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Council Building
2 High Street
Perth
PH1 5PH

Tuesday, 10 January 2017

A Meeting of the **Development Management Committee** will be held in the **Council Chambers, Ground Floor, Council Building, 2 High Street, Perth, PH1 5PH** on **Wednesday, 18 January 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 mobile phones and other communication devices are in silent mode.

Members:

Councillor Tom Gray (Convener)
Councillor Bob Band (Vice-Convener)
Councillor Henry Anderson
Councillor Michael Barnacle
Councillor Ian Campbell
Councillor Dave Cuthbert
Councillor Ann Gaunt
Councillor Joe Giacobazzi
Councillor Callum Gillies
Councillor John Kellas
Councillor Alan Livingstone
Councillor Murray Lyle
Councillor Gordon Walker

Development Management Committee

Wednesday, 18 January 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/SUBSTITUTES**
- 2 DECLARATIONS OF INTEREST**
- 3 MINUTE OF MEETING OF THE DEVELOPMENT MANAGEMENT COMMITTEE OF 16 NOVEMBER 2016 5 - 20**
- 4 DEPUTATIONS**
- 5 APPLICATIONS FOR DETERMINATION**
- (1) MAJOR APPLICATIONS**
 - (i) 16/01809/IPM - AUCHTERARDER - DELETION OF CONDITION 14 (TO SEEK WASTE ADVICE) OF PERMISSION 08/01133/IPM (RESIDENTIAL, BUSINESS, GENERAL INDUSTRY AND STORAGE AND DISTRIBUTION DEVELOPMENT (IN PRINCIPLE)) ON LAND AT CASTLEMAINS FARM, AUCHTERARDER 21 - 40**

Report of Handling by Interim Head of Planning (Recommendation - Approve) (copy herewith 17/19)
 - (ii) 16/01842/FLM - ALYTH - DELETION OF CONDITION 5 OF PERMISSION 15/01177/FUL TO REMOVE THE REQUIREMENT FOR AN EQUIPPED AREA OF PLAY ON LAND NORTH EAST AND SOUTH EAST OF WESTPARK, ST NINIAN'S ROAD, ALYTH 41 - 58**

Report of Handling by Interim Head of Planning (Recommendation - Approve) (copy herewith 17/20)
- (2) LOCAL APPLICATIONS**

- (i) **16/01239/FLL - PERTH - CHANGE OF USE AND ALTERATIONS FROM CARPET WAREHOUSE TO CAR STORAGE AND OFFICE (IN RETROSPECT) AT UNIT 1, BLAIR STREET, PERTH** **59 - 70**
Report of Handling by Interim Head of Planning (Recommendation - Approve) (copy herewith 17/21)
- (ii) **16/01361/IPL - ABERNETHY - ERECTION OF A DWELLINGHOUSE (IN PRINCIPLE) ON LAND SOUTH WEST OF STRATHVIEW, STATION ROAD, ABERNETHY** **71 - 84**
Report of Handling by Interim Head of Planning (Recommendation - Approve) (copy herewith 17/22)
- (iii) **16/01866/IPL - PERTH - ERECTION OF A DWELLINGHOUSE (IN PRINCIPLE) ON LAND EAST OF 21 FAIRMOUNT TERRACE, BARNHILL, PERTH** **85 - 102**
Report of Handling by Interim Head of Planning (Recommendation - Approve) (copy herewith 17/23)

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DEVELOPMENT MANAGEMENT COMMITTEE

Minute of meeting of the Development Management Committee held in the Gannochy Suite, Dewars Centre, Perth on Wednesday 16 November 2016 at 10.00am.

Present: Councillors T Gray (Convener), B Band (Vice-Convener), H Anderson, M Barnacle, I Campbell, D Cuthbert, A Gaunt, J Giacomazzi, C Gillies, J Kellas, A Livingstone, A Parrott (substituting for G Walker) and M Roberts (substituting for M Lyle).

In Attendance: N Brian, A Condliffe, N Moran, S Panton and M Petrie (all The Environment Service); C Elliott and H Rheinallt (both Corporate and Democratic Services).

Apologies: Councillors M Lyle and G Walker.

Councillor T Gray, Convener, Presiding.

794. WELCOME AND APOLOGIES

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

795. DECLARATIONS OF INTEREST

In terms of the Councillors' Code of Conduct, Councillor B Band declared a non-financial interest in Art. 798(1)(i).

796. MINUTE OF PREVIOUS MEETING

The minute of meeting of the Development Management Committee of 19 October 2016 (Arts. was submitted, approved as a correct record and authorised for signature.

797. DEPUTATIONS

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

Planning Application No.	Art. No.
16/01307/FLM	798(1)(i)
16/01357/FLL	798(2)(ii)
16/01364/FLL	798(2)(iv)
16/01637/FLL	798(2)(vi)

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The Convener asked the Committee if they were minded to hear (i) a deputation from an objector to Art. 797(i), planning application 16/01307/FLM, who had not originally objected to the application within the timescales; and (ii) from applicant for Art. 797(2)(vi), planning application 16/01637/FLL, which deputation request had been received after the deadline. The Committee unanimously agreed to allow these deputations to be heard.

COUNCILLOR B BAND, HAVING DECLARED AN INTEREST IN THE FOLLOWING ITEM, LEFT THE MEETING AT THIS POINT AND TOOK NO PART IN THE DISCUSSION OR DELIBERATION THEREFROM.

798. APPLICATIONS FOR DETERMINATION

(1) Major Applications

- (i) 16/01307/FLM – BANKFOOT – Erection of a poultry layer breeding farm on land south east of Tullybelton Lodge, Bankfoot – Report 16/508 – Lohmann Tierzucht UK Limited**

Mr I Massie and Sir D Carter, objectors to the application; Mr C Pasteur, Auchtergaven Community Council, objector to the application; and Councillor G Laing, objector to the application; followed by Mr A Wood, agent for the applicant, addressed the Committee and following their respective representations, withdrew to the public benches.

Motion (Councillors T Gray and J Giacopazzi) – Grant, subject to the following terms, conditions and informatives:

- 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 commencement of development, details of compensatory woodland planting shall be submitted to and approved in writing by the Planning Authority in consultation with Forestry Commission Scotland. The agreed detail shall thereafter be implemented prior to the completion of the development.**
- 3. Prior to commencement of development, a minimum of 4 passing places (unless otherwise agreed in writing) shall be constructed on the U32 from the junction of the C408 by Letham Farm to the A9 at Newmill Farm. The location and design of the passing places shall be agreed in writing with the Council as Roads Authority prior to their construction.**
- 4. Prior to the use or occupation of the development, the access from the U32 shall be reformed in accordance with Type D junction detail and constructed to the**

standards required by the Council as Roads Authority.

- 5. 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.**
- 6. The planting scheme as approved shall be implemented fully within one calendar year of the commencement of development and thereafter maintained.**
- 7. Any planting failing to become established within five years shall be replaced in the following planting season with others of similar sizes and species.**
- 8. All existing trees 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.**
- 9. Development shall not commence on site until a detailed sustainable urban drainage system (SUDS) has been submitted for the further written agreement of the Council as Planning Authority, in consultation with SEPA where necessary. The scheme shall be developed in accordance with the technical guidance contained in The SUDS Manual (C753) and the Council's Flood Risk and Flood Risk Assessments Developer Guidance, and shall incorporate source control. All works shall be carried out in accordance with the agreed scheme and be operational prior to the bringing into use of the development.**
- 10. Concurrent with the initiation of the development hereby approved and for the duration of construction, a temporary surface water treatment facility shall be implemented on site and maintained for the duration of the approved development works. The temporary surface water treatment facility shall remain in place**

until the permanent surface water drainage scheme is implemented unless otherwise agreed in writing by the Council as Planning Authority.

11. Prior to the commencement of development an updated ecological impact assessment must be submitted to and agreed by the Planning Authority to allow a full assessment of the development on habitats and wildlife as a result of the proposed development. The agreed detail shall thereafter be implemented prior to the completion of the development.

Justification

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

Procedural notes

1. Consent not to be issued until payment of the required developer contribution is paid or a Section 75 Agreement has been completed and signed.
2. In the event the applicant does not either make the required payment within 28 days from the date the agent/applicant is advised of the need for the contributions, or complete a legal agreement for delayed payment within a 4 month period from the date the agent/applicant is advised of the need for the contributions, the application may be refused under delegated powers without any further discussion with the applicant.

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 Town and Country Planning (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 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.
 6. 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.
 7. No work shall be commenced until an application for building warrant has been submitted and approved.
 8. 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 Environmental Protection Agency.
 9. The applicant is reminded that, under the Wildlife and Countryside Act 1981, as amended, it is an offence to remove, damage or destroy the nest of any wild birds while that nest is in use or being built. Planning permission for a development does not provide a defence against prosecution under this Act.
 10. The applicant is advised to contact SEPA regarding the requirement for a Pollution Prevention and

Control (PPC) Part A Permit to operate an intensive agriculture site.

- 11. SEPA guidance "Management of Forestry Waste" should be consulted for details of how forestry waste can be suitably treated/disposed.**
- 12. The presence or absence of protected species, and the extent to which they could be affected by the proposed development, should be established before determination of a planning application in accordance with part 204 of the Scottish Planning Policy.**

Amendment (Councillors J Kellas and M Barnacle) – Defer for the provision of further information on:

1. The types of protected species, including trees, which could be affected by the development, the extent of any effect of the development on those protected species, and details of how any effects could be addressed.
2. Any potential for water run-off contamination, with particular regard to the protection of the environment downstream;
3. The sustainable urban drainage systems (SUDS) proposal, with particular regard to the capability of the proposal to cope with the type of rainfall experienced in the area.

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

5 members voted for the Amendment as follows:

Councillors H Anderson, M Barnacle, I Campbell, J Kellas and A Parrott.

7 members voted for the Motion as follows:

Councillors T Gray, D Cuthbert, A Gaunt, J Giacobazzi, C Gillies, A Livingstone and M Roberts.

Amendment – 5 votes

Motion – 7 votes

Resolved:

In accordance with the Motion.

FOLLOWING A SHORT ADJOURNMENT, THE COMMITTEE
RECONVENED.

COUNCILLOR B BAND RETURNED TO THE MEETING AT THIS POINT

(2) Local Applications

- (i) 16/01097/FLL – BURRELTON – Erection of 4 dwellinghouses on land north east of Millstead, Burrelton – Report 16/509 – Mr D Taylor**

Resolved:

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

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 commencement of the development, improvements to the existing private access shall be agreed in writing to the satisfaction of the Council as Planning Authority.
3. The private access that provides access to the proposed development forms part of a core path (BURR/180/1). This core path must not be obstructed during building works or on completion. Any damage done to the route and associated signage during building works must be made good before the first house is occupied.
4. Prior to the commencement of development details of the arrangements for the provision of suitable waste and recycling facilities to serve the proposed development shall be agreed in writing with the Planning Authority. Thereafter the approved scheme shall be implemented prior to the occupation of the first dwelling; all to the satisfaction of the Planning Authority.
5. All trees which are to be retained on site must be protected by stout fencing (minimum 1.2metres high and 2.4metres in intensive area of construction) enclosing an area to protect the ground and roots beneath the full canopy spread as described in BS 5837 : 2012. Trees In Relation To Design, Demolition and Construction, prior to any works commencing on site. If temporary vehicle access is required through the protected area, a reinforced concrete slab or similar protection shall be laid over the existing soil surface to the satisfaction of the Council as Planning Authority.
6. 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

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- 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.
7. 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.
 8. 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.
 9. Prior to the commencement of the development hereby approved, details of the location and measures proposed for the safeguarding and continued operation, or replacement, of any septic tanks and soakaways, private water sources, private water supply storage facilities and/or private water supply pipes serving properties in the vicinity, sited within and running through the application site, shall be submitted to and approved in writing by the Council as Planning Authority. The subsequently agreed protective or replacement measures shall be put in place prior to the commencement of the development being brought into use and shall thereafter be so maintained insofar as it relates to the development hereby approved.
 10. Prior to the commencement of development details of the proposed boundary treatment shall be submitted for the approval of the Planning Authority. The details as agreed and implemented shall thereafter be maintained.
 11. Prior to the commencement of works on site, an evaluation for the potential of the site to be affected by contamination by a previous use should be undertaken and as a minimum, a Preliminary Risk Assessment

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(Phase 1 Desk Study) will be submitted for consideration by the Council as Planning Authority. If after the preliminary risk assessment identifies the need for further assessment, an intrusive investigation should be undertaken to identify;

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

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

12. For the avoidance of doubt, the paddock of land immediately to the north of Plot 4 identified on the approved site plan (Drawing Ref: 16/01097/16) does not form part of the garden ground of the house in Plot 4.

Justification

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

Informatives

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

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4. No work shall be commenced until an application for building warrant has been submitted and approved.
5. The applicant is advised that the granting of planning consent does not guarantee a connection to Scottish Water's assets. The applicant must make a separate application to Scottish Water Planning & Development Services team for permission to connect to the public wastewater system and/or water network and all their requirements must be fully adhered to.

(ii) **16/01357/FLL – PITLOCHRY – Alterations and extension to coffee shop at Mackenzie's Coffee House, 115 Atholl Road, Pitlochry – Report 16/510 - Mr M Wood**

Mr G Kirk, agent for the applicant, addressed the Committee and following his representation, returned to the public benches.

Resolved:

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

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. 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.
3. 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.
4. 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.
5. The hours of operation of the function areas shall be limited to 0700 to 2300 daily.
6. Prior to the opening of this facility, the applicant shall submit, for the prior written approval of the Council, a noise management plan to minimise the potential for disturbance at nearby residential receptors. The plan as

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agreed shall be fully implemented to the satisfaction of the Council.

7. Prior to the commencement of the development hereby approved, a sample of all external finishes shall be submitted to and agreed in writing by the Council as Planning Authority. The external finishes as agreed shall be implemented prior to the completion or bringing into use of the development, whichever is the earlier.

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.

Informatives

1. This planning permission will last only for three years from the date of this decision notice, unless the development has been started within that period. (See section 58(1) of the Town and Country Planning (Scotland) Act 1997 (as amended).
2. Under section 27A of the Town and Country Planning (Scotland) Act 1997 (as amended) the person undertaking the development is required to give the planning authority prior written notification of the date on which it is intended to commence the development. A failure to comply with this statutory requirement would constitute a breach of planning control under section 123(1) of that Act, which may result in enforcement action being taken.
3. As soon as practicable after the development is complete, the person who completes the development is obliged by section 27B of the Town and Country Planning (Scotland) Act 1997 (as amended) to give the planning authority written notice of that position.
4. No work shall be commenced until an application for building warrant has been submitted and approved.

