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Council Building
2 High Street
Perth
PH1 5PH

Tuesday, 04 July 2017

A Meeting of the **Development Management Committee** will be held in **the Council Chamber, 2 High Street, Perth, PH1 5PH** on **Wednesday, 05 July 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 Murray Lyle (Convener)
Councillor Bob Brawn (Vice-Convener)
Councillor Henry Anderson
Councillor Bob Band
Councillor Michael Barnacle
Councillor Harry Coates
Councillor Eric Drysdale
Councillor Tom Gray
Councillor Ian James
Councillor Anne Jarvis
Councillor Roz McCall
Councillor Richard Watters
Councillor Willie Wilson

Development Management Committee

Wednesday, 05 July 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 24 MAY 2017 FOR APPROVAL AND SIGNATURE 5 - 24**
- 4 DEPUTATIONS**
- 5 APPLICATIONS FOR DETERMINATION**
 - (1) APPLICATIONS PREVIOUSLY CONSIDERED**
 - (i) 16/00326/FLL - PART DEMOLITION, CHANGE OF USE AND EXTENSION TO HOTEL TO FORM DWELLINGHOUSE, ERECTION OF 4 DWELLINGHOUSES AND ASSOCIATED WORKS AT LAND 40 METRES NORTH WEST OF BONALY COTTAGE, MAIN STREET, KINNESSWOOD 25 - 60**

Report of Handling by Interim Head of Planning (copy herewith 17/244)
 - (2) MAJOR APPLICATIONS**
 - (i) 16/01861/FLM - ERECTION OF 217 DWELLINGHOUSES, FORMATION OF OPEN SPACE, LANDSCAPING AND ASSOCIATED INFRASTRUCTURE WORKS, GLENALMOND ROAD, RATTRAY 61 - 96**

Report of Handling by Interim Head of Planning (copy herewith 17/245)

*Please note that this item has been **withdrawn** from the agenda and will no longer be considered at the meeting of 5 July 2017.

- (ii) **16/00999/AMM - MIXED USE DEVELOPMENT COMPRISING OF 240 DWELLINGHOUSES, GARAGES, COMMERCIAL AND ASSOCIATED INFRASTRUCTURE (APPROVAL OF MATTERS SPECIFIED IN CONDITIONS 13/01823/FLM) MORRIS LESLIE, ERROL AIRFIELD, GRANGE, ERROL** 97 - 136
Report of Handling by Interim Head of planning (copy herewith 17/246)
- (3) **LOCAL APPLICATIONS**
- (i) **16/01491/FLL - FORMATION OF ACCESS, LANDSCAPING AND ASSOCIATED WORKS AT LAND SOUTH OF FERNLEA, EASTLEYS FARM, ERROL** 137 - 152
Report of Handling by Interim Head of Planning (copy herewith 17/247)
- (4) **PROPOSAL OF APPLICATION NOTICE (PAN)**
- (i) **17/00004/PAN - COMMERCIAL DEVELOPMENT (CLASSES 1, 3, 4, 5, 6 AND CAR SHOWROOM (SUI GENERIS AT LAND SOUTH OF TARGET HOUSE, RUTHVENFIELD ROAD, INVERALMOND INDUSTRIAL ESTATE, PERTH** 153 - 164
Pre-Application Report by Interim Head of Planning (copy herewith 17/248)
- (ii) **17/00005/PAN - RESIDENTIAL DEVELOPMENT, DEMOLITION OF BUILDINGS, FORMATION OF OPEN SPACE, LANDSCAPING, CAR PARKING, VEHICULAR ACCESS AND ASSOCIATED WORKS FORMER MURRAY ROYAL HOSPITAL, MUIRHALL ROAD, PERTH** 165 - 176
Pre-Application Report by Interim Head of Planning (copy herewith 17/249)
- (iii) **17/00006/PAN - CHANGE OF USE AND ALTERATIONS TO BUILDING TO FORM RESIDENTIAL UNITS, DEMOLITION OF BUILDINGS, FORMATION OF OPEN SPACE, LANDSCAPING, CAR PARKING, VEHICULAR ACCESS AND ASSOCIATED WORKS FORMER MURRAY ROYAL HOSPITAL, MUIRHALL ROAD, PERTH** 177 - 188
Pre-Application Report by Interim Head of Planning (copy herewith 17/250)

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DEVELOPMENT MANAGEMENT COMMITTEE

Minute of meeting of the Development Management Committee held in the Council Chamber, Ground Floor, Council Building, 2 High Street, Perth on Wednesday 24 May 2017 at 10.00am.

Present: Councillors M Lyle (Convener), B Brawn (Vice-Convener), H Anderson, B Band, M Barnacle (up to and including Art. 299(2)(ii)), H Coates, E Drysdale, I James, A Jarvis, R McCall, S McCole (substituting for T Gray) (up to and including Art. 298), R Watters (up to and including Art. 298) and W Wilson (up to and including Art. 299(2)(iii)).

In Attendance: Councillors I Campbell, F Sarwar, L Simpson and C Stewart (all up to and including Art. 299(2)(ii)); B Renton, Director (Environment) (up to and including Art. 299(2)(ii)); N Brian, A Condliffe, A Deans, E Jordan (up to and including Art. 299(2)(ii)), P Marshall, C Petrie, M Petrie (up to and including Art. 299(2)(ii)), A Rennie and J Scott (all The Environment Service); C Taylor (Education and Children's Services); C Elliott, L Potter, S Richards and H Rheinallt (all Corporate and Democratic Services).

Apology: Councillor T Gray.

Councillor M Lyle, Convener, Presiding.

294. WELCOME AND APOLOGIES

The Convener welcomed everyone to the meeting and an apology was noted as above.

In terms of Standing Order 13, the Committee agreed to record the meeting for training purposes.

295. DECLARATIONS OF INTEREST

Councillor W Wilson declared a non-financial interest in Art. 299(3)(i) in terms of the Councillors' Code of Conduct.

296. MOTION

Councillor H Anderson, seconded by Councillor E Drysdale, moved that all items of business on the agenda be deferred, as members had not had enough time to consider the information on the planning applications on the agenda, and also certain members of the Committee had not been able to attend all of the training on the work and role of the Development Management Committee.

FOLLOWING A SHORT ADJOURNMENT, THE COMMITTEE RECONVENED.

Councillor H Anderson and Councillor E Drysdale withdrew the Motion.

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COUNCILLOR S MCCOLE REQUESTED HER DISSENT BE RECORDED IN RELATION TO THE WITHDRAWAL OF THE MOTION.

The Convener invited any member of the Committee who felt they were not well enough informed to consider the business on the agenda to leave the meeting.

COUNCILLORS S MCCOLE AND R WATTERS LEFT THE MEETING AT THIS POINT.

297. MINUTE OF PREVIOUS MEETING

The minute of meeting of the Development Management Committee of 12 April 2017 (Arts. 207-212) was submitted, approved as a correct record and authorised for signature.

298. 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.
16/01935/IPM	299(2)(i)
16/02127/IPM	299(2)(ii)
17/00395/FLL	299(3)(i)

299. APPLICATIONS FOR DETERMINATION

(1) Applications Previously Considered

- (i) **12/00546/FLL – CROOK OF DEVON – Report on the updated enforcement position regarding conditions on the planning application for the Formation of five permanent gypsy/travellers pitches at Crookmoss, Crook of Devon, Kinross-shire, approved at Development Management Committee 9 October 2013 and further reports to Committee 18 March 2015, 16 September 2015, 13 January 2016 and 11 May 2016 – Report 17/184 – Messrs J Johnston & M MacDonald**

N Brian and E Jordan, Enforcement Officer, answered Members' questions.

Resolved:

The Interim Head of Planning is requested to prepare an updated report on the enforcement of the conditions imposed on the planning application for the formation of five permanent gypsy/traveller pitches on land at Crookmoss, Crook of Devon, Kinross-shire, to be submitted to the Development Management Committee in one years' time.

(2) Major Applications

- (i) **16/01935/IPM – SCONE – Mixed use development comprising residential and employment (in principle) on land South East of Hanger 4, Perth Airport, Scone – Report 17/185 – Morris Leslie Ltd**

Mr D McKerracher, on behalf of Scone and District Community Council, objector to the application, followed by Mr Houghton, agent for the applicant, addressed the Committee and, following their respective representations, withdrew to the public benches.

Resolved:

Grant, subject to the following terms, conditions and informatives, including updated Conditions 1 and 4 as undernoted:

Direction

Perth and Kinross Council direct that sub-sections (2)(a)(i) and (3) of Section 59 of the Town and Country Planning (Scotland) Act 1997 apply as respects the in Principle Permission (16/01935/IPM) with the substitution of the period of 3 years referred to in each of those subsections, with the period of 6 years.

