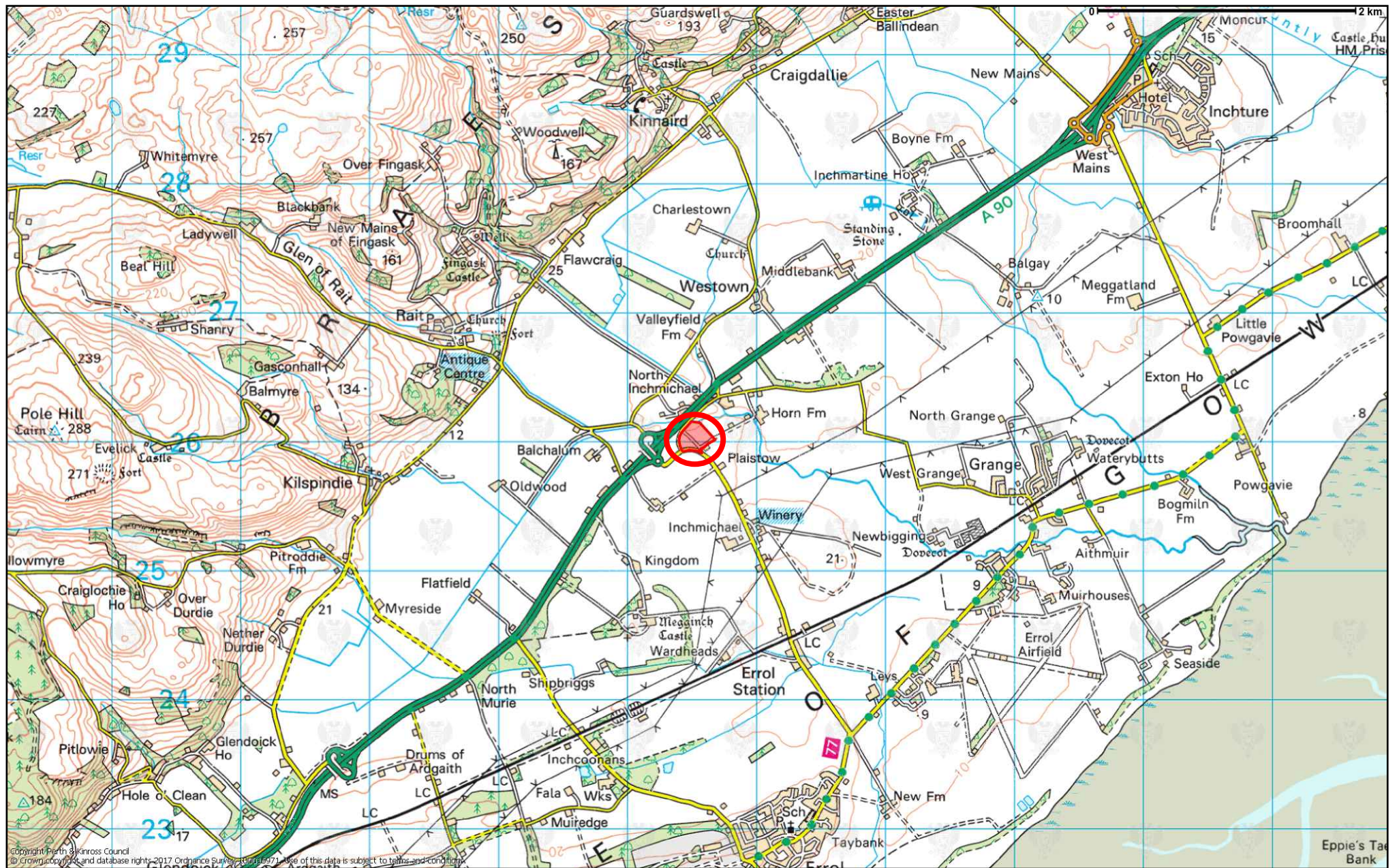
Background Papers: 2 letters of representation
Contact Officer: John Williamson 01738 475360
Date: 2 November 2017