- (iii) **16/01596/CON – PITLOCHRY – Demolition of building at (Mackenzie's Coffee Shop) West Lane, Pitlochry – Report 16/511 – Mr M Wood**

Resolved:

Grant, subject to the following terms, condition and informative:

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.

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Justification

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

Informative

1. This Conservation Area Consent will last only for 3 years from the date of this decision notice, unless the development has been started within that period (see section 16 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997, as amended by Section 20 of the Planning etc (Scotland) Act 2006.

(iv) 16/01364/FLL – BANKFOOT – Erection of 9 flats and associated works at land north of Springside, Main Street, Bankfoot – Report 16/512 – Mr C Taylor

Mr C Pasteur, Auchtergaven Community Council, objector to the application, addressed the Committee and following his representation, withdrew to the public benches.

Motion (Councillors A Gaunt and M Barnacle) – Refuse, as the proposal is contrary to:

1. **Policy PM1A of the Perth and Kinross Local Development Plan 2014, in that the design, by virtue of the limited gap with the neighbouring property “Nairn”, does not respect the amenity of the place.**
2. **Policy PM1B(c) of the Perth and Kinross Local Development Plan 2014, in that the design, by virtue of the limited gap with the neighbouring property “Nairn”, does not complement its surroundings.**

Amendment (Councillors J Kellas and T Gray) – Defer, for the provision of further information on:

1. The consideration that Building Standards would give to the viability of the limited gap with the neighbouring property “Nairn”, with particular reference to maintenance of the gables of the neighbouring property and the proposal.

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

3 members voted for the Amendment as follows:

Councillors T Gray, B Band and J Kellas.

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10 members voted for the Motion as follows:

Councillors H Anderson, M Barnacle, I Campbell, D Cuthbert, A Gaunt, J Giacomazzi, C Gillies, A Livingstone, M Roberts and A Parrott.

Amendment – 3 votes

Motion – 10 votes

Resolved:

In accordance with the Motion.

COUNCILLORS M BARNACLE, J GIACOPAZZI AND A PARROTT LEFT THE MEETING AT THIS POINT.

- (v) **16/01572/FLL – PERTH – Change of use from garden centre to café/takeaway (class 3), alterations and formation of outdoor seating area (in part retrospect) at EZ Grow, 77 Scott Street, Perth – Report 16/513 – Mr A Sams**

Resolved:

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

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 constructed so as to be flood resilient in order to reduce the extent of potential flood damage and thereby reduce repair costs and speed up building restoration should a flood event occur.
3. Prior to the development hereby approved being completed or brought into use, an effective ventilation system commensurate with the nature and scale of cooking to be undertaken shall be installed and operated such that cooking odours are not exhausted into or escape into any neighbouring buildings. Thereafter the system shall be maintained.
4. The hours of operation of the outdoor seating area shall be restricted to between 0900 to 1700 hours Monday to Sunday.
5. The hours of operation of the internal cafe shall be restricted to 0700 hours to 1900 hours daily.
6. 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.

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7. 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.
8. Prior to the development hereby approved being completed or brought into use, a refuse storage area must be provided which is capable of accommodating the following:
 - 1 x 360L general container (600 x 880 x 1140mm)
 - 1 x 360L DMR container (600 x 880 x 1140mm)
 - 1 x 140L food waste container (480 x 544 x 1060mm)Thereafter, the refuse storage area for the premises shall be operated and maintained such that detriment is not caused to the amenity of occupiers or neighbouring premises and does not cause any blockage of access to neighbouring premises.
9. Prior to the commencement of the development hereby approved, details of the specification and colour of the proposed windows and doors 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 earliest.

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).
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.

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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 presence of protected species, and the extent to which they could be affected by the proposed development, should be established before works commence. Should protected species be identified within the site the developer should ensure that all appropriate measures required to comply with the relevant legislation are carried out. Planning permission for a development does not provide a defence against prosecution under another Act.
6. The applicant is advised that any proposed signage will require a further application to be submitted for advertisement consent.

(vi) **16/01637/FLL – PERTH – Variation of condition 2 (hours of operation of floodlights) of permission 11/01669/FLL (formation of an all-weather sports pitch and associated infrastructure) on land at Seven Acres, Newhouse Road, Perth – Report 16/514 – Mr J Kidd**

Councillor E Maclachlan, supporter to the application, and Mr J Kidd, applicant, addressed the Committee and following their respective representations, withdrew to the public benches.

Resolved:

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

1. The proposed development must be carried out in accordance with the approved plans, unless otherwise provided for by conditions imposed on the planning consent.
2. The hours of operation of the floodlights shall be 09.00 hours to 22.00 hours Monday to Sunday.
3. All external lighting to be installed 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 be less than 10 Lux at the windows of adjacent residential properties as recommended by the Institute of Light Engineers.