Conditions

1. Application for the approval required by a condition imposed on this Planning Permission in Principle shall conform with the requirements of Regulation 12 of the Town and Country Planning (Development Management Procedure)(Scotland) Regulations 2013 and of Section 59 (2) and (3) of the Town and Country Planning (Scotland) Act 1997 as amended by Section 21 of the Planning etc. (Scotland) Act 2006 and, in particular, must be made before whichever is the latest of the following:
 - (i) the expiration of 6 months from the date on which an earlier application for the requisite approval was refused, or
 - (ii) the expiration of 6 months from the date on which an appeal against such refusal was dismissed.
2. The phasing plan as submitted is purely indicative and is not approved.
3. No development of any housing shall commence until the proposed Cross Tay Link Road (CTLR) as part of the

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Perth Transport Futures Project is a 'committed project'. For clarification the definition of a 'committed project' in relation to the CTRLR project is as follows:

"The CTRLR becomes a committed project when all funding, land required for the scheme, statutory approvals, trunk road orders and consents are in place, a contractor appointed and construction on site has commenced"

4. No development shall commence on any phase until further planning application/applications have been submitted to the Planning Authority in respect of the following matters:
- a) The delivery of the development in agreed phases.
 - b) Details of any cut and fill operations.
 - c) Full details of the proposed means of disposal of foul water to serve the development.
 - d) Full details of the disposal of surface water from the development by means of a Sustainable Urban Drainage System.
 - e) The siting, design, height and external materials of all buildings or structures.
 - f) Measures to enhance environmental sustainability through design, orientation and planting or any other means.
 - g) Details of any screen walls/fencing/planting to be provided.
 - h) Details of all landscaping, planting including structural planting and screening associated with the development.
 - i) Details of a play area and the equipment to be installed.
 - j) Details regarding access, car parking, public transport facilities, walking and cycling facilities, the road layout, design and specification (including the disposal of surface water) shall be in accordance with the standards required by the Council as Roads Authority (as detailed in the National Roads Development Guide).
 - k) Detailed specification of all street and footpath lighting.
 - l) Detailed specification of noise mitigation measures to be incorporated along properties that face the A94 and Airport.
 - m) Detailed plan of connection between the site and core paths.
 - n) Detailed specification of footway improvements on adjacent A94.

The development shall be implemented in accordance with the planning application(s).

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5. In pursuance of condition 4 c), and prior to the commencement of any works, full details of the finalised foul drainage scheme shall be submitted for the written approval of the Planning Authority, in consultation with SEPA and Scottish Water. All work must be capable of connection with the main drainage system and shall be carried out in accordance with the approved scheme.
6. In pursuance of condition 4 d) and prior to the commencement of any works, full details of the finalised SUDS scheme shall be submitted for the written approval of the Planning Authority, in consultation with SEPA. All work shall be carried out in accordance with the approved scheme.
7. In pursuance of condition 4 f), measures to maximise environmental sustainability through design, orientation and planting or any other means each development phase shall also include:-
 - a) The submission of sustainability checklists.
 - b) Full details of the proposed energy efficiency measures and/or renewable technologies to be incorporated into that phase of the development.
 - c) Details on sustainability label of the domestic and non-domestic buildings to be erected to ensure it complies with Silver Active from 2016 and Gold Active from 2020 as per the 'Building Standards Technical Handbook Section 7 – Sustainability'.

Following written approval from the Planning Authority each development phase shall be undertaken in accordance with the approved details.

8. In pursuance of condition 4 (g, h, i, k), schemes of hard and soft landscaping works shall be submitted as part of the matters specified by condition application for each phase of development. Details of the scheme shall include:-
 - a) Existing and proposed finished ground levels relative to a fixed datum point.
 - b) Existing landscape features and vegetation to be retained.
 - c) Existing and proposed services including cables, pipelines, substations.
 - d) The location of new trees, shrubs, hedges, grassed areas and water features.
 - e) A schedule of plants to comprise species, plant sizes and proposed numbers and density.
 - f) The location, design and materials of all hard landscaping works including walls, fences, gates, any other means of enclosure, street furniture and play equipment.

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- g) An indication of existing trees, shrubs and hedges to be removed.
- h) A programme for the completion and subsequent maintenance of the proposed landscaping.

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

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

- 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 RD4: Affordable Housing of the Perth & Kinross Local Development Plan 2014, unless otherwise agreed in writing with the Council as Planning Authority.

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

- 11. 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.

- 12. Road noise shall be reassessed at the Approval of Matters Specified by Condition (AMSC) stage at those properties most affected by the A94 to ensure reasonable internal noise levels within any bedrooms can be achieved.

- 13. A barrier shall be constructed in line with recommendations contained within the Report on Road and Air Traffic Sound for Morris Leslie at Nugent Drive, Scone, Perth and Kinross by Charlie Fleming Associates dated 31 August 2016. Details of the agreed barrier shall

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be submitted and approved by the Planning Authority as part of the Approval of Matters Specified by Condition (AMSC) stage.

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

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

15. 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.

16. 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;

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- (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.
17. All existing trees and hedging on the site shall be retained and their retention or proposed lopping, topping or felling shall be shown in the submission of the matters specified applications.

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. Applicants are advised that should their application(s) for 'matters specified by condition' be refused and/or their appeal against such refusal dismissed outwith the time limit they are entitled to submit a revised application for 'matters specified by condition' within six months after the date of refusal of the earlier application or of the dismissal of an appeal against such refusal.
2. The applicant is advised that in terms of Section 56 of the Roads (Scotland) Act 1984 he must obtain from the Council as Roads Authority consent to open an existing road or footway prior to the commencement of works. Advice on the disposal of surface water must be sought at the initial stages of design from Scottish Water and the Scottish Environment Protection Agency.
3. The applicant is advised that in terms of Section 21 of the Roads (Scotland) Act 1984 they must obtain from the Council as Roads Authority consent to construct a new road prior to the commencement of roadworks. Advice on the disposal of surface water must be sought at the initial

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- stages of design from Scottish Water and the Scottish Environment Protection Agency.
4. The applicants are advised that they must apply to the Roads Authority for construction consent to form a new street. Please contact The Construction and Maintenance Manager, The Environment Service, Perth and Kinross Council, Pullar House, Kinnoull Street, Perth.
 5. The applicant is advised that the granting of planning consent does not guarantee a connection to Scottish Water's assets. The applicant must make a separate application to Scottish Water Planning & Development Services team for permission to connect to the public wastewater system and/or water network and all their requirements must be fully adhered to.
 6. The applicant is advised that the works may need a license under the Water (Controlled Activities) Regulations 2005 (CAR). The applicant should contact SEPA's Perth Environmental Protection and Improvement Team (Tel: 01738 627989) in regard to this. The applicant should ensure that all works on site comply with the best practice guidelines laid out in SEPA's published Pollution Prevention Guidance, found at www.sepa.org.uk
 7. The Council's Community Waste Adviser in the Environment Service should be contacted to clarify the bin storage requirements for the development.

FOLLOWING A SHORT ADJOURNMENT, THE COMMITTEE RECONVENED.

(ii) 16/02127/IPM – SCONE – Residential development with open space, landscaping, drainage and associated infrastructure (in principle) Scone North, Scone – Report 17/186 – A and J Stephen Ltd

Ms J Belch, Scone North Study Group, objector to the application, Mr D McKerracher on behalf of Scone and District Community Council, objector to the application, Councillor L Simpson and Councillor C Stewart, both objectors to the application, followed by Mr J Stephen, applicant, addressed the Committee and, following their respective representations, withdrew to the public benches.

Motion (Councillors E Drysdale and M Barnacle) – Defer, for an unaccompanied site visit.

Amendment (Councillors W Wilson and H Coates) – Grant, subject to the terms, conditions and informatives contained in Report 17/186, including an updated Condition 1 and additional Condition 37 as undernoted:

Updated Condition 1

- 1. Application for the approval required by a condition imposed on this Planning Permission in Principle shall conform with the requirements of Regulation 12 of the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013 and of Section 59 (2) and (3) of the Town and Country Planning (Scotland) Act 1997 as amended by Section 21 of the Planning etc. (Scotland) Act 2006 and, in particular, must be made before whichever is the latest of the following: (i) the expiration of 6 months from the date on which an earlier application for the requisite approval was refused, or (ii) the expiration of 6 months from the date on which an appeal against such refusal was dismissed.**

Additional Condition 37

- 37. Following the Cross Tay Road Link (CTLR) becoming a “committed” project, as defined under condition 25 of this consent, no more than 67 residential units (in addition to those permitted under condition 25) shall be permitted to be occupied until the CTLR is completed.**

Reason: To ensure that the impact of the development is in accord with the appropriate threshold in relation to air quality assessment.

Justification

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

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

8 members voted for the Amendment as follows:
Councillors M Lyle, B Brawn, B Band, H Coates, I James, A Jarvis, R McCall and W Wilson.