NICK BRIAN
INTERIM HEAD OF PLANNING

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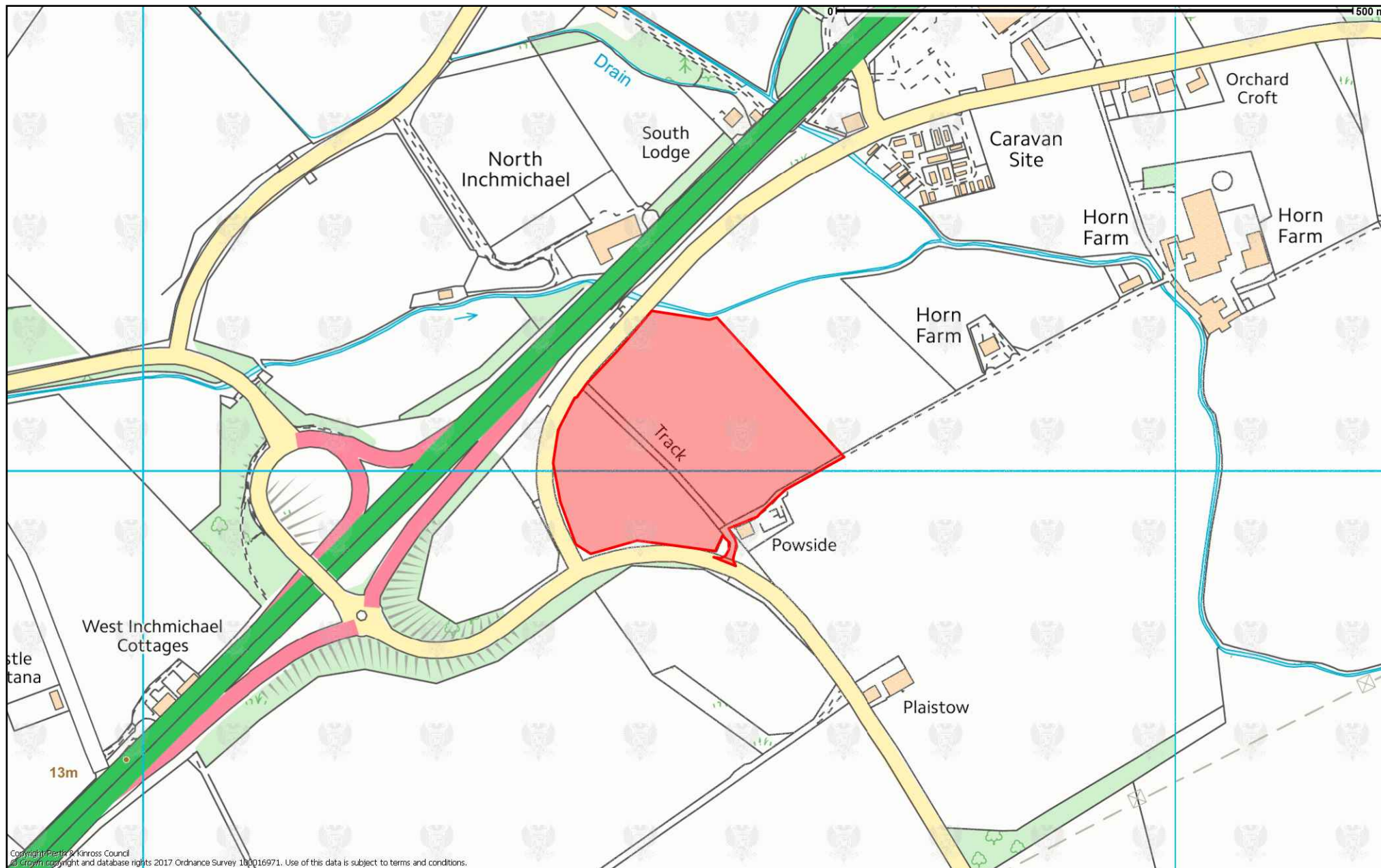
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17/00357/AMM