PERTH AND KINROSS COUNCIL
DEVELOPMENT MANAGEMENT COMMITTEE
16 NOVEMBER 2016

Justification

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

Informative

1. The applicant should be aware that the lease may also need to be amended to permit the proposed extension to the operating hours. Please contact Estates Surveyor Malcolm Hill on 475916 to discuss the matter.

~~~~~

DRAFT



Perth and Kinross Council  
Development Management Committee – 18 January 2017  
Report of Handling by Interim Head of Planning

**Deletion of condition 14 (to seek waste advice) of permission 08/01133/IPM (residential, business, general industry and storage and distribution development (in principle)) on land at Castlemains Farm, Auchterarder.**

Ref. No: 16/01809/IPM  
Ward No: N7 - Strathallan

**Summary**

This report recommends approval of the application to delete condition 14 (to seek waste advice) of permission 08/01133/IPM (residential, business, general industry and storage and distribution development (in principle) on Land At Castlemains Farm Auchterarder.

The proposal is not considered to conflict with the provisions of the Local Development Plan.

**BACKGROUND AND DESCRIPTION**

- 1 This application relates to a strategic development site in Auchterarder that was submitted in 2008 and subsequently approved on the 31 October 2013 following the satisfactory conclusion of a section 75 legal agreement.
- 2 The 2008 application was for the development of land which constitutes part of the northern Auchterarder Expansion Area at Castlemains and Kirkton. The proposal includes 4 separate areas including two areas for residential development with associated land for employment uses at Castlemains and Kirkton and an area to the north west of Castlemains for playing fields and a smaller area to the north east for SUDs and associated landscaping.
- 3 This application seeks to delete condition 14 of application 08/01133/IPM, which advises the developer to seek advice on the storage of waste and recycling facilities and access for service provision within the development from the Council's Community Waste Adviser. Reproduced in full below:-

*Condition 14 - The developer is advised to contact the Council's Community Waste Advisor in order to ensure appropriate provision is made for storage of waste and recycling facilities and access for service provision.*

- 4 As well as seeking the deletion of this condition the developer is also requesting that the timescale associated with the implementation of the strategic development site is extended to allow them sufficient time to build out the development. They have requested that the time limit should be changed from the standard three year time limit within the legislation to fifteen years.

## **PRE-APPLICATION CONSULTATION**

- 5 Due to the size of the application site, which is over 2 hectares, this proposal is classed as a major application as defined in the Town and Country Planning (Hierarchy of Development) (Scotland) Regulations 2009. The amended Regulations, which came into force on the 30 June 2013, removes the requirement for Pre-application Consultation for Section 42 applications (which relates to a 'major planning application') made on, or after the 3 February 2013. Accordingly there is not a requirement to carry out a pre-application public consultation on this major application due to the inclusion of Regulation 49(5) in the above Regulations.

## **NATIONAL POLICY AND GUIDANCE**

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

## **DEVELOPMENT PLAN**

- 7 The Development Plan for the area comprises the TAYplan Strategic Development Plan 2012-2032 and the Perth and Kinross Local Development Plan 2014.

## **TAYplan Strategic Development Plan 2012 – 2032 - Approved June 2012**

- 8 The overall vision of the Tay Plan states *"By 2032 the TAYplan region will be sustainable, more attractive, competitive and vibrant without creating an unacceptable burden on our planet. The quality of life will make it a place of first choice, where more people choose to live, work and visit and where businesses choose to invest and create jobs."*
- 9 The principal relevant policies are, in summary:

### **Policy 3: Managing TAYplan's Assets**

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

### **Policy 4: Strategic Development Areas**

- 11 Confirms that local development plans should identify specific sites for the Strategic Development Areas and allocate land uses set out in the Tayplan. This includes a strategic development area to the West/ North West of Perth for 4000+ homes and 50ha of employment land.

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

- 12 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.

- 13 The principal relevant policies are, in summary:

### **Policy PM1A - Placemaking**

- 14 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**

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

### **Policy PM1C - Placemaking**

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

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

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

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

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

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

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

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

- 20 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 RD6 - Particular Needs Housing Accommodation**

- 21 Support will be given to proposals for particular needs housing and accommodation for the frail, elderly or those with special needs where they are appropriately located and where they have minimum impact on the environment. Proposals for Houses of Multiple Occupation will be supported provided a need can be demonstrated and the residential amenity of an area is not affected.

#### **Policy TA1A - Transport Standards and Accessibility Requirements**

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

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

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

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

- 24 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**

- 25 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**

- 26 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 are provided.

#### **Policy HE1A - Scheduled Monuments and Non Designated Archaeology**

- 27 There is a presumption against development which would have an adverse effect on the integrity of a Scheduled Monument and its setting, unless there are exceptional circumstances.

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

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

#### **Policy NE3 - Biodiversity**

- 29 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**

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

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

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

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

- 32 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**

- 33 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**

- 34 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**

- 35 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**

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

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

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

### **OTHER POLICIES**

- 38 Developer Contributions Supplementary Planning Guidance.
- 39 Auchterarder Expansion Development Framework.

### **SITE HISTORY**

- 40 08/01133/IPM Proposed Residential and Class 4 (Business), Class 5 (General Industry) \_ Class 6 (storage and distribution) development (in principle) on 31 October 2013 Application Permitted by the Development Management Committee.
- 41 08/01279/FLM Erection of 147 dwellinghouses and associated engineering operations 15 November 2013 Application Permitted by the Development Management Committee.
- 42 13/02016/ADV Display of signs and flags 16 December 2013 Application Refused under delegated powers.
- 43 14/00481/FLL Modification of permission (08/01279/FLM) change of house type at Plot 125 15 May 2014 Application permitted under delegated powers.

- 44 14/01061/FLL Modification of permission 08/01279/FLM (residential development) for change of house type at Plot 112 28 July 2014 Application permitted under delegated powers.
- 45 14/01477/FLL Variation of condition 8 (formation of path) of permission 08/01279/FLM for the erection of 147 dwellinghouses and associated engineering operations 9 July 2015 Application permitted under delegated powers.
- 46 15/00234/FLL Modification of permission 08/01279/FLM (erection of 147 dwellinghouses and associated engineering operations) change of house type units on plots 109, 110 and 111 19 March 2015 Application permitted under delegated powers.
- 47 15/00376/FLL Modification of planning permission 08/01279/FLM (erection of 147 dwelling houses and associated engineering operations ) change of house type on plots 42, 44 and 45 19 May 2015 Application permitted under delegated powers.
- 48 15/00683/FLL Modification of permission 08/01279/FLM (erection of 147 dwellinghouses and associated engineering operations) change of house type plot 38 3 June 2015 Application permitted under delegated powers.
- 49 15/01145/FLL Modification of permission 08/01279/FLM (Erection of 147 dwelling houses) change of house types on plots 24 - 36 and the formation of 3 additional plots - 156, 157 and 158 30 November 2015 Application permitted under delegated powers.
- 50 15/01383/FLL Modification of permission 08/01279/FLM (erection of 147 dwellinghouses) change of house types on plots 40 and 140 28 October 2015 Application permitted under delegated powers.
- 51 15/02067/FLL Modification of permission 08/01279/FLM (residential development) change of house type and erection of garages at plot 14 to 16 and removal of plot 13 18 January 2016 Application permitted under delegated powers.
- 52 15/02080/FLL Modification of permission 08/01279/FLM (Erection of 147 dwellinghouses and associated engineering operations) change of house type plot 136 20 January 2016 Application permitted under delegated powers.
- 53 15/02223/FLL Modification of permission 08/01279/FLM (Erection of 147 dwellinghouses and associated engineering operations) change of house type at plots 56-100 and 148-151 30 May 2016 Application permitted under delegated powers.
- 54 15/02224/FLL Modification of permission 08/01279/FLM (Erection of 147 dwellinghouses and associated engineering operations) change of house type at plots 13, 46-55, 101-108 and 152-155 30 May 2016 Application permitted under delegated powers.

## CONSULTATIONS

### EXTERNAL

- 55 **Auchterarder And District Community Council** – No response
- 56 **Scottish Water** – No response.
- 57 **Transport Scotland** – No objection.
- 58 **Historic Environment Scotland** – No comments.
- 59 **Scottish Environment Protection Agency** – No objection.
- 60 **National Grid Plant Protection Team**– No response.

### INTERNAL

- 61 **Transport Planning** – No objection.
- 62 **Contributions Officer** – No comments.

## REPRESENTATIONS

- 63 A total of 2 letters of representation were received during the advertisement period for the application.

The representations have raised the following relevant issues: -

- Concerns regarding the management of water and runoff/flooding and sewerage discharge.
- 64 The concerns associated with the management of water is noted. However, this is not relevant to the matter under consideration which is the deletion of condition 14 (storage of waste and recycling facilities and access for service provision). Notwithstanding this the issue has been passed to the Development Management Monitoring Officer for investigation. It should be noted that this site, due to its scale, is subject to continual monitoring.

## ADDITIONAL STATEMENTS

65

|                                                |                                      |
|------------------------------------------------|--------------------------------------|
| Environment Statement                          | Not Required                         |
| Screening Opinion                              | Not Required                         |
| Environmental Impact Assessment                | Not Required                         |
| Appropriate Assessment                         | Not Required                         |
| Design Statement / Design and Access Statement | Not Required                         |
| Reports on Impact or Potential Impact          | Undertaken for previous application. |



## **APPRAISAL**

- 66 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 adopted Development Plan consists of the TAYplan Strategic Development Plan 2012 – 2032 and the Perth and Kinross Local Development Plan 2014.
- 67 Section 42 of the Town and Country Planning (Scotland) Act 1997 enables the determination of applications to develop land without compliance with conditions previously attached. The legislation specifies that on such an application the Planning Authority shall consider only the issue of the conditions to be attached to any resulting permission. If they decide that planning permission should be granted subject to conditions differing from those subject to which the previous permission was granted, or that it should be granted unconditionally, they shall grant planning permission accordingly. If they decide that planning permission should be granted subject to the same conditions as those subject to which the previous permission was granted, they shall refuse the application.
- 68 The principal determining issue in this case is whether: the deletion of condition 14 in contention would be consistent with the relevant provisions of the Development Plans; or if an exception to these provisions is justified by other material considerations. There is also a further issue on whether the 15 year time limit that the developer seeks to be included under this consent can be accommodated.

### **The deletion of Condition 14**

- 69 The application seeks the deletion of condition 14 as set out above.
- 70 In this case I consider that the advice of the Council's Community Waster Adviser should be sought when building out this strategic development site, however, the wording used in this instance is more suited as an Informative rather than a condition. I am therefore satisfied that this matter can be dealt with adequately through the use of an Informative.
- 71 Taking this into account I am of the view that the deletion of the condition is acceptable and its loss would not conflict with the Development Plan. Notwithstanding this it should feature as an informative on the decision notice.

### **The timescales associated with this consent**

- 72 The developer in their submission has also requested a direction to vary the standard time limit in the present application to 15 years. This is to coincide with the likely build out of this strategic development site.

- 73 Scottish Government Circular 3/2013: Development Management Procedures provides advice on dealing with Section 42 applications in 'Annex I : Applications for Planning Permission under Section 42 of the Act'. This confirms in paragraph 2a) that the effect of granting permission for a section 42 application is such that a new and separate permission exists for the development with different (or no) conditions attached. The previous planning permission remains unaltered by, and is not varied by, the decision on the section 42 application.
- 74 Paragraph 2b) stipulates that the duration of the new permission is specified in the Act. Alternatively, authorities may direct that a longer or shorter period applies. Paragraph 8) specifies that where a new permission is granted, the new duration will be as specified in Section 58 or 59 of the Act. However, it would be possible for the planning authority to direct that an alternative time period applies. In this case I consider it competent to include a direction allowing 15 years to coincide with the likely build out of this strategic site.

### **Other Site Circumstances**

- 75 There has been a change to site circumstances since the previous 'in principle' planning approval as a number of detailed applications have been submitted for this site. These have been approved with a number of dwellings now constructed. Furthermore there is also a new Local Development Plan in force.
- 76 It should be noted that the Auchterarder Development Framework has been adopted by the Council and the settlement boundary to the north of Auchterarder in the LDP correlates with sites one and two of the strategic Development Framework (essentially application 08/01133/IPM). Taking this into account there is no conflict with the principle of the development.