3 members voted for the Motion as follows:
Councillors H Anderson, M Barnacle and E Drysdale.

Amendment – 8 votes Motion – 3 votes

Resolved:

In accordance with the Amendment.

COUNCILLOR BARNACLE LEFT THE MEETING AT THIS POINT

FOLLOWING AN ADJOURNMENT, THE COMMITTEE RECONVENED.

- (iii) **17/0198/FLM – PERTH – Erection of a school, biomass/energy plant, formation of playground areas, sports pitches, landscaping, car parking, vehicular accesses and associated works on land at Bertha Park, Perth – Report 17/187 – Mr A Cook**

Resolved:

Grant, subject to the following terms, conditions and informatives, including updated Conditions 14 and 15 as undernoted:

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. No part of the development shall be occupied until a Green Travel Plan (GTP), aimed to encourage more sustainable means of travel, has been submitted and approved in writing by the Council. The GTP will have particular regard to provision for walking, cycling and public transport access to and within the site and will identify the measures to be provided, the system of management, monitoring, review, reporting and the duration of the plan.
3. Prior to the commencement of works on the development, the applicant shall submit for the written approval of the Planning Authority a Construction Traffic Management Scheme (TMS) which shall include the following:
 - a) restriction of construction traffic to approved routes, in particular Inveralmond Roundabout during peak traffic volumes (08.00-09.30, 16.00-17.30) and the associated measures to be put in place to avoid other routes being used;
 - b) timing of construction traffic to minimise impact on local communities particularly at school start and finishing times, on days when refuse collection is undertaken, on Sundays and during local events;
 - c) a code of conduct for HGV drivers to allow for queuing traffic to pass;
 - d) arrangements for liaison with the Roads Authority regarding winter maintenance;
 - e) emergency arrangements detailing communication and contingency arrangements in the event of vehicle breakdown;
 - f) arrangements for the cleaning of wheels and chassis of vehicles to prevent material from construction sites

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associated with the development being deposited on the road;

- g) arrangements for cleaning of roads affected by material deposited from construction sites associated with the development;
- h) arrangements for signage at site accesses and crossovers and on roads to be used by construction traffic in order to provide safe access for pedestrians, cyclists and equestrians;
- i) details of information signs to inform other road users of construction traffic;
- j) arrangements to ensure that access for emergency service vehicles are not impeded;
- k) co-ordination with other major commercial users known to use roads affected by construction traffic;
- l) traffic arrangements in the immediate vicinity of temporary construction compounds;
- m) monitoring, reporting and implementation arrangements; and
- n) arrangements for dealing with non-compliance.

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

4. Prior to the use of any identified external play and sports facilities, a Noise Management Plan (NMP) must be submitted to and approved in writing by the Planning Authority, in consultation with the Council Environmental Health Team. The approved NMP shall identify all appropriate measures to be adopted, the system of management, monitoring, review, reporting and the appropriate timescales for any plan review. The approved plan shall thereafter be adhered to and reviewed periodically as agreed in consultation with the Council Environmental Health Team.
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 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.
6. 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.

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7. All external lighting shall be sufficiently screened and aligned so as to ensure that there is no direct illumination of neighbouring land and that light spillage beyond the boundaries of the site is minimised to a degree that it does not adversely affect the amenity of the neighbouring land.
8. The hours of operation of any external floodlighting shall be restricted to between 0800 and 2200 hours.
9. The boiler shall only operate on fuel prescribed and stored in accordance with the manufacturer's instructions. The boiler and flue and any constituent parts shall be maintained and serviced in accordance with the manufacturer's instructions and a record shall be retained of these activities which shall be presented to the Council on request. No changes to the biomass specifications shall take place without the prior written agreement of the Council as Planning Authority.
10. The conclusions and recommended action points within the supporting biodiversity survey submitted and hereby approved shall be fully adhered to, respected and undertaken as part of the construction phase of development.
11. No works which include the creation of trenches or culverts or the presence of pipes shall commence until measures to protect animals from being trapped in open excavations and/or pipe and culverts are submitted to and approved in writing by the Council as Planning Authority. The measures should include: creation of sloping escape ramps for animals, which may be achieved by edge profiling of trenches/excavations or by using planks placed into them at the end of each working day; and open pipework greater than 150 mm outside diameter being blanked off at the end of each working day.
12. Prior to the commencement of development, a detailed planting scheme shall be submitted for the further written agreement of the Council as Planning Authority This shall include planting numbers and full specifications. Appropriate structural landscape buffer planting shall also be investigated around the edges of the site; at key, pre-agreed locations. The scheme as subsequently approved shall be implemented prior to the completion or bringing into use of the development, whichever is the earlier.
13. Prior to the occupation of the building, precise details of the proposed recycling and waste collection facilities shall be submitted for the further written agreement by the Council as Planning Authority, in consultation with the Council Community Waste Team. The approved details shall be implemented prior to the completion or bringing into use of the development.

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14. In association with condition 13, a screened recycling point comprising containers for colour separated glass, paper/card, household metal packaging, textiles and small waste electricals shall be installed within the school grounds, to the west of the parking area, at an exact location and scale to be agreed in consultation with the Council Community Waste Team. The details as approved shall be delivered on site prior to the occupation of any neighbouring residential units.
15. In association with condition 13, the required recycling containers for glass should either be 'bells' or underground storage design, to be specified and agreed in consultation with the Council Community Waste Team. The detail as approved shall be implemented prior to the occupation of any neighbouring residential units.
16. Prior to the commencement of development, detailed drainage calculations associated with the proposed drainage design shall be submitted for the further written approval of the Planning Authority, in consultation with the Council Structures and Flood Risk Team.
17. 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.
18. Prior to the commencement of the development, details of the specification and colour of the proposed external finishing materials, including full details of the proposed retaining walls shall be submitted to and agreed in writing by the Council as planning Authority. The scheme as subsequently agreed shall be implemented prior to the completion or bringing into use of the development, whichever is earlier.
19. The applicant is advised to consider and design in future proofing measures for the development to be capable of connecting to a wider heat network as part of the development of the wider Berthapark site. This includes; appropriate safeguarding of space for the future provision of pipework, energy hubs or other associated heat infrastructure to ensure that the subsequent connection of any potential district heating network can be undertaken without causing avoidable disturbance to existing buildings or infrastructure.

Justification

The proposals are considered to accord with the Development Plan with significant education and long term community benefits to the residents of Berthapark, with no material reasons which justify departing from the Development Plan.

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 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).
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 38 of the Development Management Procedure (Scotland) Regulations 2008. 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 38 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. No work shall be commenced until an application for building warrant has been submitted and approved.
6. The applicant is reminded that, under the Wildlife and Countryside Act 1981, as amended, it is an offence to remove, damage or destroy the nest of any wild birds while that nest is in use or being built. Planning consent for a development does not provide a defence against prosecution under this act.
7. The applicant should be advised that in terms of Section 21 of the Roads (Scotland) Act 1984 they must obtain from the Council as Roads Authority consent to construct a new road prior to the commencement of roadworks.

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24 MAY 2017

Advice on the disposal of surface water must be sought at the initial stages of design from Scottish Water and the Scottish Environmental Protection Agency.

8. The applicant is recommended to contact with the Council Community Waste Team at the earliest opportunity and ultimately prior to commencement of development to ensure that all associated requirements are understood and can be met for the servicing of bins and the recycling point.
9. The applicant is recommended to review and follow the best practice guidance within the RSPB consultation memo dated 1st March 2017 in relation to biomass as a fuel source.

(2) Local Applications

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

(i) 17/00395/FLL – PERTH – Erection of a dwellinghouse and relocation of public footpath, site west of 63 Needless Road, Perth – Mr R MacDonald

Ms A Cowie, objector to the application, followed by Mr D Murdoch, agent for the applicant, addressed the Committee and, following their respective representations, withdrew to the public benches.

Resolved:

Grant, subject to the following terms, conditions and informatives, including updated Conditions 3, 4 and 6 as undernoted:

1. The development hereby approved must be carried out in accordance with the approved drawings and documents, unless otherwise provided for by conditions imposed by this decision notice.
2. Prior to the commencement of the development hereby approved, details of the specification and colour of the proposed external finishing materials to be used shall be submitted to and agreed in writing by the Council as Planning Authority. The scheme as agreed shall be implemented prior to the occupation or bringing into use of the development, whichever is the earlier.
3. Prior to the commencement of the development hereby approved, details of the proposed boundary treatments for the site shall be submitted for the further written agreement of the Council as Planning Authority. The scheme shall include details of landscaping to the

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24 MAY 2017

neighbouring boundary. The scheme as subsequently agreed shall be implemented prior to the completion or bringing into use of the development, whichever is the earlier.