Erection of a restaurant/farm shop, formation of parking areas and associated works (approval of matters specified in conditions 16/00298/IPM - Phase 1)





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17/00357/AMM

Erection of a restaurant/farm shop, formation of parking areas and associated works (approval of matters specified in conditions 16/00298/IPM - Phase 1)



Perth and Kinross Council
Planning & Development Management Committee – 15 November 2017
Pre-Application Report by Interim Head of Planning

Proposed creation of sand and gravel borrow pit and associated ready mix concrete and asphalt plants, on land south of Loak Farm, near Bankfoot, Perthshire

Ref. No: 17/00008/PAN

Ward No: P5 Strathtay

Summary

This report is to inform the Committee of a potential forthcoming planning application in respect of a major development for the proposed creation of a sand and gravel borrow pit and associated ready mix concrete and asphalt plants, at land 300 metres south of Loak Farm, near Bankfoot. The report also aims to highlight the key planning policies, the likely stakeholders who would be involved in the decision making process and to offer a brief overview of the key planning issues which are likely to be relevant to the proposal.

BACKGROUND AND DESCRIPTION

- 1 In accordance with the provisions of the Town & Country Planning (Scotland) Act 1997 as amended, the applicants submitted a Proposal of Application Notice (PoAN) on 31 July 2017. The purpose of this report is to inform the Planning and Development Management Committee of a forthcoming planning application in respect of a major development for the proposed creation of a sand and gravel borrow pit and associated ready mix concrete and asphalt plants, at land 300 metres south of Loak Farm, near Bankfoot. Pre-application reports give the Committee an opportunity to raise issues which it would like to see addressed in the planning application.
- 2 The proposed development site of 21 hectares (in total) is located approximately 1 km south of Bankfoot village and is directly to the west of the existing A9 Trunk Road. The site is bounded by agricultural land to the north and south, a private road and the existing A9 to the east and Ordie Burn to the west. There are residential properties within 150 metres to the north and west of the site. Planning permission (14/01302/FLL) is also in place for a dwelling 120 metres north of the site boundary and is currently under construction.
- 3 The proposed development is to provide approximately 400,000 tonnes of sand and gravel over a 2-2½ year period to directly supply the adjacent A9 dualling works with aggregates and sand as well as raw materials for use in the production of asphalt and concrete at the proposed on site plants. Mobile asphalt and concrete plants will be located on the site to reduce haulage distances. After the extraction period the site is to be restored back to agricultural use.
- 4 The site is not part of an allocated site in the adopted Perth and Kinross Local Development Plan (LDP) 2014 and is not within any settlement boundary.

- 5 The exact design, scale and details of the development will be arrived during further discussions and subsequent application.

ENVIRONMENTAL IMPACT ASSESSMENT

- 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. A screening request (17/01115/SCRN) was submitted in June 2017 and it was determined that an EIA would not be required to be submitted.

PRE-APPLICATION PROCESS

- 7 The Proposal of Application Notice (reference 17/00008/PAN) outlined a public exhibition has been held at Bankfoot Church Centre on 3 October 2017. The Ward Councillors (James; Jarvis; Laing) and Auchtergraven Community Council were notified. The results of the community consultation will be submitted with the renewal 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 Framework (NPF) 3, the National Roads Development Guide 2014, Scottish Planning Policy (SPP) 2014 and Planning Advice Notes (PAN).