- 77 The report on application 08/01133/IPM covered a number of topics including Affordable Housing, Employment Land, Education, Traffic, Drainage and Flooding, Residential Amenity, Design, Layout and Landscaping, Built Heritage, Natural Heritage as well as Sustainability. I find that these matters have been satisfactorily addressed or covered via the earlier in principle application and conditions. I have taken account of the applicable policies of the LDP and if conditional control is reapplied it is considered that the proposal will accord with the Development Plan. It should be noted that the existing legal agreement for the site will also need to apply to this consent, accordingly it will need to be varied to ensure it also applies to this consent.

### **Economic Impact**

- 78 The construction of the residential development would provide opportunities for local trades and tradesmen to become involved in the construction phase. Additionally there would likely be a positive economic impact on the local area associated with the increase of population to Auchterarder which may sustain commercial opportunities within the town centre or lead to other economic opportunities.

## **LEGAL AGREEMENTS**

- 79 A variation of the existing legal agreement will be required.

## **DIRECTION BY SCOTTISH MINISTERS**

- 80 Under the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2008, 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**

- 81 To conclude, the application must be determined in accordance with the adopted Development Plan unless material considerations indicate otherwise. In this respect, I have taken account of the Local Development Plan and material considerations and in this case I am content that the deletion of condition 14 does not conflict with the Development Plan.
- 82 Accordingly the section 42 application should be granted as it complies with the Development Plan and there are no other material considerations that would justify refusing the application.

## **RECOMMENDATION**

### **A Approve subject to the following direction & conditions:**

#### **Direction:**

Perth and Kinross Council direct that subsections (2)(a)(i) and (3) of section 59 of the Town and Country Planning (Scotland) Act 1997 apply as respects to application 16/01809/IPM with the substitution for the period of 3 years referred to in each of those subsections, of the period of 15 years.

#### **Conditions:**

- 1 The development shall not commence until the following matters have been approved by the Planning Authority: the siting, design and external appearance of the development, the landscaping of the site, all means of enclosure, the car parking and means of access to the site.

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.

- 2 All matters regarding access, car parking, road layout, design and specification (including street lighting and disposal of surface water) shall be in accordance with the standards required by the Council as Roads Authority.

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

- 3 Storm water drainage from all paved surfaces, including the access, shall be disposed of by means of suitable sustainable urban drainage systems to meet the requirements of the Planning Authority.

Reason - To ensure adequate surface water drainage from the site.

- 4 Prior to the commencement of any development on site, the details of the roads proposals and implementation programme shall be submitted for approval by the Planning Authority in accordance with the relevant Minutes of Agreement with Transport Scotland.

Reason - To ensure that the standard of the proposed infrastructure modifications complies with current standards and that the safety of the traffic on the Trunk Road is not diminished.

- 5 Prior to the occupation of any part of the development, infrastructure modifications to the A9 (T) Loaninghead Interchange, generally as indicated in DBA drawing 08007/SK/03, and the closure of central reserve gaps on the A9 (T) between the Loaninghead (A823) Interchange and the Aberuthven (A824) junction, shall be implemented to the satisfaction of the Planning Authority, after consultation with Transport Scotland - Trunk Road Network Management Directorate, unless otherwise agreed in writing with the Planning Authority in consultation with Transport Scotland.

Reason - To maintain safety for both the Trunk Road Traffic and traffic moving to and from the development.

- 6 The submission of reserved matters referred to in Condition No 1 shall include control measures for noise, dust and odours. These measures shall be fully implemented to the satisfaction of the Planning Authority prior to the occupation of the dwellinghouses.

Reason - To ensure the adequate level of local environmental quality.

- 7 The submission of reserved matters referred to in Condition 1 shall include the detailed Ecological/Biodiversity proposals which will identify opportunities for the enhancement of natural heritage including structure planting for ecological benefits and use of native hedging, impact on breeding birds, new habitat creation for species adversely affected and as part of the SUDS scheme.

Reason - In the interests of biodiversity and environmental quality.

- 8 No development shall take place within the development site as outlined in red on the approved plan until the developer has secured the implementation of a programme of archaeological works in accordance with a written scheme of investigation which has been submitted by the applicant agreed by Perth and Kinross Heritage Trust, and approved by the Planning Authority. Thereafter the developer shall ensure that the programme of archaeological works is fully implemented and that all recording and recovery of archaeological resources within the development site is undertaken to the satisfaction of the Planning Authority in agreement with Perth and Kinross Heritage Trust.

Reason - In the interest of archaeological heritage.

- 9 The submission of reserved matters referred to in Condition 1 shall include carbon emission reduction measures including the onsite use of renewables and/or low carbon technologies. Each dwelling shall be constructed to achieve a minimum 'EcoHomes' (or equivalent quality assured scheme as agreed by the Council) overall 'very good' standard comprising the following minimum elements:-

i 'Excellent' standard in respect of energy credits.

ii 'Excellent' standard in respect of water credit

iii 'Very Good' standards in respect of the material credits.

Reason - In the interests of sustainable development and to comply with the guidelines contained within SPP6.

- 10 Prior to the commencement of development the following carbon reduction details shall, together, be submitted to and approved in writing by the Council as Planning Authority:-

- a) details of a 'Design Stage' type assessment in accordance with the BREEAM EcoHomes (2006):Environmental rating for homes - Pre Assessment Estimator: and
- b) details of how the development will reduce carbon dioxide emissions to a level 15% below the level of emissions that would result from the predicted total energy demand through the use of on-site sustainable energy technologies, such as renewables and/or low carbon technologies.

Reason - In the interests of sustainable development and to comply with the guidelines contained within SPP6.

- 11 Following completion of the final dwelling within each phase, a Post Construction, type assessment and related certification confirm the 'EcoHomes' standard that has been achieved, and stating the amount of residual carbon emissions, and how they are proposed to be dealt with to ensure that the development meets the requirements of conditions 11 and 12 (including details of any necessary mechanisms to be put in place and associated timetables) shall be submitted to and approved in writing by the Local Planning Authority. The approved measures and technologies necessary to achieve the minimum 'EcoHomes' 'very good' standard shall be implemented in accordance with the approval and thereafter shall be retained in working order in perpetuity.

Reason - In the interests of sustainable development and to comply with the guidelines contained within SPP6.

- 12 The developer shall provide a continuous footpath link along Castlemains Road to the site of the new playing fields to the satisfaction of the Planning Authority.

Reason -In the interests of pedestrian safety.

## **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**

Perth and Kinross Council direct that subsections (2)(a)(i) and (3) of section 59 of the Town and Country Planning (Scotland) Act 1997 apply as respects to application 16/01809/IPM with the substitution for the period of 3 years referred to in each of those subsections, of the period of 15 years.

Consent shall not to be issued until the Section 75 Agreement has been varied to take account of this application. The legal agreement should be concluded and completed within 4 months of the date of any Committee approval. Failure to conclude a legal agreement within 4 months will result in the planning application being re-assessed through failing to comply with the associated developer contributions policy and will be ultimately recommended for refusal under delegated powers.

## **D INFORMATIVES**

- 1 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.

- 2 As soon as practicable after the development is complete, the person who completes the development is obliged by section 27B of the Town and Country Planning (Scotland) Act 1997 (as amended) to give the planning authority written notice of that position.
- 3 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.

- 4 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](http://www.pkc.gov.uk) and should be returned to [snn@pkc.gov.uk](mailto:snn@pkc.gov.uk)
- 5 The applicant is advised that in terms of Sections 21 of the Roads (Scotland) Act 1984 he/she/they must obtain from the Council as Roads Authority consent to construct a new road prior to the commencement of roadworks. Advice on the disposal of surface water must be sought at the initial stages of design from Scottish Water and the Scottish Environmental Protection Agency.
- 6 No work shall be commenced until an application for building warrant has been submitted and approved.
- 7 The applicant is advised that the granting of planning permission does not guarantee a connection to Scottish Water's assets. The applicant must make a separate application to Scottish Water Planning & Development Services team for permission to connect to the public wastewater system and/or water network and all their requirements must be fully adhered to.
- 8 The developer is advised to contact the Council's Community Waste Advisor in order to ensure appropriate provision is made for storage of waste and recycling facilities and access for service provision.

Background Papers: 2 letters of representation  
 Contact Officer: John Russell – Ext 75346  
 Date: 21 December 2016

**NICK BRIAN**  
**INTERIM HEAD OF PLANNING**

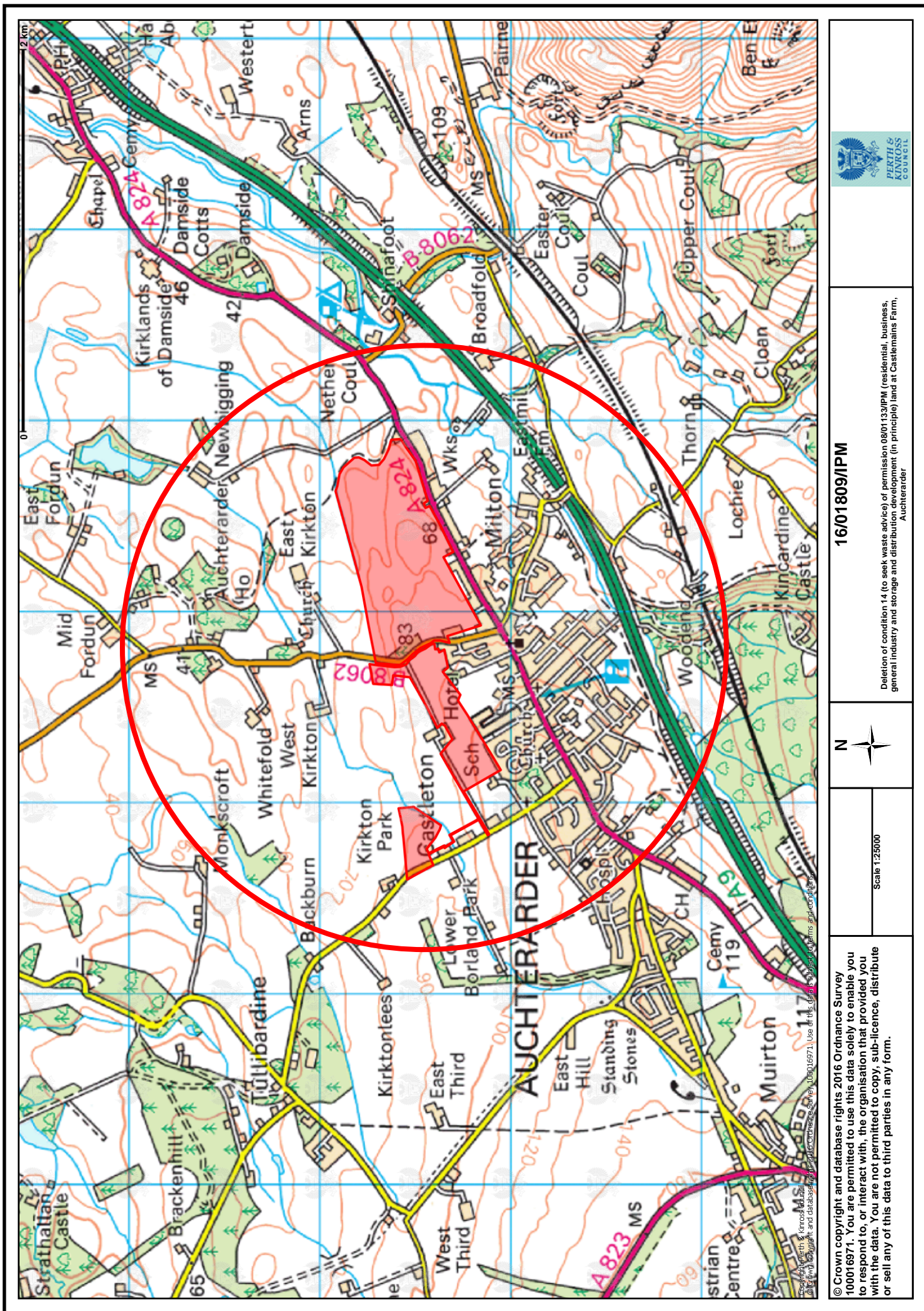
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16/01809/IPM



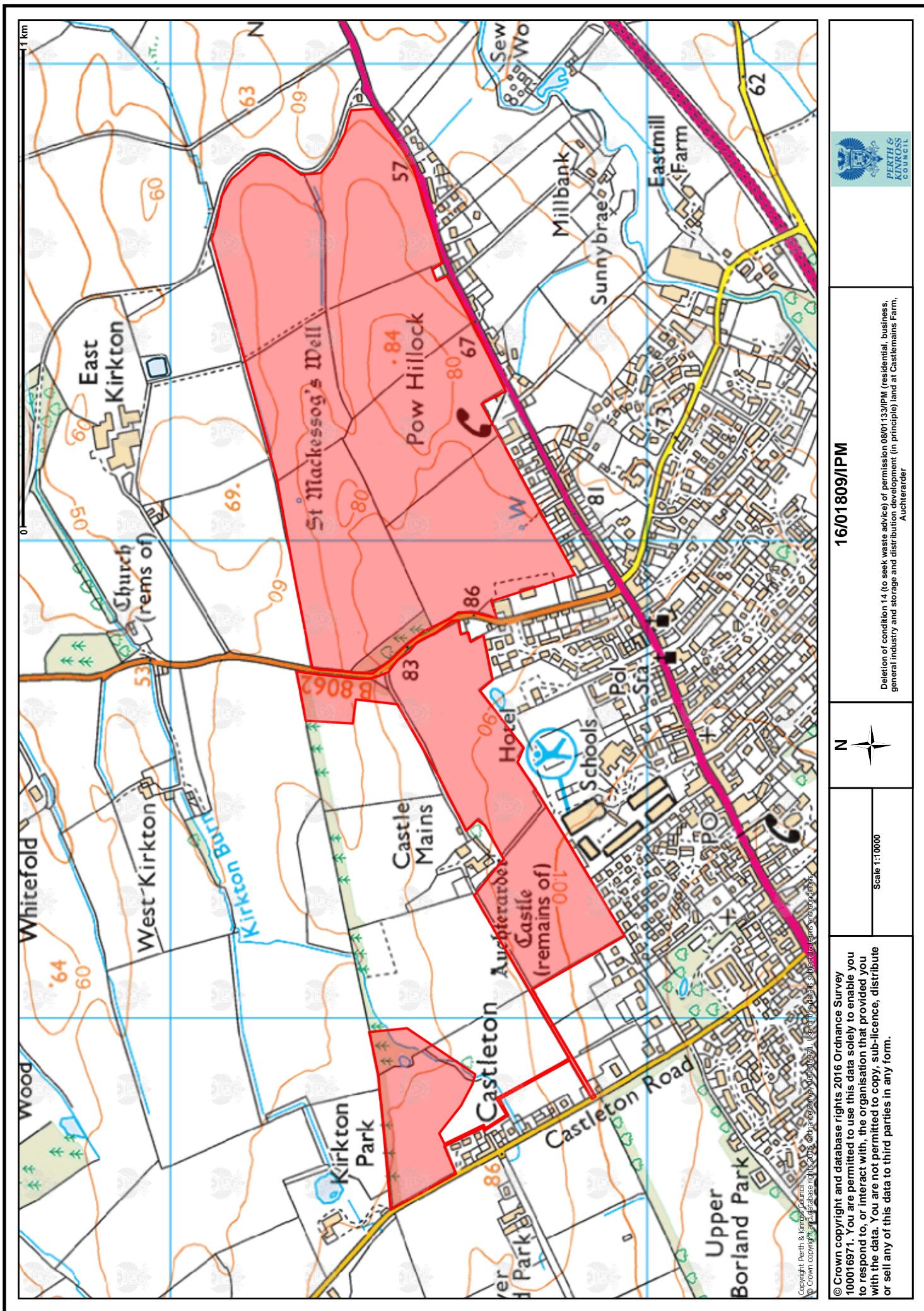
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Deletion of condition 14 (to seek waste advice) of permission 08/0133/PM (residential, business, general industry and storage and distribution development (in principle) land at Castlemains Farm, Auchterarder









Perth and Kinross Council  
Development Management Committee – 18 January 2017  
Report of Handling by Interim Head of Planning

**Deletion of condition 5 of permission 15/01177/FLM to remove the requirement for an equipped area of play on land NE & SE of Westpark, St Ninian's Road, Alyth**

Ref. No: 16/01842/FLM  
Ward No: N2 - Strathmore

**Summary**

This report recommends approval of the application to delete condition 5 of permission 15/01177/FLM which removes the requirement for an equipped area of play on the zoned housing site on land NE & SE of Westpark, St Ninian's Road, Alyth. The proposal is not considered to conflict with the provisions of the Local Development Plan to an extent that would warrant refusal of the application and there are material considerations associated with viability which also justify the deletion of the play equipment condition.

**BACKGROUND AND DESCRIPTION**

- 1 There is a considerable amount of history associated with this site.
- 2 An earlier application for the site was made in 2009. At that point in time the residential development was contrary to the Eastern Area Local Plan, however the Housing Land Supply figures showed that additional housing sites were required within the Eastern Area. The requirement to meet housing supply was considered to be a significant material consideration which justified a departure from the Local Plan and the application was subsequently approved by a meeting of this committee subject to conditional control and the conclusion of a legal agreement in respect of drainage works and flood alleviation.
- 3 Following the implementation of off-site drainage works (previously to be secured by legal agreement) the decision notice was released in 2012. Condition 1 of that consent required reserved matters to be submitted for approval not later than 3 years from the date of the planning permission (i.e. by 26 September 2015).
- 4 A further application was submitted in 2015 which effectively renewed the earlier application, 15/01177/FLL refers. This application took account of the updated policy position as the site was now incorporated into an allocated housing site (H60) of the Perth and Kinross Local Development Plan 2014.
- 5 This application seeks to delete condition 5 of application 15/01177/FLL for the provision of an equipped play area which required the following:-

*Condition 5 - An equipped area for play shall be provided by the developer to cater for the age group 4-8 year olds and integrated within the area of public*

*open space referred to in Condition 2 above.*

- 6 The deletion has been sought on scheme viability grounds. It should be noted that discussions regarding the scheme viability between the developer and the Planning Authority has occurred. This included looking at a potential reduction in developer contributions relating to affordable housing and education. While the Planning Authority's preference would be to retain an equipped area of play it was considered that the loss of play equipment would be preferable in comparison to a loss towards affordable housing and education. The loss of the equipped play is discussed further under the appraisal section of this Report of Handling.

## **PRE-APPLICATION CONSULTATION**

- 7 Due to the size of the application site, which is over 2 hectares, this proposal is classed as a Major Application as defined in the Town and Country Planning (Hierarchy of Development) (Scotland) Regulations 2009. The amended Regulations, which came into force on the 30 June 2013, removes the requirement for Pre-application Consultation for Section 42 applications (which relates to a 'major planning application') made on, or after the 3 February 2013. Accordingly there is not a requirement to carry out a pre-application public consultation on this major application due to the inclusion of Regulation 49(5) in the above Regulations.

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

- 8 The proposed development, as an urban development project with a site area exceeding 0.5ha, falls under Schedule 2 (10(b)) of the Environmental Impact Assessment (Scotland) Regulations. An assessment of a project's likely significant environmental effects has already been undertaken via a screening process associated with the earlier application.

## **NATIONAL POLICY AND GUIDANCE**

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

## **DEVELOPMENT PLAN**

- 10 The Development Plan for the area comprises the TAYplan Strategic Development Plan 2012-2032 and the Perth and Kinross Local Development Plan 2014.

## **TAYplan Strategic Development Plan 2012 – 2032 - Approved June 2012**

- 11 The overall vision of the Tay Plan states *“By 2032 the TAYplan region will be sustainable, more attractive, competitive and vibrant without creating an unacceptable burden on our planet. The quality of life will make it a place of first choice, where more people choose to live, work and visit and where businesses choose to invest and create jobs.”*
- 12 There are no specific policies of strategic importance, relevant to this particular proposal contained in the TayPlan.

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

- 13 The Local Development Plan (LDP) was adopted by Perth and Kinross Council on 3 February 2014. It is the most recent statement of Council policy and is augmented by Supplementary Guidance.
- 14 The principal relevant policies are, in summary:

### **Policy PM1A - Placemaking**

- 15 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 PM3 - Infrastructure Contributions**

- 16 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**

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