4. Prior to the development hereby approved being completed or brought into use, the new vehicular access arrangement shown on the approved drawings shall be implemented and thereafter retained to the satisfaction of the Council as Planning Authority.
5. Prior to the development hereby approved being completed or brought into use, the car parking facilities shown on the approved drawings shall be implemented and thereafter maintained.
6. Prior to the development hereby approved being completed or brought into use, the new footpath to the east of the site shall be completed with a bound surface and the gradient of the footpath shall not exceed 10% for the entire length of the footpath all to the satisfaction of the Council as Planning Authority.
7. Prior to the commencement of development details and the precise location of the pedestrian barrier to be installed next to the junction of the new footpath and Needless Road shall be submitted to and approved in writing by the Planning Authority in consultation with the Roads Authority. Thereafter the pedestrian barriers shall be installed in accordance with the approved details and prior to the occupation of the dwelling house.
8. Prior to the commencement of the development hereby approved, a management plan indicating any temporary footpath diversions and signage needed to facilitate 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.
9. The foul drainage for the development shall be drained to the public mains sewerage system.
10. 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.
11. The windows in the east elevation of the development hereby permitted shall be glazed in obscure glass and thereafter obscure glass shall be retained at all times.

Justification

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

Procedural Notes

1. No consent shall be issued until the payment of a commuted sum towards education provision of £6460 and £3549 towards Roads Infrastructure (Total £10 009) has been secured through either an upfront payment or a Section 75 Legal Agreement has been agreed between the applicant and the Council.
2. Consistent with procedural note 1, the formal planning consent shall not be issued until such time as the required commuted sum for Developer Contributions has been secured. In the event that the applicant does not a) make the required payment upfront within 14 days of the date of the committee decision or b) complete a legal agreement for its delayed payment within a 4 month period, the application may be refused under delegated powers.

Informatives

1. This planning permission will last only for three years from the date of this decision notice, unless the development has been started within that period (see section 58(1) of the Town and Country Planning (Scotland) Act 1997 (as amended)).
2. Under section 27A of the Town and Country Planning (Scotland) Act 1997 (as amended) the person undertaking the development is required to give the planning authority prior written notification of the date on which it is intended to commence the development. A failure to comply with this statutory requirement would constitute a breach of planning control under section 123(1) of that Act, which may result in enforcement action being taken.
3. As soon as practicable after the development is complete, the person who completes the development is obliged by section 27B of the Town and Country Planning (Scotland) Act 1997 (as amended) to give the planning authority written notice of that position.
4. 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 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.
6. For information, foul flows only will be allowed to discharge to the public system. The Developer should arrange to dispose of surface water privately, to the satisfaction of the statutory drainage Authority.

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7. Please consult the Street Naming and Numbering Officer, The Environment Service, Perth and Kinross Council, Pullar House, 35 Kinnoull Street, Perth PH1 5GD for a new postal address. The form is downloadable from www.pkc.gov.uk and should be returned to snn@pkc.gov.uk
8. The applicant should be aware of the requirements of the Council's Environment and Regulatory Services in relation to waste collection from the site and should ensure adequate measures are provided on site to allow for the collection of waste.

DRAFT

Perth and Kinross Council
Development Management Committee – 5 July 2017
Report of Handling by Interim Head of Planning

Part demolition, change of use and extension to hotel to form dwellinghouse, erection of 4 dwellinghouses and associated works at Land 40 Metres North West Of Bonaly Cottage, Main Street, Kinnesswood

Ref. No: 16/00326/FLL
Ward No: N8 Kinross-shire

Summary

This report recommends **approval** of the variation to the wording of the conditions which were approved by the Development Management Committee on 19 October 2016 as part of the above application. The application has been subject to a Section 75 Legal Agreement to secure a commuted sum for affordable housing. There were a number of pre commencement conditions which formed part of the planning consent and unfortunately due to some miscommunication on behalf of the applicant and his contractor, the demolition of buildings on the site was commenced without first awaiting the issue of the planning permission and discharging the pre commencement planning conditions. Therefore in order to ensure a competent planning permission is issued it is the intention to revise the wording of the conditions so they provide an appropriate timescale for submission of the required information.

BACKGROUND AND DESCRIPTION

- 1 This report relates to a variation in the wording of the “minded to approve” permission which was determined by the Development Management Committee (DMC) of 19 October 2016 which refers to the part demolition, change of use and extension to hotel to form dwellinghouse, erection of 4 dwellinghouses and associated works at Land 40 Metres North West Of Bonaly Cottage, Main Street, Kinnesswood.
- 2 During that meeting the DMC accepted the recommendation of officers to approve the application subject to sixteen conditions and the preparation of a Section 75 (S75) legal agreement to ensure the payment of a commuted sum relating to affordable housing provision. There is also an associated Conservation Area Consent (CAC) application (16/00325/CON) for the demolition of buildings on the site which was approved at the same DMC.
- 3 The S75 between the applicant and the Council was signed and agreed on 8th March 2017 which would normally allow for the planning permission to be released. Conditions 5, 6, 7, 8 and 12 all require information to be submitted “Prior to the commencement of development on site”. Unfortunately due to miscommunication on behalf of the applicant and his contractor, works to demolish the buildings on site commenced prior to the planning permission being issued and prior to these “pre

commencement” conditions being discharged. It is therefore necessary to vary the wording of the planning conditions to allow for a new and appropriate timescale to be provided to ensure the Council receives the required information and to enable the planning conditions to be legally competent. It is in that regard that a minor variation to the wording of conditions is recommended. These are detailed within the appraisal section below.

- 4 The original recommendation also included a condition (14) to take down walls on the south western end of the Lomond Inn to a height of 900mm and retain these to be utilised as part of the garden walls/patio for plot 1. The applicant’s agent has informed the Planning Authority that these walls have not been retained as part of the demolition works.
- 5 Full detail of the initial assessment of development on this site is contained within the DMC Report of Handling for this application dated 19 October 2017. It is not intended to repeat in this report but is attached as Appendix 1 to this Report.

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 (June 2012)

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

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

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

Policy 2 – Shaping better quality places

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

Policy 3: Managing TAYplan's Assets

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

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 Under the LDP, the majority of the site lies within the settlement boundary of Kinnesswood and within the Kinnesswood Conservation Area. 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 adaptation.

Policy PM1B - Placemaking

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

Policy PM2 - Design Statements

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

Policy PM3 - Infrastructure Contributions

- 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 RD1 - Residential Areas

- 18 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

- 19 Residential developments consisting of 5 or more units should include provision of an affordable housing contribution of 25% of the total number of units proposed.

Policy PM4 – Settlement Boundaries

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

Policy HE1B - Scheduled Monuments and Non Designated Archaeology

- 21 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

- 22 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 HE3A - Conservation Areas

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

Policy CF2 – Public Access

- 24 Development proposals which would have an adverse impact on the integrity of any core path.... Will be refused.

Policy TA1B - Transport Standards and Accessibility Requirements

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

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

- 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 EP12 – Contaminated Land

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

OTHER POLICIES

- 31 Developer Contributions and Affordable Housing Supplementary Guidance – September 2016.

SITE HISTORY

- 32 There have been numerous applications in relation to alterations and extensions to the former Inn which are not relevant to this proposal. The more relevant recent applications are outlined below:

14/00707/FLL Erection of five dwellinghouses and associated engineering operations
17 July 2014 Application Withdrawn

15/00505/FLL Erection of 5 dwellinghouses and associated works 26 February 2016
Application Withdrawn

15/00506/CON Demolition of buildings 26 February 2016 Application Withdrawn

16/00325/CON Demolition of buildings Approved at DMC 19 October 2016

CONSULTATIONS

- 33 None required as this report relates solely to a minor variation to the wording of the conditions.

REPRESENTATIONS

- 34 None received in relation to this minor variation to the wording of conditions as no further notification was required.

ADDITIONAL STATEMENTS

35

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

APPRAISAL

Policy Appraisal

- 36 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 other relevant policy considerations are outlined in the policy section above.

Re-worded Conditions

- 37 As outlined above conditions 5, 6, 7, 8 and 12 all require information to be submitted “Prior to the commencement of development....” or state that “Development shall not commence on site until....”.
- 38 Therefore in order to secure submission of this information given that development has already commenced on site, the proposal is to vary the wording of the conditions so that a detailed timescale for submission of the information is given.
- 39 It is therefore the intention is to replace the wording “Prior to the commencement of development” on conditions 5, 6 and 7 with “Within 6 months of the date of this decision”. And to replace “Development shall not commence on site until” in condition 12 to “Within 6 months of the date of this decision”. This will ensure the required information is submitted to the Council within an appropriate timescale.
- 40 Condition 8 refers to the erection of bat boxes and this has now been undertaken on site and therefore it is recommended that this condition is deleted.
- 41 Condition 14 required that the walls on the south western end of the Lomond Inn be retained at a height of 900mm but the applicant’s agent has indicated that this has not taken place. The retention of the walls was considered to be an important part of the development as it would retain the historic location of the walls as part of the new development. Therefore I intend to revise the wording of this condition (which will now be condition 13) to ensure the walls are rebuilt in natural stone to a height of 900mm and utilised as part of the garden ground for plot 1.