National Planning Framework

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

The Scottish Planning Policy 2014

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

- Sustainability : paragraphs 24 - 35
- Placemaking : paragraphs 36 – 57
- 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
- 11 The following Scottish Government Planning Advice Notes (PAN) are likely to be of relevance to the proposal;
- PAN 2/2011 Planning and Archaeology
 - PAN 3/2010 Community Engagement
 - PAN 50 Controlling the Environmental Effects of Surface Mineral Workings
 - PAN 51 Planning, Environmental Protection and Regulation
 - PAN 61 Planning and Sustainable Urban Drainage Systems
 - PAN 64 Reclamation of Surface Mineral Workings
 - PAN 68 Design Statements
 - PAN 69 Planning and Building standards Advice on Flooding
 - PAN 75 Planning for Transport
 - National Roads Development Guide 2014

LOCAL POLICY AND GUIDANCE

TAYPlan Strategic Development Plan 2016-2036

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

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

- 13 The following sections of the TAYplan 2016 are of particular importance in the assessment of this application;
- Policy 9 – Managing TAYPlans Assets

Perth and Kinross Local Development Plan 2014

- 14 The Local Development Plan (LDP) was adopted by Perth and Kinross Council on 3 February 2014. It is the most recent statement of Council policy and is augmented by Supplementary Guidance.
- 15 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.”
- 16 Under the LDP, the following policies are of particular importance in the assessment of this application;

- PM1 – Placemaking
- PM2 – Design Statements
- TA1 – Transport Standards and Accessibility Requirements
- CF2 – Public Access
- HE1 – Scheduled Monuments and Non-Designated Archaeology
- NE1 – Environment and Conservation Policies
- NE3 – Biodiversity
- ER3 – Minerals and Other Extractive Activities – Safeguarding
- ER4 – Minerals and Other Extractive Activities - Supply
- ER5 – Prime Agricultural Land
- ER6 – Managing Future Landscape Change to Conserve and Enhance the Diversity and Quality of the Area’s Landscapes
- EP1 – Climate Change, Carbon Reduction and Sustainable Construction
- EP2 – New Development and Flooding
- EP3 – Water Environment and Drainage
- EP5 – Nuisance from Artificial Light and Light Pollution
- EP8 – Noise Pollution

OTHER POLICIES

- 17 The following supplementary guidance is of particular importance in the assessment of this application;

- Flood Risk and Flood Risk Assessments – Developer Guidance June 2014

PLANNING SITE HISTORY

- 18 Whilst there is no planning history for the site itself, the following is of particular importance;

- **Transport Scotland’s A9 Dualling Project:** In 2008, the Scottish Government’s Strategic Transport Projects Review (STPR) set out the future investment programme for transport in Scotland over two decades including the proposed upgrade of the A9. As part of this upgrade work, the STPR identified dualling sections from Perth to Inverness.
- In December 2011, the Scottish Ministers confirmed a commitment to upgrade the A9 between Perth and Inverness to full dual carriageway by 2025 as part of their Infrastructure Investment Plan (IIP), which outlined £60 billion of spending by 2030.

CONSULTATIONS

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

External

- Scottish Environmental Protection Agency (SEPA)

- Scottish Natural Heritage (SNH)
- Scottish Water
- Transport Scotland
- Historic Environment Scotland (HES)
- Health and Safety Executive
- Perth and Kinross Heritage Trust (PKHT)
- Auchtergraven Community Council

Internal

- Environmental Health
- Land Quality Officer
- Biodiversity Officer
- Strategic Planning and Policy
- Community Greenspace including Access
- Transport Planning
- Structures and Flooding

KEY ISSUES AGAINST WHICH A FUTURE APPLICATION WILL BE ASSESSED

- 20 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. Natural Heritage and Ecology
 - e. Cultural Heritage including Archaeology
 - f. Water resources and soils
 - g. Air Quality
 - h. Noise
 - i. Transport Implications
 - j. Sustainability

ADDITIONAL STATEMENTS WHICH WILL BE REQUIRED

- 21 Whilst the EIA Screening exercise concluded that an EIA will not be required, the following standalone assessments will be required to cover the following subject matters;
- Habitat Survey
 - Air Quality Assessment/Management Plan
 - 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
- Restoration Plan
- Design and Access Statement
- Pre-Application Consultation (PAC) Report
- Sustainability Assessment

CONCLUSION AND RECOMMENDATION

- 22 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.