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

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



### **Policy TA1A - Transport Standards and Accessibility Requirements**

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

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

- 20 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**

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

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

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

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

- 23 There is a presumption in favour of the retention and sympathetic restoration, correct maintenance and sensitive management of listed buildings to enable them to remain in active use. The layout, design, materials, scale, siting and use of any development which will affect a listed building or its setting should be appropriate to the building's character, appearance and setting.

### **Policy NE3 - Biodiversity**

- 24 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**

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



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

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

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

- 27 There 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**

- 28 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**

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

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

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

### **OTHER POLICIES**

- 31 None.

### **SITE HISTORY**

- 32 Application 09/00577/IPM for the erection of a residential development (in principle) was approved, subject to conditions on the 26 October 2012.
- 33 Application 15/01177/FLL effectively renewed application 09/00577/IPM for the erection of a residential development (in principle), this was subject to conditional control and the decision was dated 24 September 2015.

## CONSULTATIONS

### EXTERNAL

- 34 **Scottish Environment Protection Agency** – No objection.
- 35 **Alyth Community Council** – No response.
- 36 **Scottish Water** – No response.

### INTERNAL

- 37 **Environmental Health** – No objection.
- 38 **Local Flood Prevention Authority** – No objection. Previous comments on earlier application still stand.
- 39 **Transport Planning** – No objection to the deletion of Condition 5.
- 40 **Community Greenspace** – No response.
- 41 **Perth And Kinross Area Archaeologist** – No objection. Previous comments on earlier application still stand.
- 42 **Contributions Officer** – Extensive discussions have taken place with Guild Homes in relation to the current consent under 15/01177/FLL and it has been agreed that on grounds of viability that there is no requirement for an equipped area of play but an area of informal play is still required. No objection to the proposal.

## REPRESENTATIONS

- 43 A total of four letters of representation were received during the advertisement period for the application.
- 44 The representations have raised the following relevant issues associated with the deletion of condition 5: -
  - Removal of the play equipment may result in children playing on the roads.
  - Provision of equipped play areas has health benefits for children, this will be lost if the play equipment is not secured.
  - Concern that other play provision is too far away.
  - Removal of play equipment conflicts with the Local Development Plan.
- 45 All the relevant planning issues associated with the deletion of condition 5 are covered in the Appraisal section of this report.

- 46 Further concerns have been raised regarding the following issues however these matters are not associated with the deletion of condition 5. However members should be aware that these matters have already been considered under the earlier application for this site that was previously before committee, Application 15/01177/FLL.

- Concerns with flooding and drainage arrangements.
- Access and traffic impacts, including parking implications and the potential for the development to impact on a route to school.
- Concern with housing density, the type of housing and whether there is a need for the housing.

## **ADDITIONAL STATEMENTS**

47

|                                                |                                     |
|------------------------------------------------|-------------------------------------|
| Environment Statement                          | Not required                        |
| Screening Opinion                              | Not required                        |
| Environmental Impact Assessment                | Not applicable                      |
| Appropriate Assessment                         | Not applicable                      |
| Design Statement / Design and Access Statement | Not applicable                      |
| Reports on Impact or Potential Impact          | Undertaken for previous application |

## **APPRAISAL**

### **Policy Appraisal**

- 48 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 adopted Development Plans that are applicable to this area are the TAYplan Strategic Development Plan 2012 – 2032 as well as Perth and Kinross Local Development Plan 2014.
- 49 Section 42 of the Town and Country Planning (Scotland) Act 1997 enables the determination of applications to develop land without compliance with conditions previously attached. The legislation specifies that on such an application the Planning Authority shall consider only the question of the conditions subject to which planning permission should be granted, and if they decide that planning permission should be granted subject to conditions differing from those subject to which the previous permission was granted, or that it should be granted unconditionally, they shall grant planning permission accordingly. If they decide that planning permission should be granted subject to the same conditions as those subject to which the previous permission was granted, they shall refuse the application.

- 50 The determining issues in this case are whether: - the deletion of condition 5 in contention would be consistent with the relevant provisions of the Development Plans; or if an exception to these provisions is justified by other material considerations
- 51 This application is for the deletion of condition 5 as stated above:-
- 52 The developer, Guild Homes, has been in discussion with the Council's Developer Contribution officer regarding this site and the viability of the development and how it relates to the developer contribution policies of the Council.
- 53 I note that there is also an equipped area of play to the south of Alyth Town centre some 500 metres from the site as the crow flies.
- 54 I note from the developer contribution officer's response that they have been involved in extensive negotiations surrounding this site and on the grounds of viability. In this case the developer contribution officer considers that the requirement for an equipped area of play should be removed to assist development viability however an informal area of play is still required.
- 55 In this particular case Policy CF1B: Open Space within New Developments is the main policy in the determination of this application. This policy seeks the provision of appropriate areas of informal and formal open space that is accessible to all users as an integral part of any new development where existing provision is not adequate. While the provision of an equipped area of play would be beneficial, nevertheless, taking account of the response from the developer contributions officer I consider there is sufficient reasoning to delete condition 5 and the requirement for an area of equipped play.
- 56 Notwithstanding this it should be noted that the wording of condition 2 (i) requires certain matters to be assessed at the matters specified by conditions stage and this includes areas of openspace, see below:-
- Condition 2 (i) The siting, design and external appearance of the development, the landscaping of the site, areas of open space, pedestrian links, all means of enclosure, the car parking and means of access to the site.*
- 57 In this case I consider that informal play can be catered for within the areas of open space that require to come forward under other conditional control imposed on the consent.
- 58 I do not consider that the loss of the equipped play area will likely result in children playing on the roads or that the loss will adversely affect the health benefits of children within this housing scheme to a level that would warrant refusal of the application. Accordingly I am of the view that the proposal is not in conflict with the Development Plan to a level that would warrant refusal of the application as informal play can be catered for within the areas of openspace. Therefore condition 5 of application 15/01177/FLL can be deleted.

### **Other Site Circumstances**

- 59 There has been no change to site circumstances since the previous 2015 planning approval. I have taken account of the applicable policies of the LDP which relate to residential amenity, access/traffic/transport, waste collection, developer contributions, listed buildings, bio diversity, landscape as well as flooding. I find that these matters have been satisfactorily addressed or covered via earlier applications and conditions. If this conditional control is reapplied it is considered that the proposal will accord with the Development Plan.

### **Economic Impact**

- 60 The construction of the residential development would provide opportunities for local trades and tradesmen to become involved in the construction phase. Additionally there would likely be a positive economic impact on the local area associated with the increase of population to Alyth which may sustain commercial opportunities within the town centre or lead other economic opportunities.

### **LEGAL AGREEMENTS**

- 61 Not required.

### **DIRECTION BY SCOTTISH MINISTERS**

- 62 Under the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2008, 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**

- 63 To conclude, the application must be determined in accordance with the adopted Development Plan unless material considerations indicate otherwise. In this respect, I have taken account of the LDP and material considerations and in this case I am content that the deletion of condition 5 can be supported. While the Planning Authority's preference would be to retain an equipped area of play it is considered that the loss of play equipment is preferable to a loss of developer contributions associated with affordable housing and education.
- 64 Accordingly the section 42 application, taking account of the circumstances, should be granted as there are material considerations that support the approval of the application.

## **RECOMMENDATION**

### **A Approve the application**

#### **Conditions:**

- 1 The development shall not commence until the following matters have been approved by the Planning Authority:
  - (i) The siting, design and external appearance of the development, the landscaping of the site, areas of open space, pedestrian links, all means of enclosure, the car parking and means of access to the site.

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.

- 2 No development shall take place within the site until the applicant has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant agreed by Perth and Kinross Heritage Trust. Thereafter the developer shall ensure that the programme of archaeological works is fully implemented and that all recording and recovery of archaeological resources within the development site is undertaken to the satisfaction of the Planning Authority in agreement with Perth and Kinross Heritage Trust.

Reason - In order to protect archaeological interests.

- 3 The submitted sketch layouts are purely illustrative at this stage and are not approved and no specific number of houses is agreed at this stage and shall be subject to an acceptable scheme being submitted under Condition 1 above, all to the satisfaction of the Council as Planning Authority.

Reason - In order to safeguard the visual and residential amenity of the area; to ensure a satisfactory standard of local environmental quality and to avoid the over intensive development of the site.

- 4 The core paths located on the site must not be obstructed during building works or on completion. Any damage done to the route during the building works must be made good before the house is occupied or first let.

Reason - In order to protect public rights of way.

- 5 The long term maintenance of the public open space and the informal play area must be in accordance with one of the three options in line with Council policy as follows:
- (a) Perth and Kinross Council take title to the land and maintain the ground in perpetuity for a flat rate commuted sum payable by the developer. The sum is set annually per dwelling and is currently £300/unit excluding play areas which are charged as a single sum currently £19,000.
  - (b) The Greenbelt Company can take title to the land and maintain in perpetuity for a charge to the developer with the Council getting sight of the agreement.
  - (c) An approved alternative company maintains the open space in perpetuity for a charge to the developer and a permanent bond is lodged with the Council against default.
  - (d) The Council do not permit developers or their agents to include title of areas of public open space or levy an annual charge to individual residents for any of the options above.

Reason - In order to comply with the Council's Open Space standards and policies.

- 6 A detailed tree survey shall be provided by the developer including topographical survey and any trees retained should be within adequate areas of open space and not affected by service trenches or level changes and protected in accordance with BS 5837:2005 all to the satisfaction of the Council as Planning Authority.

Reason - In the interests of visual and residential amenity.

- 7 The development shall be in accordance with the Council's Affordable Housing Policy approved in August 2005 which requires a 25% allocation of affordable units within the development all to the satisfaction of the Council as Planning Authority.

Reason - To comply with the Council's approved policy on affordable housing.

- 8 No development shall take place until a full drainage strategy for the site has been submitted and approved in writing by the Planning Authority in consultation with SEPA that will be based upon an updated Flood Risk Assessment (FRA). The FRA should take account of the legislative, regulatory and policy position now in place and must inform the finalised design and layout of the site, demonstrating that the proposed development layout will not increase the risk of flooding to the site or elsewhere and that the proposed development levels are appropriate. Following written approval the full drainage strategy shall be carried out prior to the erection of any dwellings connected with this application.

Reason - In order to avoid any potential flood risk.

- 9 The development shall be in accordance with the requirements of the Council's Primary Education and New Housing Development Policy approved in May 2009 all to the satisfaction of the Council as Planning Authority.

Reason - To comply with the Council's approved Education Contributions policy.

- 10 Prior to the occupation and use of the approved development all matters regarding access, car parking, road layout, design and specification (including the disposal of surface water) and facilities for public transport in the form of bus boarders, bus stops and associated shelters within the site and on the public road adjacent to the site 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 interests of road and public safety.

- 11 Storm water drainage from all paved surfaces, including the access, shall be disposed of by means of suitable sustainable urban drainage systems to meet the requirements of best management practices

Reason - In the interests of road and public safety.

## **B JUSTIFICATION**

The proposal is not considered to conflict with the Development Plan to a level that would warrant refusal of the application and there are material considerations associated with viability which also justify the deletion of the play equipment condition.

## **C PROCEDURAL NOTES**

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 to this application (16/01842/FLM).

## **D INFORMATIVES**

- 1 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.



- 2 As soon as practicable after the development is complete, the person who completes the development is obliged by section 27B of the Town and Country Planning (Scotland) Act 1997 (as amended) to give the planning authority written notice of that position.
- 3 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.