CONCLUSION AND REASONS FOR RECOMMENDATION

- 42 The variation of the conditions allows for a competent planning consent to be issued and ensures the Council retains control over the timing of submission of information required by condition. The revised conditions do not alter the policy position of the recommendation nor what will be developed on site. For completeness a full set of revised conditions are outlined below. Please note that the numbers of conditions 8-16 of the original report have now altered due to the deletion of condition 8.

RECOMMENDATION

A Approve the application subject to the following conditions:

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

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

- 2 Prior to the development hereby approved being completed or brought into use, the vehicular access shall be formed in accordance with Perth and Kinross Council's Road Development Guide specification Type B, Fig 5.6 access detail to the satisfaction of the Planning Authority.

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

- 3 Prior to the development hereby approved being completed or brought into use, turning facilities shall be provided within the site to enable all vehicles to enter and leave in a forward gear.

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

- 4 Prior to the development hereby approved being completed or brought into use a minimum of 2 No. car parking spaces per dwelling shall be provided within the site.

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

- 5 Within 6 months of the date of this decision notice, full details of a bin presentation area close to Main Street shall be submitted and approved in writing by the Planning Authority. The details shall ensure that adequate provision for bin collection is provided whilst respecting the character and visual amenity of the Conservation Area. The details, as approved, shall be implemented as part of the site development to the satisfaction of the Planning Authority.

Reason - In order to ensure adequate servicing facilities are provided.

- 6 Within 6 months of the date of this decision notice, a sample of the proposed natural stone, light buff render, natural slate and composite window materials shall be submitted to and approved in writing by the Planning Authority. The scheme as agreed, shall be implemented prior to the completion or bringing into use of the development, whichever is earlier.

Reason - In order to protect the character and appearance of Kinnesswood Conservation Area.

- 7 Within 6 months of the date of this decision notice, full details of all proposed hard and soft landscaping shall be submitted to and approved in writing by the Planning Authority. The details shall include hedge boundaries to all plots and full details of a planting scheme along the entire south west boundary of the site together with the finishing material of the access track and boundary walls. The details shall include the species, planting density and stock sizes for all planting. The scheme as agreed,

shall be implemented prior to the completion or bringing into use of the development, whichever is earlier.

Reason - In order to protect the character and appearance of Kinnesswood Conservation Area.

- 8 All works to buildings or structures that may be used by bats (such as demolition, roof stripping, excavations or building works or associated operations) shall only be carried out under the direction of a licensed bat ecologist to ensure that an offence is not committed.

Reason - To reduce the risk of disturbing any bats present within the buildings.

- 9 All trenches associated with the development shall be dug with sloping sides. Open pipework/culverts shall be sealed at the end of each working day.

Reason – In the interests of bio diversity and to prevent animals from being trapped in open excavations or pipework.

- 10 Demolition works shall only take place between 1 December and 31 March to reduce the risk of disturbing any bats present to the satisfaction of the Council as Planning Authority.

Reason – To reduce the risk of disturbing any bats present within the buildings.

- 11 Within 6 months of the date of this decision notice, an evaluation for the potential of the site to be affected by contamination by a previous use has been undertaken and, as a minimum, a Preliminary Risk Assessment (Phase 1 Desk Study) has been submitted for consideration and accepted by the Council as Planning Authority. If the preliminary risk assessment identifies the need for further assessment, an intrusive investigation shall be undertaken to identify:

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

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

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

- 12 The walls which previously formed the south western end of the Lomond Inn building shall be rebuilt in natural stone to a height of 900mm and be retained as part of the

walling for the garden ground/patio of plot 1 to the satisfaction of the Council as Planning Authority. These works should be undertaken as part of the works to develop plot 1 and completed in their entirety prior to the occupation of plot 1.

Reason – In order to ensure the south western end of the historic Lomond Inn is reinstated as part of the new development in the interests of protecting the character of the Kinnesswood Conservation Area.

- 13 All slates removed from the demolished buildings shall be retained and re-used, where possible, in the new development to the satisfaction of the Council as Planning Authority.

Reason - In order to protect the character and appearance of Kinnesswood Conservation Area.

- 14 The use of replacement UPVC rainwater goods on the former Lomond Inn (plot 1) is not approved. The rainwater goods on plot 1 shall be new cast iron to match the existing or the existing cast iron rain water goods should be retained and repaired where necessary all to the satisfaction of the Council as Planning Authority.

Reason - In order to protect the character and appearance of Kinnesswood Conservation Area.

B JUSTIFICATION

The revised set of conditions ensures the Planning Authority retains control over the submission of the required information to discharge the conditions and ensures that the planning permission which is issued is legally competent given the unfortunate early commencement of development on site.

C PROCEDURAL NOTES

None.

D INFORMATIVES

None.

Background Papers:	None
Contact Officer:	John Williamson – Ext 75360
Date:	21 June 2017

NICK BRIAN
INTERIM HEAD OF PLANNING

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

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

All Council Services can offer a telephone translation facility.

Perth and Kinross Council
Development Management Committee – 19 October 2016
Report of Handling by Interim Head of Planning

Part demolition, change of use and extension to hotel to form dwellinghouse, erection of 4 dwellinghouses and associated works at Land 40 Metres North West Of Bonaly Cottage, Main Street, Kinnesswood

Ref. No: 16/00326/FLL
Ward No: N8 Kinross-shire

Summary

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

BACKGROUND AND DESCRIPTION

- 1 Full planning consent is sought for the redevelopment of the former Lomond Inn in Kinnesswood Conservation Area. The proposal seeks to partially demolish the Lomond Inn and convert the remaining structure into a single dwelling. Further demolition of associated buildings is also proposed which are detailed within an associated application for Conservation Area Consent (16/00325/CON) which is also under consideration at this committee meeting. The site is located on the south west side of Main Street and slopes from the road down to the edge of the settlement. The application site extends beyond the settlement boundary of Kinnesswood.
- 2 The site was occupied for approximately 125 years by the Lomond Inn and the building footprint area has been extended many times, together with the construction of a separate accommodation annexe and garage outbuildings, until eventual closure in 2012, due to the poor economic conditions.
- 3 The application site extends to 4014sqm and includes all of the existing buildings together with the hardstanding/car parking area to the rear (south-west) of the buildings and a strip of agricultural land which sits below the main site and outwith the Kinnesswood settlement boundary. The site slopes from north east to south west.
- 4 Part of the main former Lomond Hotel building is to be retained (plot 1) and converted into a detached dwelling. A detached garage is proposed for this

dwelling to the rear. The remaining buildings on site are proposed to be demolished in their entirety and replaced with four further detached dwellings to result in a total of five dwellings on the site. Plots 2, 3 and 4, located where the existing car park to the rear of the buildings is currently located, are proposed to be occupied by large scale detached dwellings with integral double garages and finishing materials including natural slate on the roof, light buff render, buff stonework and timber/aluclad windows in white. These detached houses are proposed to extend to approximately 8.4m in height. The garden ground for plots 2, 3 and 4 is located to the south west on a strip of agricultural land which is located outwith the Kinnesswood settlement boundary. Plot 5 is proposed to replace the annexe building which is to be demolished and sits directly opposite the former Lomond Inn. This plot is a smaller scale cottage style dwelling which extends to approximately 6.3m in height. Access from Main Street is proposed in a similar location to that which exists. The application site is bound on its north eastern side by Main Street, to the south west by agricultural fields and on the north west and south east by existing residential development.

NATIONAL POLICY AND GUIDANCE

- 5 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

- 6 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 (June 2012)

- 7 TAYPlan sets out a vision for how the region will be in 2032 and what must occur to bring about change to achieve this vision. The vision for the area as set out in the plans states that:
- 8 *“By 2032 the TAYplan region will be sustainable, more attractive, competitive and vibrant without creating an unacceptable burden on our planet. The quality of life will make it a place of first choice where more people choose to live, work, study and visit, and where businesses choose to invest and create jobs”*
- 9 The following sections of the TAYplan 2012 are of particular importance in the assessment of this application.

Policy 2 – Shaping better quality places

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

Policy 3: Managing TAYplan's Assets

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

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 Under the LDP, the majority of the site lies within the settlement boundary of Kinnesswood and within the Kinnesswood Conservation Area. 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 adaptation.

Policy PM1B - Placemaking

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

Policy PM2 - Design Statements

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

Policy PM3 - Infrastructure Contributions

- 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 RD1 - Residential Areas

- 18 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

- 19 Residential developments consisting of 5 or more units should include provision of an affordable housing contribution of 25% of the total number of units proposed.