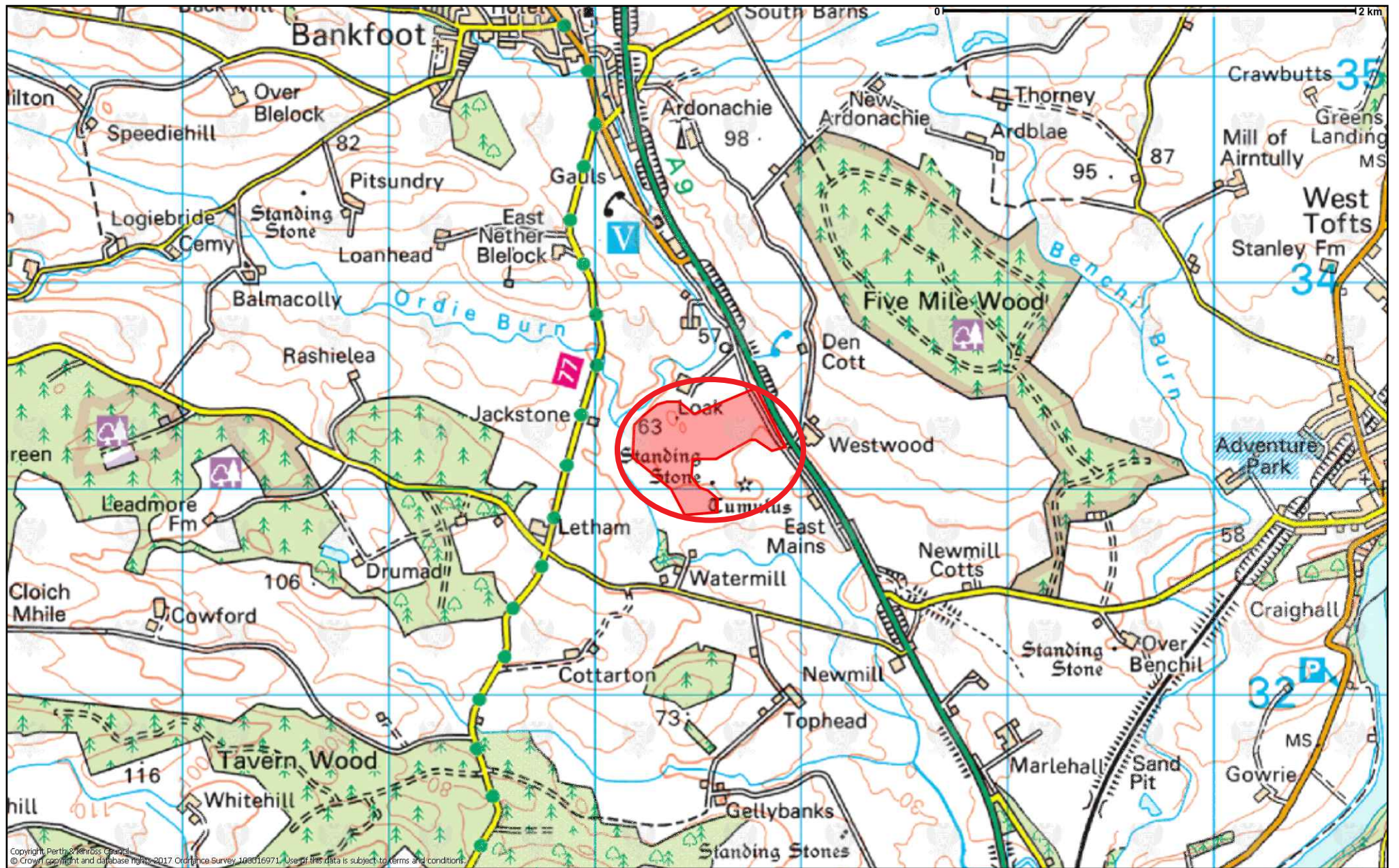
Background Papers: None
 Contact Officer: Steve Callan – Ext 75337
 Date: 2 November 2017