- 4 The applicants are advised that they must apply to the Roads Authority, for construction consent to form a new street. Please contact The Construction and Maintenance Manager, The Environment Service, Perth and Kinross Council, The Atrium, Glover Street, Perth.
- 5 The applicant is advised that in terms of Sections 21 of the Roads (Scotland) Act 1984 he/she/they must obtain from the Council as Roads Authority consent to construct a new road prior to the commencement of roadworks. Advice on the disposal of surface water must be sought at the initial stages of design from Scottish Water and the Scottish Environmental Protection Agency.
- 6 No work shall be commenced until an application for building warrant has been submitted and approved.
- 7 The applicant is advised that the granting of planning consent does not guarantee a connection to Scottish Water's assets. A totally separate drainage system will be required with the surface water discharging to a suitable outlet. Scottish Water requires a sustainable urban drainage system (SUDS) as detailed in Sewers for Scotland 2 if the system is to be considered for adoption

Background Papers: 4 letters of representation  
 Contact Officer: John Russell – Ext 75346  
 Date: 21 December 2016

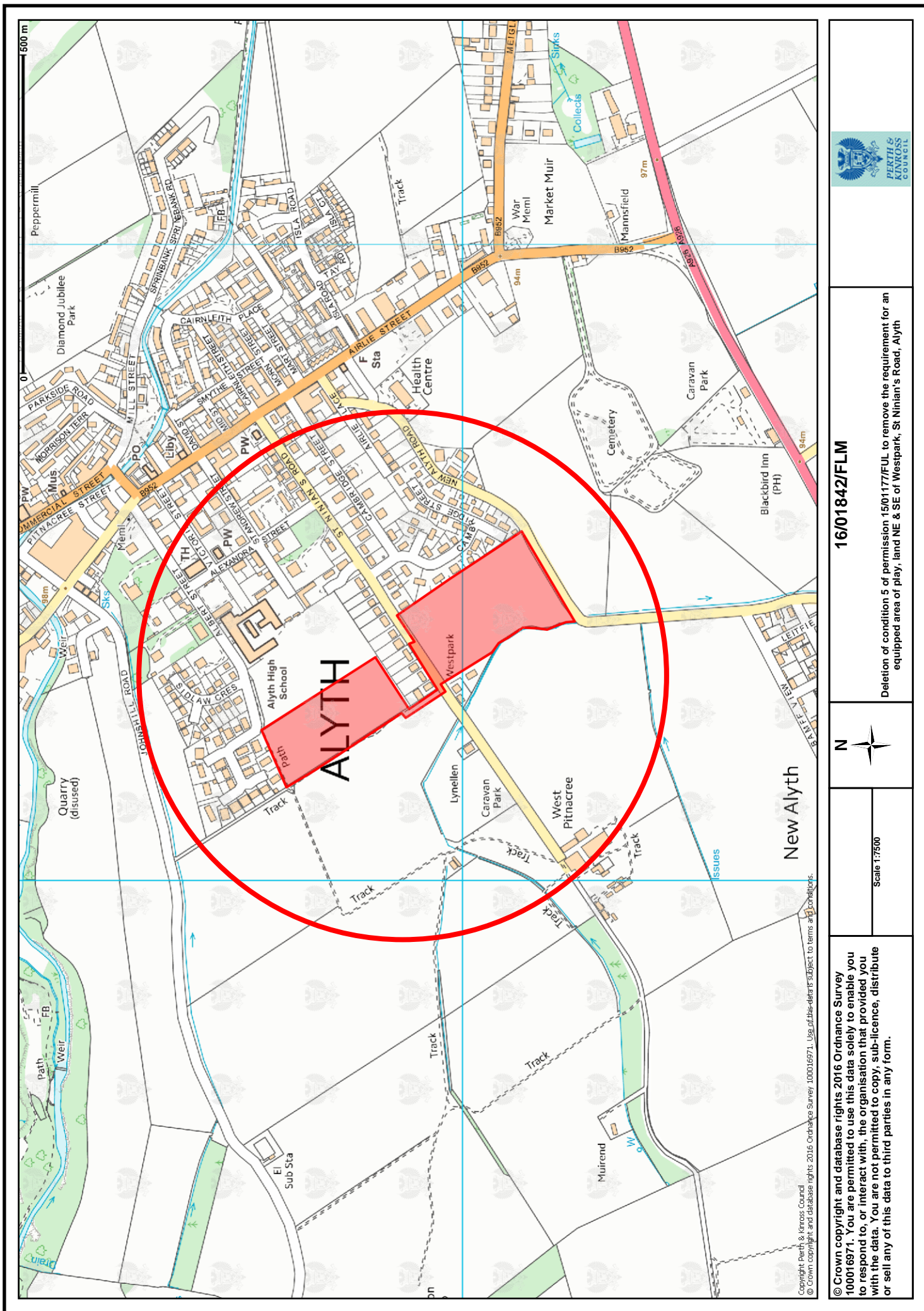
**NICK BRIAN  
 INTERIM HEAD OF PLANNING**

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16/01842/FLM



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Deletion of condition 5 of permission 15/01177/FUL to remove the requirement for an equipped area of play, land NE & SE of Westpark, St Ninian's Road, Alyth







Perth and Kinross Council  
Development Management Committee – 18<sup>th</sup> January 2017  
Report of Handling by Interim Head of Planning

**Change of use and alterations from carpet warehouse to car storage and office  
(in retrospect) Unit 1 Blair Street Perth**

Ref. No: 16/01239/FLL  
Ward No: N10 - Perth City South

**Summary**

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

**BACKGROUND AND DESCRIPTION**

- 1 Full planning permission is sought for the change of use and alterations from carpet warehouse to car storage and office (in retrospect). The application site is at Blair Street, Perth. The premises are on the south side of the street which is a one way street linking Glover Street with Gray Street. The area comprises a mix of residential, business and leisure uses.
- 2 The premises were previously used as a carpet warehouse which had an ancillary retail element. The proposal is for storage of vehicles used by A and B taxis plus office use.
- 3 The business has been operating from this site since 2013. This was brought to the attention of the Council's Enforcement Officer and this planning application was submitted to regularise the planning position for the development.

**NATIONAL POLICY AND GUIDANCE**

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

**DEVELOPMENT PLAN**

- 5 The Development Plan for the area comprises the TAYplan Strategic Development Plan 2012-2032 and the Perth and Kinross Local Development Plan 2014.

## **TAYplan Strategic Development Plan 2012 – 2032 - Approved June 2012**

- 6 Whilst there are no specific policies or strategies directly relevant to this proposal the overall vision of the Tay Plan should be noted. The vision states *“By 2032 the TAYplan region will be sustainable, more attractive, competitive and vibrant without creating an unacceptable burden on our planet. The quality of life will make it a place of first choice, where more people choose to live, work and visit and where businesses choose to invest and create jobs.”*

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

- 7 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.
- 8 The principal relevant policies are, in summary:

### **Policy RD1 - Residential**

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

### **Policy PM1A - Placemaking**

- 10 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**

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

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

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



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

- 13 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 EP8- Noise**

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

## **OTHER POLICIES**

- 15 Developer Contributions and Affordable Housing Supplementary Guidance April 2016

## **SITE HISTORY**

- 16 09/01507/FLL Change of use from workshop/office/sales area to trade counter/ancillary retail 9 April 2010 Application approved by the Development Control Committee in April 2010.

## **CONSULTATIONS**

### **EXTERNAL**

- 17 None.

### **INTERNAL**

- 18 **Transport Planning** – no objection
- 19 **Environmental Health** – no objection subject to conditions with regard to hours of operation and noise

## **REPRESENTATIONS**

- 20 A total of eight letters of representation were received all of which object to the application. The letters raise the following relevant issues:
- Increase in traffic/traffic congestion;
  - Lack of parking/inconsiderate parking;
  - Road safety;
  - Noise and disturbance;
  - Contrary to Local Development Plan;
  - Non compliance with building regulations

- 21 All the relevant planning issues which have been raised are covered in the Appraisal section of this report.

## **ADDITIONAL STATEMENTS**

22

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

## **APPRAISAL**

### **Policy Appraisal**

- 23 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 or if there are other material considerations, which justify a departure from policy. The relevant policy considerations are outlined in the policy section above and will be considered in more detail below.

### **Principle**

- 24 The application site is located on Blair Street, Perth on land which is part of an area identified for residential and compatible uses in the LDP where Policy RD1 applies. Generally, proposals which fall into certain categories including business uses, are encouraged that are compatible with the amenity and character of the area and protect or improve existing residential amenity. Other policies of relevance include those concerned with placemaking (PM1), noise (EP8) and transport standards (TA1B).

### **Design/Layout**

- 25 The building is a warehouse style building with slate and render on the street elevation. A roller shutter door has been installed where previously there were glazed doors. A small side door has also been installed on the Blair Street frontage. The ground floor includes vehicle storage and office use. A mezzanine level is also proposed for storage. There was one representation with regard to the lack of a Building Warrant for this mezzanine floor. Discussions have been on going with Building Standards and it is understood that any issues will be resolved if planning permission is in place. The internal alterations would be permitted development in terms of planning.

### **Impact on setting of listed buildings**

- 26 The site is close to a category B listed former bobbin mill. The external alterations are limited to the introduction of roller shutters to the existing door opening and a new door, and are not considered to have any adverse impact on the setting of the listed building.

### **Residential Amenity**

- 27 The area comprises a mix of residential, business and leisure uses. There is a pharmacy and doctor's surgery close by as well as Perth Leisure Pool. There are also residential properties in close proximity to the site which have the potential to be impacted upon by the development. There have also been a number of representations with regard to noise and disturbance, particularly throughout the night.
- 28 Environmental Health has commented on the proposals and notes that the application has the potential to lead to noise complaints through vehicle movements, particularly early in the morning. The applicant has stated that the hours of operation will be 06.00 to 18.00, however Environmental Health would prefer the hours being limited to from 07.00 to 19.00 with no Sunday working. The agent has been contacted who has confirmed that such hours would be acceptable although he suggested that occasional access might be required for the office on Sundays. Environmental Health has also recommended that a noise management plan be produced within two months of any permission being granted. Such a plan would not be unduly onerous and would cover measures to minimise noise such as vehicle idling minimisation, reverse alarms and other operations likely cause issues. The plan should also include a noise complaints procedure detailing how any noise complaints should be dealt with.
- 29 In support of the application the applicant has stated that there is currently only one vehicle with warning sensors stored at the premises which is used to carry school children. This leaves the premises at 0800 and returns after 0900. The vehicle does a return run for the children in the afternoon. Other vehicles fitted with warning reversing sensors are located elsewhere and are not stored in the premises.
- 30 From the information submitted with regard to the operation of the site as well as from a site visit I am of the opinion that the proposal would not have an adverse impact on residential amenity or the character of the area. Conditions to limit hours of operation are recommended.

## **Roads and Access**

- 31 The proposal is primarily for the storage of vehicles associated with a taxi business. The premises can store around 10 vehicles. It is noted that a number of letters of representation have been received regarding traffic, road safety and parking issues. The Transport Planner has been consulted and notes the objections relating to the change of use and the problems experienced in relation to parking and vehicle movements into/out of the warehouse but would highlight that the already consented use of the building could potentially generate a higher number of vehicle movements (including HGV's) than that typically associated with vehicle storage and office. The access across the pavement was in existence when the current business took occupation.
- 32 While parking is at a premium in the residential streets in the vicinity of the warehouse, following two site visits by the Transport Planner there was no evidence that vehicles associated with the current use of the warehouse were exacerbating the problem. It is considered that the provision of a fairly large off street parking area within the building would appear to be a net benefit to the overall parking provision associated with the existing building.
- 33 The applicant has supplied information that highlights steps that have been taken to resolve previous issues which also confirms that the office is an administrative base for the business and not a taxi booking office. It is also noted that the company has an arrangement to park at the West End Bowling club when it is not required for bowling. This also helps to ease any parking and traffic related issues. As such the proposal is considered to be acceptable with regard to roads and access matters.

## **Waste Collection**

- 34 There are no issues with waste and recycling provision. Existing arrangements for waste and recycling collection will continue.

## **Drainage and flooding**

- 35 There will be no change to existing drainage arrangements. No issues have been raised with regard to flooding.

## **Developer Contributions**

- 36 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. The proposal is for a change of use that is likely to have a lower trip rate than the previous retail / storage use so as a consequence no developer contributions are required.

## **LEGAL AGREEMENTS**

- 37 None required.

## **DIRECTION BY SCOTTISH MINISTERS**

- 38 Under the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2008, 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**

- 39 In conclusion, the application must be determined in accordance with the adopted Development Plan unless material considerations indicate otherwise. In this respect, the proposal is considered to comply with the approved TAYplan 2012 and the adopted Local Development Plan 2014. 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.

## **RECOMMENDATION**

### **A Approve, subject to the following conditions:**

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

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

- 2 Vehicles shall only enter or exit the building between the hours of 0700 hours to 1900 hours Monday to Saturday. There shall be no vehicle movements into or out of the premises on Sundays.

Reason - In order to safeguard the neighbouring residential amenity in the area.

- 3 The hours of operations shall be restricted to 0700 hours to 1900 hours Monday to Saturday and no operations shall be undertaken on the premises on Sunday.

Reason - In order to safeguard the neighbouring residential amenity in the area.

- 4 Within 2 months of the date of this consent, a Noise Management Plan shall be submitted to and approved in writing by the Council as Planning Authority. The plan as approved shall be fully implemented to the satisfaction of the Planning Authority.

Reason - In order to safeguard the neighbouring residential amenity in the area.

## **B JUSTIFICATION**

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

## **C PROCEDURAL NOTES**

None.

## **D INFORMATIVES**

- 1 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.

Background Papers  
Contact Officer  
Date:

Eight letters of representation  
Persephone Beer – Ext 75354  
21 December 2016

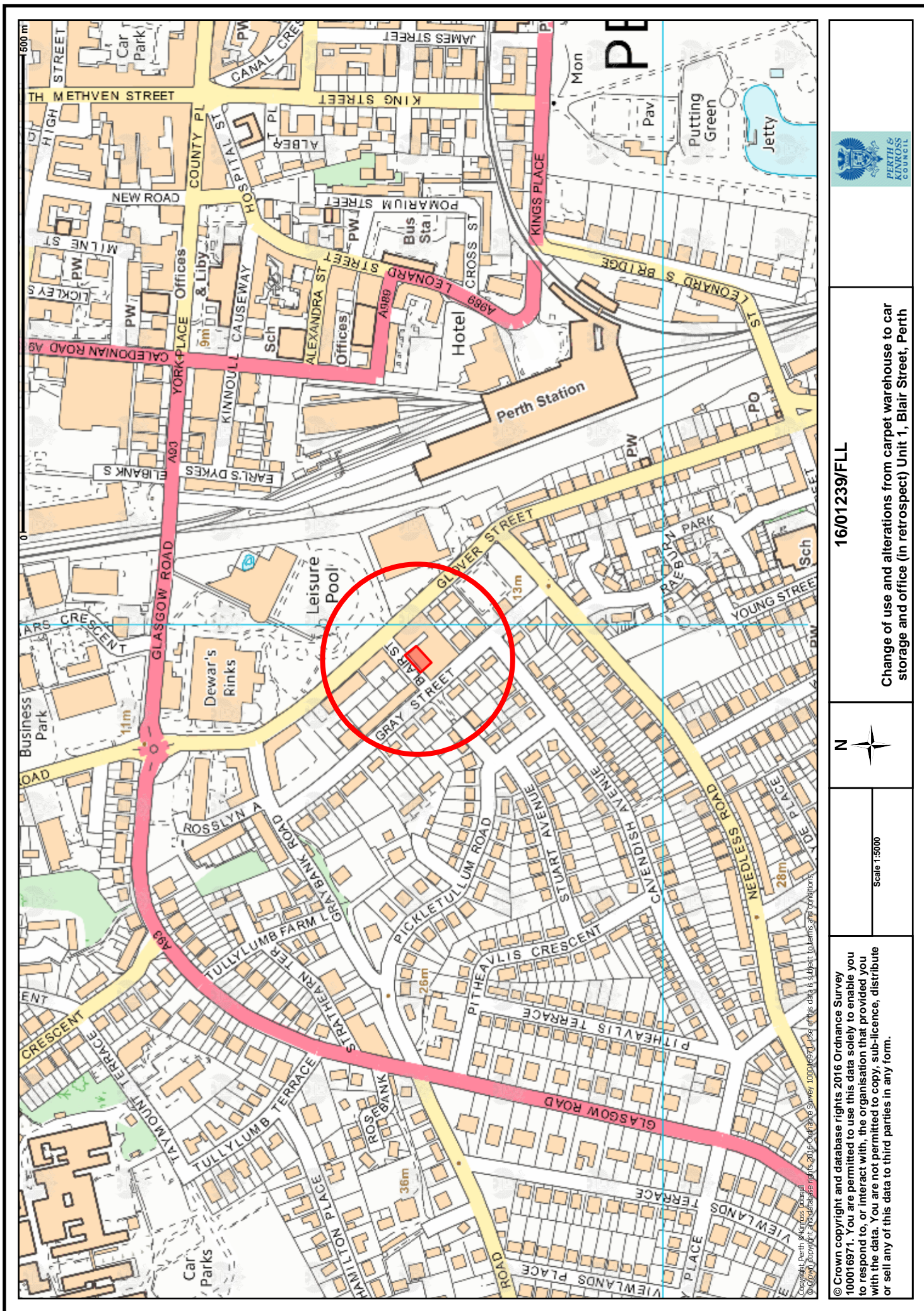
**NICK BRIAN**  
**INTERIM HEAD OF PLANNING**

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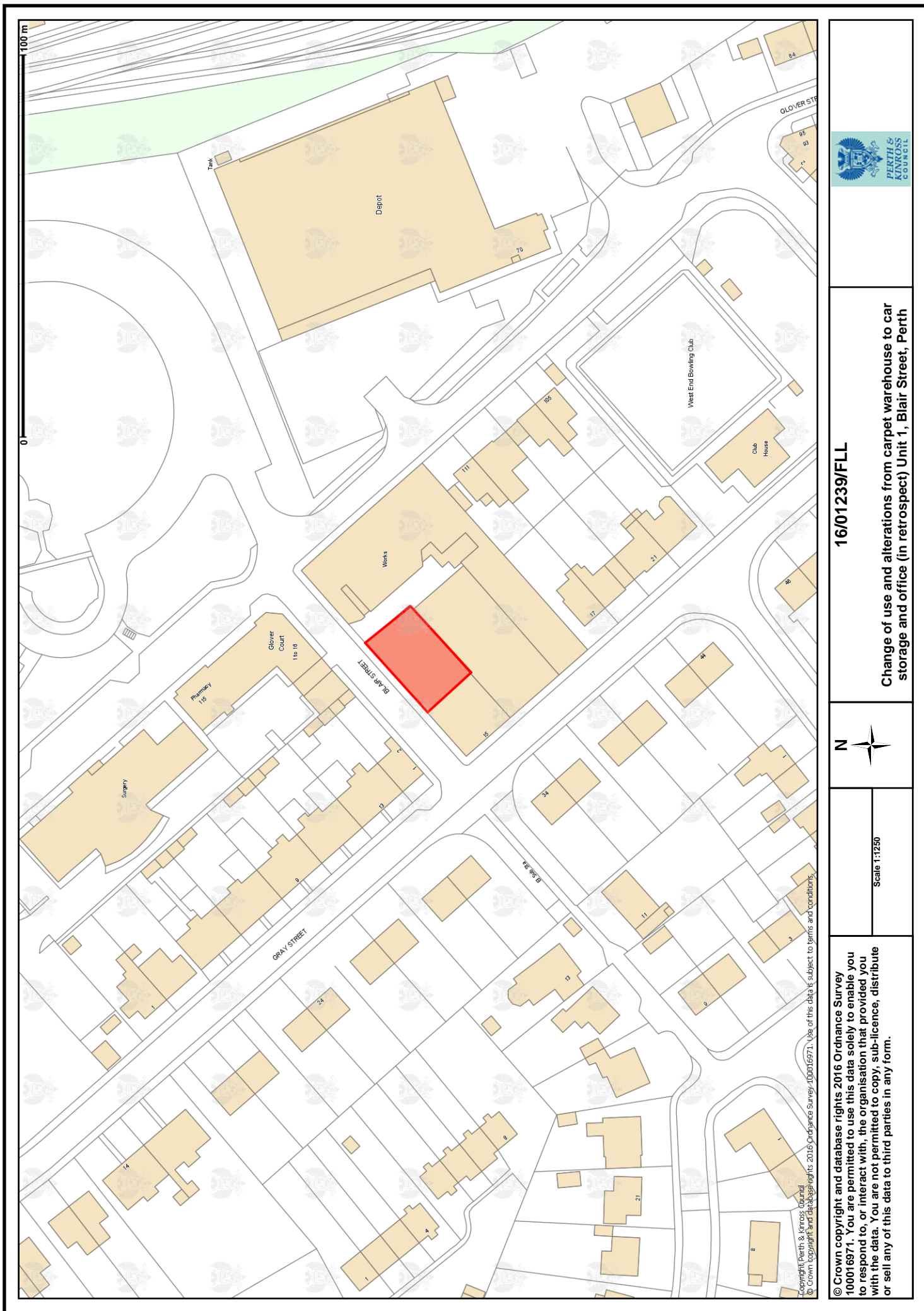
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Perth and Kinross Council  
Development Management Committee – 18 January 2017  
Report of Handling by Interim Head of Planning

**Erection of a dwellinghouse (in principle) on land SW of Strathview, Station Road, Abernethy**

Ref. No: 16/01361/IPL  
Ward No: 9 Almond and Earn

**Summary**

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

**BACKGROUND AND DESCRIPTION**

- 1 The application site is located within the settlement boundary of Abernethy, the site comprising of part of the garden ground of the property Mansefield and with a large outbuilding in situ serving Mansefield.
- 2 To the north of the application site is Powrie Park, to the south is the existing property Mansefield, to the east is the access road with dwellings beyond and to the west is a further dwelling.
- 3 The proposal is for residential development in principle with an indicative site plan submitted with the access proposed to be taken from the existing access road to the east.

**NATIONAL POLICY AND GUIDANCE**

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

**DEVELOPMENT PLAN**

- 5 The Development Plan for the area comprises the TAYplan Strategic Development Plan 2012-2032 and the Perth and Kinross Local Development Plan 2014.

**TAYplan Strategic Development Plan 2012 – 2032 - Approved June 2012**

- 6 Whilst there are no specific policies or strategies directly relevant to this proposal the overall vision of the Tay Plan should be noted. The vision states *“By 2032 the TAYplan region will be sustainable, more attractive, competitive and vibrant without creating an unacceptable burden on our planet. The quality of life will make it a place of first choice, where more people choose to live, work and visit and where businesses choose to invest and create jobs.”*

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

- 7 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.
- 8 The principal relevant policies are, in summary:

### **Policy RD1 - Residential**

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

### **Policy PM1A - Placemaking**

- 10 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 adaptation.

### **Policy PM1B - Placemaking**

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

### **Policy CF1 – Open Space Retention and Provision**

- 12 CF1A related to existing open space and development proposals resulting in the loss of Sports Pitches, Parks and Open Space will not be permitted, except in circumstances where one or more of the criteria set out apply.

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

- 13 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.

## **OTHER POLICIES**

- 14 Developer Contributions and Affordable Housing Supplementary Guidance April 2016

## **SITE HISTORY**

- 15 No recent history

## **CONSULTATIONS**

### **EXTERNAL**

- 16 **Scottish Water**

No response received

- 17 **Abernethy and District Community Council**

Object to proposal for the following reasons; poor state of access road and impact of development, road safety and impact on visual amenity.

### **INTERNAL**

- 18 **Transport Planning**

No objection subject to a condition requiring the details of the access and parking to be submitted at the detailed stage.