Policy PM4 – Settlement Boundaries

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

Policy HE1B - Scheduled Monuments and Non Designated Archaeology

- 21 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

- 22 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 HE3A - Conservation Areas

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

Policy CF2 – Public Access

- 24 Development proposals which would have an adverse impact on the integrity of any core path.... Will be refused.

Policy TA1B - Transport Standards and Accessibility Requirements

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

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

- 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 EP12 – Contaminated Land

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

OTHER POLICIES

- 31 Developer Contributions and Affordable Housing Supplementary Guidance
– September 2016

SITE HISTORY

- 32 There have been numerous applications in relation to alterations and extensions to the former Inn which are not relevant to this proposal. The more relevant recent applications are outlined below:
- 33 14/00707/FLL Erection of five dwellinghouses and associated engineering operations 17 July 2014 Application Withdrawn
- 34 15/00505/FLL Erection of 5 dwellinghouses and associated works 26 February 2016 Application Withdrawn
- 35 15/00506/CON Demolition of buildings 26 February 2016 Application Withdrawn

CONSULTATIONS

EXTERNAL

- 36 **Portmoak Community Council** – objects on grounds of detrimental impact on Conservation Area, scale and height, impact on views, lack of detail in plans, lack of conservation report, impact on parking and public space.
- 37 **Scottish Water** – no response within statutory period

INTERNAL

- 38 **Environmental Health** – potential for contamination of land and therefore scheme to deal with contamination required.
- 39 **Perth and Kinross Heritage Trust** – no archaeological mitigation required
- 40 **Community Waste Advisor** – waste collection area required on site
- 41 **Contributions and Affordable Housing Officer** – affordable housing commuted sum of £18,750
- 42 **Transport Planning** – No objection subject to conditions
- 43 **Bio Diversity Officer** – conditions recommended in relation to bats and protected species

REPRESENTATIONS

- 44 A total of eighteen letters of representation were received during the first advertisement period for the application all of which objected to the proposal. During the second period of advertisement following revisions to the plans an additional three letters were received, two reiterating a previous objection and the other an additional new objection. Therefore a total of 19 letters of objection from individual households/businesses have been received. The letters include those from Portmoak Community Council and Kinross-shire Civic Trust.
- 45 The issues raised within the letters may be summarised as follows:
- Design
 - Scale/massing
 - Impact on character of Conservation Area/streetscape
 - Density/overdevelopment
 - Layout
 - Outwith settlement boundary
 - Contrary to Village Appraisal and Conservation Area Status Document
 - Materials
 - Lack of detail in plans
 - Views from outwith village
 - Loss of Open space
 - Loss of car parking
 - Loss of recycling facility
 - Loss of Inn
 - Lack of “Conservation Report”
 - Content of Design Statement
 - Impact on Rights of Way
- 46 All the relevant planning issues which have been raised are covered in the Appraisal section of this report.

ADDITIONAL STATEMENTS

47

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

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 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 other relevant policy considerations are outlined in the policy section above and will be considered in more detail below.

Principle

- 49 The application site is located within the Conservation Area of Kinnesswood in an area designated for residential and compatible uses where Policy RD1 and HE3A apply. Policy RD1 supports residential development in principle subject to certain criteria, including protecting the amenity of neighbours, ensuring the design and scale of the proposal relates to the character and amenity of the area amongst others. Other relevant policies include PM1A and B which relate to placemaking and require new development to respect its surroundings in terms of appearance, height and scale and respect existing building lines amongst other criteria. As the site is zoned within the LDP for residential uses, the principle of residential use on this site is considered acceptable. The paragraphs below will provide an assessment of the relevant criteria above and associated LDP policies.

Impact on Character of Conservation Area/Visual Amenity/Design

- 50 Policy HE3A of the LDP seeks to ensure that new development contributes positively to the character and appearance of the Conservation Area. The implications of the demolition on the Conservation Area will be considered separately through application 16/00325/CON which is also under consideration at this committee meeting.

Lomond Inn (Plot 1)

- 51 It was noted from site visits that the Kinnesswood Conservation Area is made up of varying design styles with a mixed palette of materials evident. The former Lomond Inn is considered to play an important part in the historic character of the Conservation Area and acts as a gateway point into the Conservation Area from those travelling from the south east. The attractive south east elevation of the Lomond Inn sits directly adjacent to the footpath. This elevation of the Lomond Inn is proposed to be retained and converted into a dwelling. I consider the retention of this part of the Lomond Inn to be a key element to this proposal to ensure that a fundamental part of the historic character and appearance of the Conservation Area is retained. Furthermore the layout as proposed also allows the existing layout of the Inn to be retained with the proposed access to remain in a similar position. I consider the element of the Lomond Inn which is to be retained to be the key aspect of the existing building with the most important relationship with the Conservation Area. This part of the building is in a poor state of repair and it is evident that work is required to bring it back up to a standard befitting of the Conservation Area location. The proposal seeks to repair and replace the natural slate roof, repair and replace structural timbers and to install new composite timber

aluclad windows to replace the existing upvc windows. The harling and timber lining board on all sides of the building is also to be replaced. The rainwater goods are also to be replaced but with black upvc piping. It is noted that rainwater goods on the building are cast iron. Policy HE3B of the LDP seeks to ensure the character and appearance of the Conservation Area is maintained or improved. The use of upvc is considered to reduce the quality of materials on the site and is not considered acceptable. Therefore, given the proximity of plot 1 to the public road the use of either new cast iron rainwater goods to match the existing or the repair of the existing rainwater goods is considered important. A condition is proposed to ensure exact details of the colours and finishing materials are submitted for approval. The proposal is considered to bring the remaining part of the building back up to an appropriate standard for the Conservation Area and is considered to be an overall improvement to the character and appearance of the area as required by LDP policy.

Plots 2, 3 and 4

- 52 The houses proposed on plots 2, 3 and 4 to the rear (south west of the site) are larger in scale and will therefore impact on the visual amenity and character of this part of the Conservation Area. These detached dwellings will be visible from Main Street as one travels through the Conservation Area and would form part of the visual character of the area. Whilst the houses extend to 8.4m in height, the land slopes away from Main Street in this location and sectional drawings have been provided which show the relationship of the proposed houses with the Lomond Inn and demonstrate that they will have a similar net ridge height to the former Inn.
- 53 Whilst the design of the dwellings are more modern in their appearance, nevertheless, the scale and bulk of the dwellings are broken up to a certain extent by the breaks in the ridge line. As the houses are set back on the site, away from Main Street I believe their overall bulk and massing when viewed from the public realm will be reduced to an acceptable extent. Furthermore the position of plot 1 and 5 will also provide an element of screening to the larger dwellings when viewed from Main Street and therefore the large lengthy extent of the north east elevations of each house will not be evident from Main Street to their full extent. Given the position of the houses, set back on the site, the extent and scale of the dwellings is considered to be appropriate. The finishing materials include natural slate on the roof, a light buff harling and white composite windows. The slate roof is considered to relate successfully to roof coverings in the village. There have been numerous discussions relating to the finishing materials on these plots together with the remainder of the development. The submission initially proposed to utilise a reconstituted stone finish on the walls. This was not considered to be appropriate in this location and failed to relate to the established character. The plans have since been amended and a light buff coloured rendered with natural stone basecourse is now proposed. I consider the revisions to result in a simplified material palette which has an improved relationship with the surrounding buildings. It was evident during a site visit the the majority of buildings within the Conservation Area are stone with slate or pantile roofs. There are, however, examples of

harled/painted properties within the Conservation Area. I consider the light buff harling colour with small areas of natural stone to be an appropriate material finish for this site given the mixture of finishes in the village. I also consider the use of a aluclad timber window in white to be appropriate to the context of the village.

- 54 The impact of the scale and size of the properties when viewed from the south west and from outside the settlement has been raised in letters of representation, stating that the scale and materials proposed will be out of character with the remainder of the village. The houses are proposed to sit adjacent to the settlement boundary and therefore will be visible from wider views of the settlement from Loch Leven, the Heritage Trail and surrounding approach roads. It is clear that these houses will alter the visual amenity of the settlement when viewed from the surrounding area, however the houses are proposed to fill a clearly evident gap site in the settlement and will therefore be seen against the existing surrounding built form and context and at a distance. As the buildings will sit within the clearly defined built up settlement I do not consider the impact on visual amenity from surrounding vantage points to be a significant concern.

Plot 5

- 55 The annexe building located to the immediate south east of the Inn is proposed to be demolished. The demolition of this building is welcomed as it is considered to have a poor relationship with the historic character of the area with little cohesion in its fenestration design. Its scale and bulk has little positive relationship with the Inn. The proposed replacement building is smaller in scale than the building to be demolished and seeks to utilise a relatively traditional cottage like design and proportions which has an improved relationship with the Inn and the adjacent buildings on Main Street. I consider plot 5 to result in a significant improvement to the character and appearance of the Conservation Area in accordance with LDP policy.