Nick Brian
Interim Head of Planning

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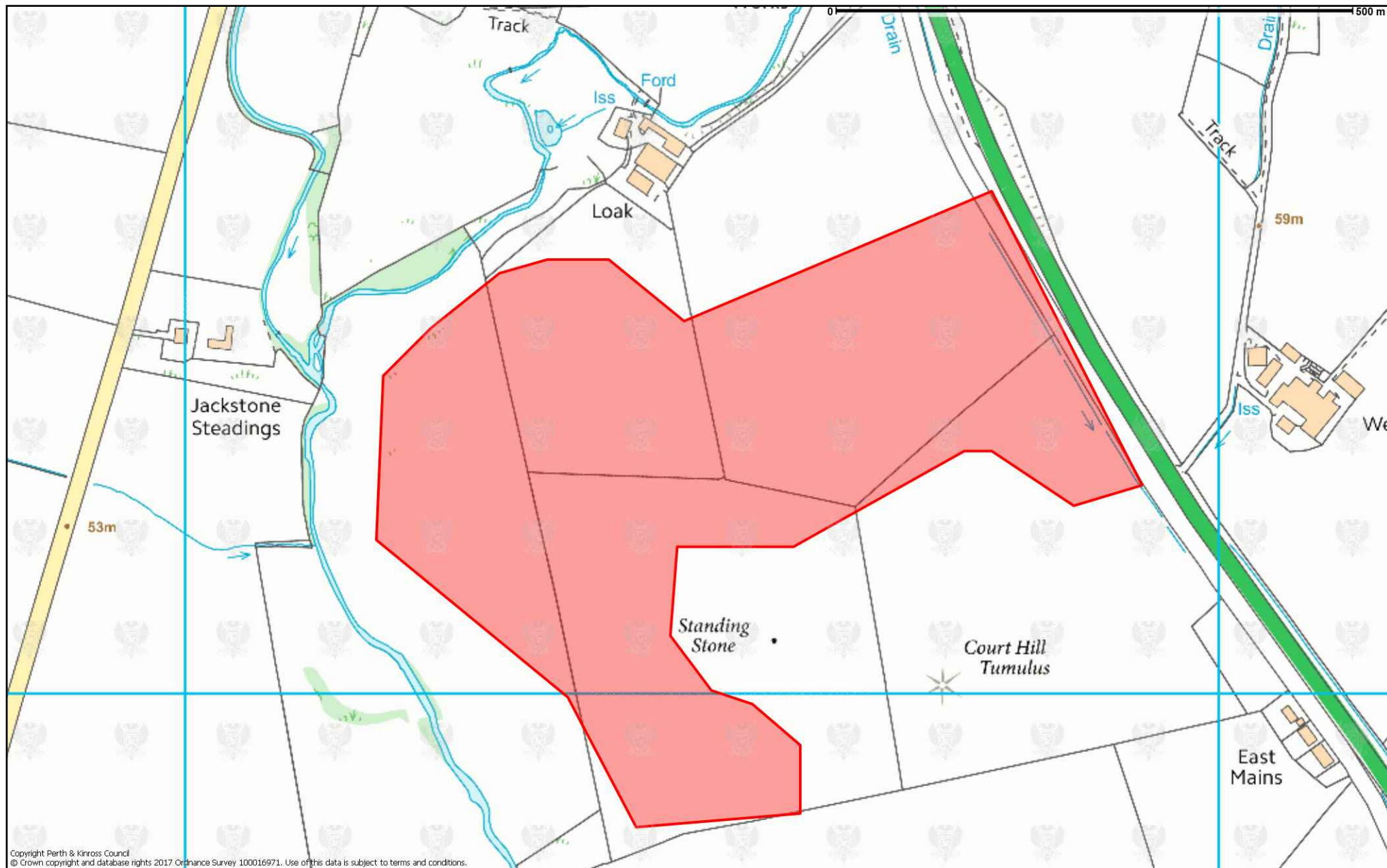
Scale 1:25000



17/00008/PAN

Creation of sand and gravel borrow pit and associated ready mix concrete and asphalt plants





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