- 19 **Developer Contributions and Affordable Housing Officer**

Planning condition required for a contribution towards transportation infrastructure and education.

## **REPRESENTATIONS**

- 20 A total of two letters of representation were received, including one from the Abernethy and District Community Council (referred to above) objecting to the application. The letters raise the following relevant issues:

- Overdevelopment
- Loss of parking
- Road safety and road condition
- Impact on residential amenity – loss of privacy
- Damage to trees/loss of trees

- 21 All the relevant planning issues which have been raised are covered in the Appraisal section of this report.

## ADDITIONAL STATEMENTS

22

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

## APPRAISAL

### Policy Appraisal

- 23 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 or if there are other material considerations, which justify a departure from policy. The relevant policy considerations are outlined in the policy section above and will be considered in more detail below.

### Principle

- 24 The site forms part of the garden ground of what was the former manse. The Powrie Park is located to the north and part of the application site (the garden ground to the west) forms part of the wider open space zoning for the park under Policy CF1A Existing Areas of Open Space. The existing dwelling and the outbuilding to the east are zoned under Policy RD1 Residential Areas.
- 25 Policy RD1 encourages proposals for infill residential development at a density which represents the most efficient use of the site while respecting its environs. It is considered that the area of the application site, within this zoning, could accommodate a modest dwelling if designed and orientated to protect the amenity of the existing dwelling.
- 26 Policy CF1A Existing areas identifies Sports Pitches, Parks and Open Space. These are areas of land which have value to the local community for either recreational or amenity purposes. Development proposals which result in a loss of these areas will not be permitted except in circumstances where one of the criteria set out apply. One of the criteria is that the proposed development involves a minor part of the site which would not affect its continued use as a recreational or amenity resource.

- 27 The site visit has shown that the boundaries of the existing dwelling and its curtilage are well defined and distinctly separate from the adjacent recreational space. The existing east boundary of Mansefield, which is to the park, is formed by mature hedge and tree planting with an access road leading to properties beyond.
- 28 If the dwelling was erected in the area zoned for residential uses it would comply with policy. It is considered that as the remaining area is established garden ground and is to be retained as garden ground it would not be contrary to the open space policy as it forms a minor part which would not affect the continued use of the recreational ground.
- 29 The proposal is therefore considered to comply with the LDP.

### **Design/Layout**

- 30 The proposal is in principle and an indicative plan has been submitted to show how a dwelling could be accommodated within the site. I would consider that the layout as shown could not be supported due to the close proximity to the existing property.
- 31 However an appropriately sized and designed dwelling located on/near the footprint of the existing outbuilding with the same orientation could be accommodated within the site but this would be dealt with at the detailed stage, if consent is granted to this current application.

### **Residential Amenity**

- 32 As this is a planning in principle application, the siting/design/layout of the development is not under consideration at this stage. However, I'm confident that a layout can be achieved which would offer a suitable residential environment for any future resident, would not result in an unacceptable overlooking or loss of privacy to neighbours and would offer sufficient off street parking provision.

### **Road and Access**

- 33 The application is in principle however indicative plans show a new vehicular access in the boundary wall to the west of the existing access. A detailed application would assess the acceptability of this access but the Transport Planner has no objection to the principle.
- 34 The public road ends at the bridge under the railway with the access becoming private after this point. It would therefore be for those who have ownership of the road to be responsible for the roads maintenance and upkeep.
- 35 It is considered that the addition of one dwelling would not have a significant detrimental impact on traffic or road safety.

## **Trees**

- 36 The site has mature Beech trees located along the east boundary which should be retained and protected. The positioning of a dwelling centrally within the plot (where there are no trees existing) would also reduce any impact on trees.
- 37 To the front of the plot where the access is shown there is an orchard. It should be noted however that these trees are not covered by a Tree Preservation Order and the site is not located within a Conservation Area. The site has a stone wall and mature hedge to the road boundary which provide a strong frontage and containment. A tree survey will be required to justify any tree removal on the site and should any trees need to be removed compensatory planting may be required.

## **Biodiversity**

- 38 The existing outbuilding on the site has the potential to provide opportunities for nesting birds and bat roosts. A condition will therefore be added to ensure that surveys are undertaken prior to the submission of an application for approval of matters specified by condition should in principle consent be granted.

## **Flooding and Drainage**

- 39 The site is not located within an area of flood risk.
- 40 The agent has indicated that the development would be connected to the public drainage network and public water supply.

## **Developer Contributions**

### **Primary Education**

- 41 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.
- 42 This proposal is within the catchment of Abernethy Primary School. As this application is only “in principle” it is not possible to provide a definitive answer at this stage however it should be noted that the Developer Contributions Policy would apply to all new residential units with the exception of those outlined in the policy. The determination of the appropriate contribution, if required, would be based on the status of the school when a detailed application is received.



## Transport Infrastructure

- 43 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.
- 44 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.

## LEGAL AGREEMENTS

- 45 Not required

## DIRECTION BY SCOTTISH MINISTERS

- 46 Under the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2008, 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

- 47 In conclusion, the application must be determined in accordance with the adopted Development Plan unless material considerations indicate otherwise. In this respect, the proposal is considered to comply with the approved TAYplan 2012 and the adopted Local Development Plan 2014. 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.

## RECOMMENDATION

### **A Approve, subject to the following conditions:**

- 1 The development shall not commence until the following specified matters have been the subject of a formal planning application for the approval of the Council as Planning Authority: the siting, design and external appearance of the development, the hard and soft landscaping of the site, all means of enclosure, means of access to the site, vehicle parking and turning facilities, levels, drainage and waste management provision.

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.

- 2 Further to Condition 1 above, a detailed protected species survey 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 - 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.

- 3 Further to Condition 1 above, a Tree Survey 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 Tree Survey shall include:
- (a) a plan, to a scale and level of accuracy appropriate to the proposal, showing the position of every tree on the site and on land adjacent to the site (including street trees) that could influence or be affected by the development, indicating which trees are to be removed; and
  - (b) in relation to every tree identified a schedule listing:
    - i. information as specified in paragraph 4, BS 5837 2012: Trees in Relation to Design, Demolition and Construction;
    - ii. any proposed pruning, felling or other work; and
  - (c) in relation to every existing tree identified to be retained on the plan referred to in (a) above, details of:
    - i. any proposed alterations to existing ground levels, and of the position of any proposed excavation, that might affect the root protection area (see BS 5837 2012: Trees in Relation to Design, Demolition and Construction) and
    - ii. all appropriate tree protection measures required before and during the course of development (in accordance with BS 5837 2012: Trees in Relation to Design, Demolition and Construction), and
  - (d) areas of existing landscaping to be protected from construction operations and the method of protection.

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 The layout illustrated on the submitted indicative layout is not approved by this permission.

Reason - In order to clarify the terms of the permission which is granted in principle only.

- 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 primary education infrastructure, unless otherwise agreed in writing with the Council as Planning Authority.

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.

- 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 transport infrastructure, unless otherwise agreed in writing with the Council as Planning Authority.

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.

## **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 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 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.
- 2 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.

- 3 The developer is advised that a suitable surface water drainage scheme (SUDS) will need to be incorporated into any development. Please refer to the Council's guidance note on Flooding & Drainage June 2014.

Background Papers

Contact Officer

Date:

Two letters of representation

Joanne Ferguson – Ext 75320

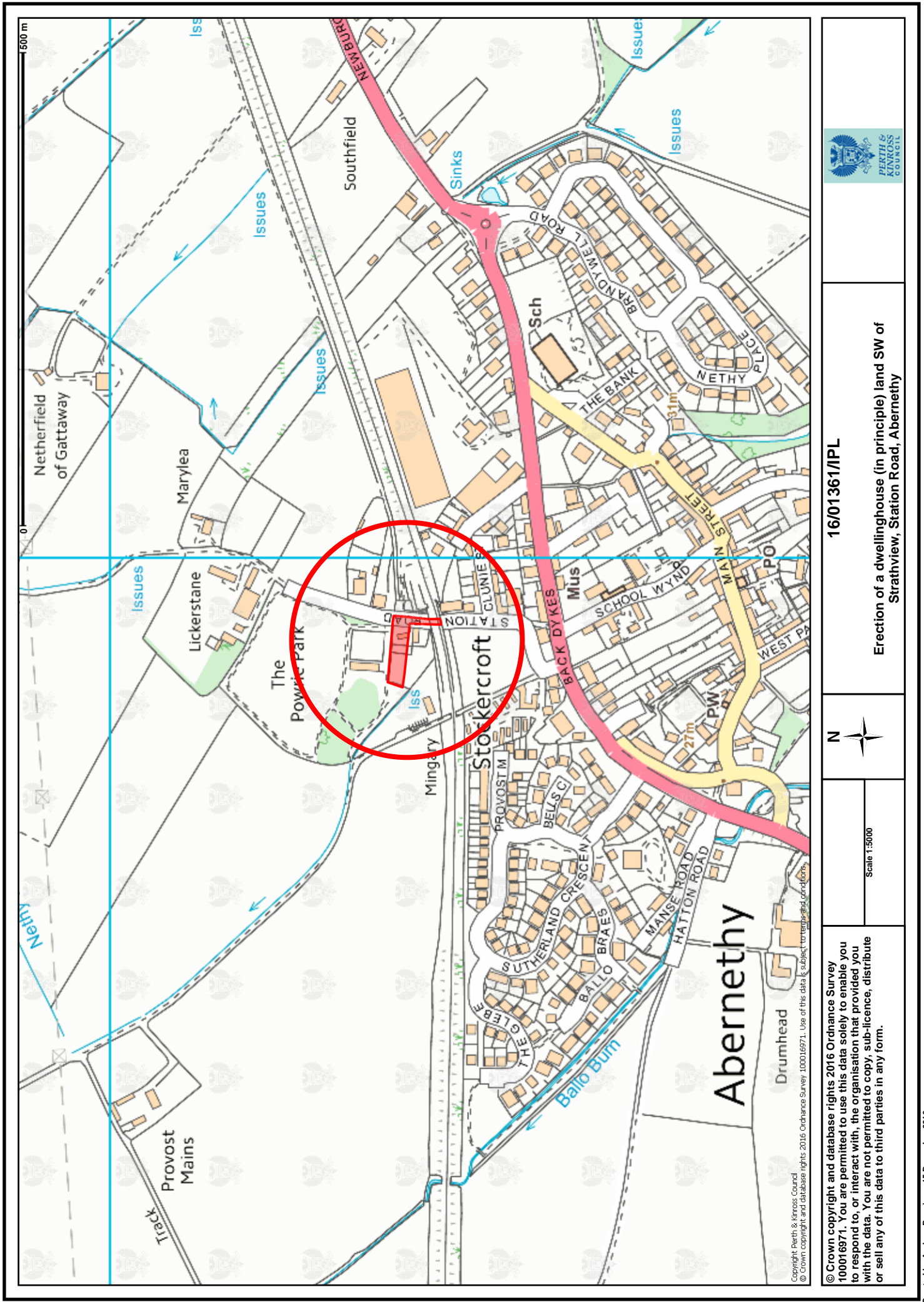
21 December 2016

**NICK BRIAN**  
**INTERIM HEAD OF PLANNING**

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16/01361/PL

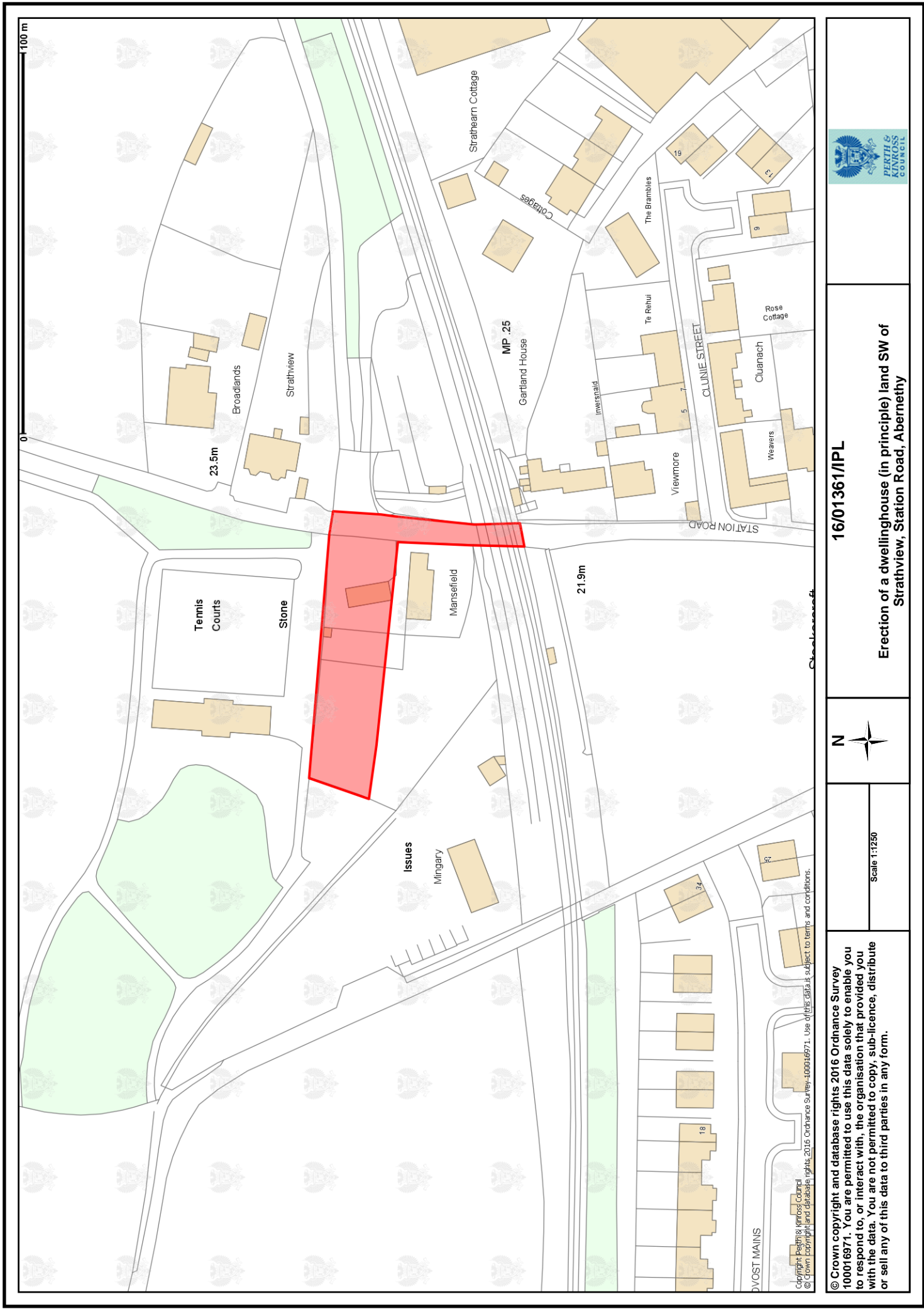
Erection of a dwellinghouse (in principle) land SW of Strathview, Station Road, Abernethy



Scale 1:5000

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16/01361/IPL

Erection of a dwellinghouse (in principle) land SW of  
Strathview, Station Road, Abernethy



Scale 1:1250

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Perth and Kinross Council  
Development Management Committee – 18 January 2017  
Report of Handling by Interim Head of Planning

Erection of a dwellinghouse (in principle) on land East of 21 Fairmount Terrace,  
Barnhill, Perth

Ref. No: 16/01866/IPL  
Ward No: N12 – Perth City Centre

**Summary**

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

**BACKGROUND AND DESCRIPTION**

- 1 Planning permission in principle is sought for the erection of a dwellinghouse on land 50 metres east of 21 Fairmount Terrace in Barnhill, Perth. The application site is located in the south east corner of an existing grouping of detached properties set within large garden ground and is located within the settlement boundary of Perth. The plot is similar in size to other plots within the area. The site slopes upwards from north to south and is bound on its west and north by existing residential dwellings. To the south are open fields which form part of Perth's Green Belt. To the east is a narrow access track which is part of the KINL/3 core path which provides a route from Dundee Road onto Kinnoull Hill. This access track is proposed to serve as the vehicular access into the application site. A bellmouth access is proposed at the north east corner of the site.

**NATIONAL POLICY AND GUIDANCE**

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

**DEVELOPMENT PLAN**

- 3 The Development Plan for the area comprises the TAYplan Strategic Development Plan 2012-2032 and the Perth and Kinross Local Development Plan 2014.

## **TAYplan Strategic Development Plan 2012 – 2032 - Approved June 2012**

- 4 Whilst there are no specific policies or strategies directly relevant to this proposal the overall vision of the Tay Plan should be noted. The vision states *“By 2032 the TAYplan region will be sustainable, more attractive, competitive and vibrant without creating an unacceptable burden on our planet. The quality of life will make it a place of first choice, where more people choose to live, work and visit and where businesses choose to invest and create jobs.”*

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

- 5 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.
- 6 The principal policies are, in summary:

### **Policy PM1A - Placemaking**

- 7 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**

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

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

- 9 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**

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

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

- 11 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 NE2B - Forestry, Woodland and Trees**

- 12 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**

- 13 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 EP3B - Water, Environment and Drainage**

- 14 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**

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

### **OTHER POLICIES**

- 16 Developer Contributions and Affordable Housing Supplementary Guidance

### **SITE HISTORY**

- 17 16/01531/IPL Erection of a dwellinghouse (in principle) 7 November 2016  
Application withdrawn to allow for alteration to position of access.

## **CONSULTATIONS**

### **EXTERNAL**

- 18 **Scottish Water** – no response within statutory period

### **INTERNAL**

- 19 **Environmental Health** – no objection subject to an Informative relating to contaminated land
- 20 **Transport Planning** – no objection subject to conditions
- 21 **Contributions Officer** – condition recommended to ensure compliance with policy
- 22 **Community Greenspace** – no objections relating to impact on core path subject to conditions

## **REPRESENTATIONS**

- 23 A total of six letters of representation were received for the application.

The representations have raised the following relevant issues: -

- Impact on residential amenity
  - Impact on core path use
  - Visual and landscape impact
  - Impact of construction traffic on core path
  - Surface water drainage
  - Tree Loss
  - Bio diversity impact
  - Loss of view
- 24 All the relevant planning issues which have been raised are covered in the Appraisal section of this report.

## ADDITIONAL STATEMENTS

25

|                                                |                              |
|------------------------------------------------|------------------------------|
| Environment Statement                          | Not required                 |
| Screening Opinion                              | Not required                 |
| Environmental Impact Assessment                | Not required                 |
| Appropriate Assessment                         | Not required                 |
| Design Statement / Design and Access Statement | Planning Statement submitted |
| Reports on Impact or Potential Impact          | Not required                 |

## APPRAISAL

### Policy Appraisal

- 26 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 or if there are other material considerations, which justify a departure from policy. The relevant policy considerations are outlined in the policy section above and will be considered in more detail below.

### Principle

- 27 The application site is located within the settlement boundary of Perth where policy RD1 of the Local Development Plan (LDP) applies. This states that residential development on infill sites will generally be encouraged where the proposed development relates to the established character of the area and respects its environs. In this instance the surrounding area is generally characterised by low density development of detached properties. Generally given the size of the site I consider the development of a single dwelling on this site would reflect the low density character of development in the locality and as such the principle of development meets the criteria outlined in policy RD1. The policy also requires new development to ensure that the residential amenity of the area is not detrimentally affected. As such the detailed design of a dwelling, its location on the plot, its size and scale and the position of windows would be a key considerations in any detailed application. A further assessment of other relevant policies is outlined below.