Village Appraisal and Conservation Area Status Document

- 56 Letters of representation raised concern regarding the loss of an existing view from Main Street, south west towards Loch Leven which is identified within the Village Appraisal and Conservation Area Status Document. Whilst it is recognised that the open nature of the existing site does provide views out of the settlement in this direction I believe the layout of the proposal does seek to retain at least part of this view in the proposal. A glimpse view will remain between plots 3 and 4 towards Loch Leven which is considered sufficient to ensure that part of this historic character of the Lomond Inn site is retained whilst allowing for the development of the site and the site being brought into active use. Furthermore it should be noted that the ridge heights of the proposed houses at plots 2, 3 and 4 are no higher than the existing Lomond Inn and therefore given the topography of the settlement there may still be views apparent from areas within the village over the top of the proposed houses towards Loch Leven.

- 57 This document also states that the setting of the village adjacent to Bishop Hill and views in and out should be protected from further development. My interpretation of this statement in the document is to protect the land around the settlement from development. The statement would be at odds with the content of the LDP if it meant that no development at all would be permitted within the settlement of Kinnesswood. As indicated above, the development is considered to sit comfortably with the built form within the remainder of the settlement and I do not consider the proposal to result in a detrimental impact on the setting of the village or views in and out of the village to a significant degree.

Loss of Open Space

- 58 Letters of representation raise concern regarding the loss of open space within the village. None of the application site is designated within the LDP as being protected open space and as such the site is not offered any specific policy protection in this regard.

Layout/Character and Density

- 59 The layout and position of plot 1 and plot 5 are considered to follow the historic layout of the Lomond Inn with the vehicular access point positioned centrally between them. Each of these units are positioned to allow for a small front garden area for each property with private amenity space positioned to the rear. New planting is proposed along the boundaries to provide enclosure to these plots.
- 60 Plots 2, 3 and 4 are positioned in a linear fashion towards the south west boundary of the site. A strip of land outwith the settlement is to be utilised to provide private garden ground for each house and an assessment of the issues relating to the settlement boundary is outlined in the section below. The proposed layout is considered appropriate as plots 3 and 4 are provided with an appropriate level of garden ground for houses of this size. The layout of plot 2 is L shaped in order to cater for its corner position on the site. The location of the house does limit the usability of the garden ground, splitting it into two useable sections, however I still consider this to be acceptable.
- 61 The central part of Kinnesswood is characterised by detached, semi detached and terraced properties fronting directly onto Main Street with garden ground extending to the rear. Towards the outskirts of the village there are more detached properties in larger plots. It is noted that there is limited development towards the southwest and edge of the settlement within Kinnesswood but that there are some examples of where built development extends to the settlement boundary, including further north west at Kinnesswood Farm and as such there is precedent for development of the nature and character proposed within the Conservation Area. The submission includes a financial appraisal of the site which indicates that there is limited scope to develop solely the buildings fronting Main Street given the purchase price of the site although the information contained within this document

is relatively limited. It has not been made available on the Council's planning portal due to the sensitive financial and commercial nature of the information contained within. I consider it important to secure the development of this site for the long term viability of the site and the Conservation Area given its current condition and the evidence suggests that allowing for additional development to the rear of the site will help to deliver this. Whilst the detached units to the rear of the site do not relate to the predominant character of the Conservation area in terms of their position I am willing to accept development in this location to secure the overall development of the site.

- 62 The finishing of the access road and the species and number of trees and hedges proposed on the site is not marked on the submitted plans. I consider it important to ensure that the plots are delineated by soft landscaping in the form of hedging and I also consider the provision of hedging and tree planting on the south west boundary to be important to ensure landscape containment for the site similar to that which exists on the neighbouring properties which back onto the edge of the settlement. I consider all of these elements to be key to the layout and as such a condition is recommended to ensure that full details of the hard and soft landscaping are submitted for approval.

Settlement Boundary

- 63 As outlined above, the garden grounds of plots 2, 3 and 4 are located outwith the Kinnesswood settlement boundary as identified in the LDP. There is a general presumption against built development on land immediately adjacent to settlement boundaries in order to prevent urban sprawl. In this instance the rear elevations of plots 2, 3 and 4 sit immediately on the settlement boundary. Whilst some of the rear patio areas for these houses will be located outwith the settlement, the main built form will be located within. It is evident from a site visit that the rear garden ground of the properties to the south east (Ravenraig, Mo-Dhachaidh and Woodlands) extend further south west than the rear of the current Lomond Inn site. As a consequence, whilst the application site is proposed to extend outwith the identified settlement, it is nevertheless, no further than the rear garden ground line which exists on the properties to the south east. As such I do not consider the proposal to include garden ground outwith the settlement boundary to be of any significant detriment to the visual amenity of the area and do not consider it to create any concerns regarding the sprawl of development outwith the settlement.

Residential Amenity

- 64 Policy PM1A and PM1B seeks to ensure, amongst other criteria, that new development respects the residential amenity of the surrounding area. Policy RD1 contains similar criteria.
- 65 As outlined above there are neighbouring residential properties on both the south east and north west sides of the application site. Plot 5 is located in close proximity to Briar Cottge, however the orientation of plot 5, together with it facing towards a blank gable will ensure there is limited impact in terms of overlooking and overshadowing.

- 66 Plot 1 (Lomond Inn) is located close to the boundary with Lochglow to the north west. The rear elevation of Plot 1 faces towards Lochglow, however this is similar to the layout of the former Inn and again faces towards a blank gable. As such I do not consider there to be any issues relating to overlooking or overshadowing from plot 1.
- 67 The gable end of plot 4 is proposed in close proximity to the boundary with Briar Cottage to the south east, however no windows are proposed on this gable and the ridge height is proposed to step down at this end. I am satisfied that whilst the elevation is in close proximity to the boundary it will not result in any significant impact on the amenity of Briar Cottage.
- 68 Similarly the gable end (facing north east) of Plot 2 is located in close proximity to the boundary with Lochglow. Again this section of the house is proposed to step down from the main section of the dwelling and no windows are proposed on this gable. I am satisfied that this will have no significant impact on the amenity of Lochglow.
- 69 Each of the dwellings is proposed to have its own area of private amenity space. The depth of the garden ground for plots 2, 3 and 4 is fairly limited for houses of the size proposed, however they are considered sufficient to provide a reasonable area of amenity space for future occupiers. The houses are also positioned to ensure there is no overlooking or overshadowing between each house and as such the residential amenity of future occupiers is considered to be appropriate.
- 70 Overall I consider the proposals to be acceptable in terms of the residential amenity of residents of the surrounding area and that of the future occupiers of the dwellings and therefore in accordance with the relevant placemaking policies of the LDP and the criteria outlined in Policy RD1.

Loss of Recycling Facility

- 71 There is a Council operated recycling facility located within the existing car park to the rear of the Lomond Inn which will require to be relocated to accommodate the new development. Waste Services are aware of the development proposals and have indicated that they are currently seeking an alternative location for the recycling facilities. As Waste Services are actively seeking an alternative location for the recycling facilities I do not consider the existing siting to be an issue which would impact on the recommendation of approval of this application.

Loss of Car Parking

- 72 The existing car parking area to the rear of the site appears to be in use by some of the local community and letters of representation have raised concerns regarding the loss of this car parking as a result of the development. This car parking is taking place on private land and is not a designated car parking area in planning terms.

The Planning Authority has no remit in this matter and I do not consider the parking of vehicles on this currently unused private area of land to have any bearing on the recommendation of this application.

Developer Contributions

Education Infrastructure

- 73 The 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.
- 74 This proposal is within the catchment of Portmoak Primary School. Education & Children's Services have no capacity concerns in this catchment area at this time.

Transportation Infrastructure

- 75 The site is located outwith the area where a contribution towards transportation infrastructure is sought.

Affordable Housing

- 76 The Council's Affordable Housing Policy requires that 25% of the total number of houses, above a threshold of 5 units, for which planning consent is being sought is to be in the form of affordable housing.
- 77 In this case the requirement is $5 \times 25\% = 1.25$ units.
- 78 In line with the supplementary guidance and discussion with Housing and Community Care department it has been agreed that a commuted sum would be most appropriate in this instance.
- 79 On this basis the required commuted sum payment in line with the supplementary guidance would be **£15,000 x 1.25= £18,750**
- 80 This can be secured either through an upfront payment or a Section 75 agreement between the applicant and the Council. As such no consent should be issued until the payment has been received or an agreement has been signed. This will ensure compliance with Policy RD4 of the LDP.