## **Residential Amenity**

- 28 As described above the application site is elevated above the adjacent dwellings and as such there is potential for a new dwelling to overlook the properties to the north and west of the site. It is noted, however, that the site is large in footprint and there is an opportunity to position the dwelling in a location which ensures that the neighbouring properties are not overlooked given the distance which would be apparent between windows of the new house and the existing properties. Furthermore, boundary planting can be provided to provide some screening and containment for the site which can be secured by condition at this stage. As this application is only in principle there is no opportunity to assess this in detail, at this stage, however this can be assessed when a detailed application is received. I share the views and concerns of the local community regarding the possibility of new development overlooking their property. However I am satisfied that the scale of the site allows for the house to be positioned in a location which would not impact detrimentally on the neighbouring properties. The orientation of the house, together with the window positions will be an important consideration in the detailed application. Overall this issue can be addressed at the detailed application stage, but the principle of erecting a dwelling on this site is considered acceptable and in accordance with LDP policy.

## **Core Path**

- 29 The KINL/3 core path is located on the proposed vehicular access to the application site. Policy CF2 of the LDP requires that new development should not obstruct or compromise the use of the core path. It was clear from my site visit that the access track/core path is narrow and that there would be limited ability for pedestrians/recreational users to utilise the track at the same time as a vehicle without stepping into the adjacent drainage ditch. As such it was noted from an application further up this track (13/02186/AML) that pedestrian refuges/step off areas are proposed to allow pedestrians and other recreational users to move off the access track to allow cars or other vehicles to pass safely and allow multi purpose use of the track. On that basis a revision to the position of the access bellmouth into the site was sought from the applicant to ensure that it is located at approximately the halfway point between the bound road to the north (downhill) and the turn in the access to go up Kinnoull Hill to the south. This will therefore allow for a pedestrian refuge at roughly the halfway point of the access with reasonable visibility both up and down the track. I intend to request full details of the pedestrian refuge as part of the detailed application. I am satisfied that, whilst there will be a small increase in vehicular traffic on the core path, the safety and use of the core path can be considered acceptable through the provision of the pedestrian refuge. The proposal has been discussed with Community Greenspace to ensure that they are comfortable with the proposal. The solution is considered to be an appropriate one and therefore in accordance with Policy CF2. Furthermore a condition is recommended to ensure the core path is not obstructed at any time during construction operations. The impact on the core path during construction operations will be looked at in more detail below.

## **Construction Vehicle Impact**

- 30 The access track to the site, which is part of the core path is narrow and relatively steep with over hanging trees. There is also a drainage ditch located immediately adjacent to the track. This is the sole vehicular access into the site and construction vehicles will have to navigate the track. There is therefore potential for the track and the adjacent drainage ditch to be damaged and disturbed during construction. As such a condition is recommended to ensure that a detailed construction management plan is provided to ensure use of the track is controlled and that any damage to the track is repaired and the track reinstated to its pre construction condition following the completion of the development. The plan shall include detail of timings of deliveries to the site, which shall be restricted to agreed times, to limit the impact on users of the path. The document shall also include measures to ensure the repair and reinstatement of the path/track and the adjacent drainage ditch to its original condition following completion of the development which shall be to the satisfaction of the Planning Authority. A condition will also ensure that the pedestrian refuge is formed in advance of works beginning on the erection of a dwelling on site. This will ensure it can be utilised by recreational users during construction of the dwelling. It should also detail that no material storage or vehicle parking is permitted within the newly formed pedestrian refuge. I am satisfied that these measures will ensure that the impact on the core path during construction is limited as much as possible and as such meets the requirements of Policy CF2. The content of the management plan can be considered further at the detailed application stage.

## **Access**

- 31 As outlined above, the vehicular access is proposed along the core path which leads northwards (downhill) to a bound road which turns westwards leading eventually to Dundee Road. I consider the road network to be capable of accommodating the additional traffic associated with a single dwelling and Transport Planning have shared this view, offering no objection, subject to conditions. It is noted that concerns have been expressed by neighbours regarding the ownership and maintenance responsibility of the bound road to the north of the site and whether this is part of the public road network. Regardless of this I consider the road to be sufficient to cater for the additional traffic. If there are private legal issues associated with a right of access or use of this road these will require to be resolved between the parties involved. The granting of planning consent does not override any existing private civil matters which may be apparent. Subject to conditions the proposal is considered to be in accordance with Policy TA1B of the LDP.

## **Drainage**

- 32 The application form indicates that the site is to connect to the public drainage system with surface water system catered for through a SUDS system. This is in accordance with Policy EP3B and C of the LDP. I consider the proposed introduction of a sustainable urban drainage system to be sufficient to cater for surface water drainage at the site and the detailed design will require to take into account the sloping nature of the site. The position of the system will require to be indicated in the detailed application and the detailed design secured through the building warrant process.

## **Trees**

- 33 It is noted that there are trees on the application site which contribute to the visual amenity of the area and provide containment along the settlement boundary and screening to neighbouring properties. As such and in accordance with policy NE2B a tree survey will be requested as part of the detailed application to demonstrate that the dwelling can be accommodated without impact on the trees. This will include those trees which overhang the access track.

## **Natural Heritage and Bio Diversity**

- 34 Given the grassland nature of the site and the presence of trees the site has the potential to be a habitat for protected species and this has been identified in representations from neighbours to the site. In order to consider this further an ecology survey of the site will be requested by condition and considered at the detailed application stage. This will ensure that protected species are identified and appropriate mitigation provided included timing of works to ensure compliance with Policy NE3 of the LDP and protection of any identified protected species.

## **Developer Contributions**

- 35 As the application is in principle a condition is recommended to ensure compliance with Policy PM3 and the associated supplementary guidance relating to education and transportation contributions. It should be noted that the site is located within the full contribution area for transport infrastructure contributions. The site is within the catchment area for Kinnoull Primary School.

## **Loss of View**

- 36 Letters of representation raise concerns regarding the loss of view which may result from development of this site. The loss of a view is not a material planning consideration and therefore cannot be taken into account in the determination of this application.



## **LEGAL AGREEMENTS**

- 37 None required

## **DIRECTION BY SCOTTISH MINISTERS**

- 38 Under the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2008, 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**

- 39 In conclusion, the application must be determined in accordance with the adopted Development Plan unless material considerations indicate otherwise. In this respect, the proposal is considered to comply with the approved TAYplan 2012 and the adopted Local Development Plan 2014. 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.

## **RECOMMENDATION**

### **A Approve the application**

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

- 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:
  - a) 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, relative to existing ground levels and a fixed datum point;
  - b) The siting design, height and external materials of all buildings or structures;
  - c) Details of vehicular access to the site and the provision of two car parking spaces and turning facilities.
  - d) Details of all landscaping, planting, screening and boundary treatment.
  - e) A detailed tree survey to the requirements of BS 5837 2012 to indicate those trees required for removal and those to be retained.
  - f) A protected species survey of the entire site
  - g) Details of a pedestrian refuge on the access road accommodated within the bellmouth access into the site to allow pedestrians and other recreational users to step off the KINL/3 core path to allow vehicles to pass which shall be formed prior to the commencement of any built development on site.

- h) A construction management plan to ensure the protection and continued use of the KINL/3 core path during construction operations which shall include detailed repair and reinstatement measures for the core path following completion of construction operations.

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.

2 In pursuance of condition 1c) the scheme shall include:

- i) Turning facilities to enable all vehicles to enter and leave 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
- iii) Suitable storage for waste disposal/collection which shall be formed prior to the occupation of the dwellinghouse

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

3 In pursuance of condition 1d) the scheme shall include:

The location of new trees, shrubs, hedges, grassed areas and water features.

- i) A schedule of plants to compromise species, plant sizes and proposed numbers and density including robust planting on the north and west boundaries to provide privacy to neighbours and planting on the south boundary to allow a robust planting edge to the settlement to be formed.
- ii) The location design and materials of all hard landscaping works including walls, fences, gates, any other means of enclosure.
- iii) 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.
- iv) 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.

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

4 In pursuance of condition 1(f) the scheme shall include:

- a) A detailed tree survey and tree constraints plan in accordance with BS5837:2012 Trees in Relation to Design, Demolition and Construction. This survey shall ensure the retention of trees along the boundaries of the site to provide screening and containment to the site. The survey shall include all trees overhanging the access/core path.
- b) The tree survey shall clearly indicate the location of trees and their crown spread which are within or bordering the site on a scalable plan, allocate them a reference number, provide an assessment of their general state of health and stability and provide details of any topping, lopping or felling required. Trees and shrubs on the north boundary should be retained to provide a landscape boundary to the edge of the settlement.
- c) The tree constraint plan shall clearly detail the trees to be retained and identify their root protection area (RPA) on a scalable plan, the location of protective fencing for the retained trees shall be marked on this plan and a specification of the protective fencing provided. Any works required to be undertaken within the RPA of the retained trees shall be detailed. The tree constraint plan shall also show details of those trees proposed for removal.
- d) That the erection of protective fencing shall be undertaken in accordance with the plan and fencing specification approved under section (b) of this condition before any equipment, machinery or materials are brought on to the site for the purposes of the development. Thereafter the fencing shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed in any area fenced and the ground levels within those areas shall not be altered nor shall any excavation be made unless details have been approved under paragraph (b) or written consent from the Planning Authority has been sought.

Reason - To ensure the protection of existing trees on site and to retain the landscape character of this edge of building group/settlement location.

5 In pursuance of condition 1(f) the scheme shall include:

- a) A full protected species survey of the entire application site which shall be carried out by a suitably qualified ecologist and shall include detailed mitigation measures for any protected species identified.

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

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

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

- 7 The asserted right of way/core path (KINL/3) located along the vehicular access to the site and on the eastern boundary must not be obstructed during building works or on completion of the development. Any damage done to the route and/or the associated signage during building works must be made good before the development is completed or brought into use, whichever is the earlier.

Reason - To ensure continued public access to the public paths and in the interests of public safety within the site.

- 8 In pursuance of condition 1(h) the scheme shall include:

A detailed Construction Management Plan which provides detail on how construction vehicles will utilise the core path/access track in conjunction with recreational users. The plan shall include detail of timings of deliveries to site, which shall be limited to agreed times. The document shall also include measures to ensure the repair and reinstatement of the path/track and the adjacent drainage ditch to its original condition following completion of the development. It should also detail that no material storage or vehicle parking is permitted within the newly formed pedestrian refuge. The plan shall also detail upgrades and works required to the track to allow access for construction vehicles to ensure there is no impact on the stability of the track and adjacent banking. The plans, as approved by the Planning Authority shall be strictly adhered to during the development of the site.

Reason - To ensure continued public access to the public paths and in the interests of public safety within the site.

- 9 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.

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.

- 10 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.

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.

## **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 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 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 No work shall be commenced until an application for building warrant has been submitted and approved.
- 4 A watching brief during redevelopment is required in relation to contaminated land. 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.

Background Papers: Six letters of representation  
Contact Officer: John Williamson – Ext 75360  
Date: 21 December 2016

**NICK BRIAN**  
**INTERIM HEAD OF PLANNING**

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