Access/Traffic/Transport

- 81 As outlined above the main vehicular access into the site is to be retained with access directly from Main Street. Main Street is relatively straight in this location and benefits from existing traffic calming measures in close proximity to the site as

such vehicle speeds are likely to be low. As the site previously operated as an Inn I do not consider the proposed development to result in a significant level of increased traffic over that which utilised the Inn. Transport Planning have been consulted on the proposal and have provided no objections subject to the access onto Main Street being formed in accordance with Council standards. They have also requested that turning facilities and two car parking spaces per dwelling are provided on site. This can also be secured by condition. Subject to these conditions the proposal is considered to be in accordance with Policy TA1B of the LDP.

Waste Collection

- 82 The site is served by Council waste collection and Waste Services have indicated that the proposed properties will be provided with a three bin system, general, recyclables and garden and food waste which should be presented to Main Street for collection. A bin presentation area has been recommended by Waste Services close to Main Street and this can be secured by condition.

Drainage

- 83 The site is served by the public drainage system in Kinnesswood and the application form indicates that the intention is to connect into this system. It also states that the proposal is to connect to the public water supply network and that a sustainable urban drainage system (SUDS) will be utilised to cater for surface water drainage. The principle of this is considered to comply with policies EP3B and C of the LDP. The exact detail and design of the drainage proposals will be secured through a building warrant.

Rights of Way

- 84 The potential impact on “common law” rights of way is raised within a letter of representation. The Main Street of Kinnesswood is an adopted Core Path (PTMK/146) however I do not consider any of the development proposed to be of detriment to the use of this path which is along a public road. As such I am satisfied that the proposal complies within the criteria outlined in Policy CF2 of the LDP.

Bio Diversity

- 85 The ecological surveys submitted with the application provide details of bat activity in the vicinity of the development. No confirmed bat roosts were found and the report recommended some measures to enhance the site for biodiversity. These can be secured through planning conditions. As such the proposal is considered to comply with Policy NE3 which relates to Bio Diversity.

Flooding

- 86 There are no flooding concerns at the site and therefore the proposal complies with Policy EP2 of the LDP.

Contaminated Land

- 87 Environmental Health have indicated that their service is in the possession of a site investigation report of December 2013 which identified some contamination on site. This investigation made a recommendation for either capping or removal of the contaminated material. It is unknown whether these remedial works have been undertaken therefore a condition is recommended. This will ensure the compliance with policy EP12 of the LDP.

Detail in Plans

- 88 Letters of representation have raised concern regarding the level of detail contained within the submitted plans and have sought additional street elevation drawings. Whilst this request is noted I consider the level of information submitted with the application sufficient to provide a clear understanding of the development proposed and allow an assessment to be made.

Lack of “Conservation Report”

- 89 A letter from the Portmoak Community Council raised the issue of the lack of any “Conservation Report” on this proposal. This has been raised in separate letters of complaint to the Council and a detailed answer has been provided to the Community Council and I therefore do not intend to provide any detail on that issue within this report. In conclusion there is no requirement for a “Conservation Report” to be prepared as the Community Council suggest and an assessment of the merits of this application are provided within this report.

Economic Impact

- 90 Whilst the closure of the Lomond Inn is unfortunate it is clear from the information submitted that there is no market for a facility of this nature within Kinnesswood and it has remained closed and out of use since 2012. Whilst the loss of the Inn and the employment which it generated will have a detrimental impact on the economy of Kinnesswood, nevertheless, I consider the evidence submitted sufficient to justify an alternative residential use on the site particularly given the Inn has remained closed for a period of approximately 4 years. There will be limited economic impact associated with the construction phase of the development.

LEGAL AGREEMENTS

- 91 A Section 75 Agreement may be required for payment of the affordable housing commuted sum of £18,750, if this is not done as an upfront payment.

DIRECTION BY SCOTTISH MINISTERS

- 92 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

- 93 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 be in accordance with the Development Plan. I can find no material considerations which would justify refusal of the application. I consider the proposal as a whole to result an improvement to the visual amenity and character of the Kinnesswood Conservation Area through the development of an identified area of need which is currently in poor condition. On balance the benefits of the works proposed to the former Lomond Inn and the overall proposal to bring the site back into active use are considered to improve the character and visual amenity sufficiently to merit the approval of additional residential development on the site.

RECOMMENDATION

A Approve the application subject to the following conditions:

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

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

- 2 Prior to the development hereby approved being completed or brought into use, the vehicular access shall be formed in accordance with Perth and Kinross Council's Road Development Guide specification Type B, Fig 5.6 access detail to the satisfaction of the Planning Authority.

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

- 3 Prior to the development hereby approved being completed or brought into use, turning facilities shall be provided within the site to enable all vehicles to enter and leave in a forward gear.

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

- 4 Prior to the development hereby approved being completed or brought into use a minimum of 2 No. car parking spaces per dwelling shall be provided within the site.

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

- 5 Prior to the commencement of any development full details of a bin presentation area close to Main Street shall be submitted and approved in writing by the

Planning Authority. The details shall ensure that adequate provision for bin collection is provided whilst respecting the character and visual amenity of the Conservation Area. The details, as approved, shall be implemented as part of the site development to the satisfaction of the Planning Authority.

Reason - In order to ensure adequate servicing facilities are provided.

- 6 Prior to the commencement of any development a sample of the proposed natural stone, light buff render, natural slate and composite window materials shall be submitted to and approved in writing by the Planning Authority. The scheme as agreed, shall be implemented prior to the completion or bringing into use of the development, whichever is earlier.

Reason - In order to protect the character and appearance of Kinnesswood Conservation Area.

- 7 Prior to the commencement of any development full details of all proposed hard and soft landscaping shall be submitted to and approved in writing by the Planning Authority. The details shall include hedge boundaries to all plots and full details of a planting scheme along the entire south west boundary of the site together with the finishing material of the access track and boundary walls. The details shall include the species, planting density and stock sizes for all planting. The scheme as agreed, shall be implemented prior to the completion or bringing into use of the development, whichever is earlier.

Reason - In order to protect the character and appearance of Kinnesswood Conservation Area.8 Prior to work commencing on the demolition of existing buildings a total of 4 bat boxes shall be provided in trees on site as indicated in the bat protection plan (section 6 of the Bat Survey). Photographic evidence of the installation shall be submitted to and approved in writing by the Planning Authority prior to the demolition commencing. The bat boxes shall remain in place in perpetuity.

Reason – To provide alternative habitat on site for bats.

- 9 All works to buildings or structures that may be used by bats (such as demolition, roof stripping, excavations or building works or associated operations) shall only be carried out under the direction of a licensed bat ecologist to ensure that an offence is not committed.

Reason - To reduce the risk of disturbing any bats present within the buildings

- 10 All trenches associated with the development shall be dug with sloping sides. Open pipework/culverts shall be sealed at the end of each working day.

Reason – In the interests of bio diversity and to prevent animals from being trapped in open excavations or pipework.

- 11 Demolition works shall only take place between 1 December and 31 March to reduce the risk of disturbing any bats present to the satisfaction of the Council as Planning Authority.

Reason – To reduce the risk of disturbing any bats present within the buildings.

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

I. the nature, extent and type(s) of contamination on the site

I. measures to treat/remove contamination to ensure the site is fit for the use proposed

II. measures to deal with contamination during construction works

- III. condition of the site on completion of decontamination measures. 13 Prior to the completion or bringing into use of any part of the development the measures to decontaminate the site shall be fully implemented in accordance with the scheme subsequently agreed by the Council as Planning Authority. Validation that the scheme has been fully implemented must also be submitted to the Council as Planning Authority.

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

- 14 The walls on the south western end of the Lomond Inn building shall be taken down to a height of 900mm and be retained as part of the walls for the garden ground/patio of plot 1 to the satisfaction of the Council as Planning Authority.

Reason – In order to ensure the south western end of the historic Lomond Inn remains as part of the new development in the interests of protecting the character of the Kinnesswood Conservation Area.

- 15 All slates removed from the demolished buildings shall be retained and re-used, where possible, in the new development to the satisfaction of the Council as Planning Authority.

Reason - In order to protect the character and appearance of Kinnesswood Conservation Area.

- 16 The use of replacement UPVC rainwater goods on the former Lomond Inn (plot 1) is not approved. The rainwater goods on plot 1 shall be new cast iron to match the existing or the existing cast iron rain water goods should be retained and repaired where necessary all to the satisfaction of the Council as Planning Authority.

Reason - In order to protect the character and appearance of Kinnesswood Conservation 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

- 1 No consent shall be issued until a the payment of a commuted sum towards affordable housing provision of £18,750 has been secured through either through an up front payment or a Section 75 Legal Agreement has been agreed between the application and the Council.
- 2 The formal planning consent shall not be issued until such time as the required commuted sum for Affordable Housing has been secured. In the event that the applicant does not a) make the required payment upfront within 14 days of the date of the committee decision or b) complete a legal agreement for its delayed payment within a 4 month period, the application will be refused under delegated powers.

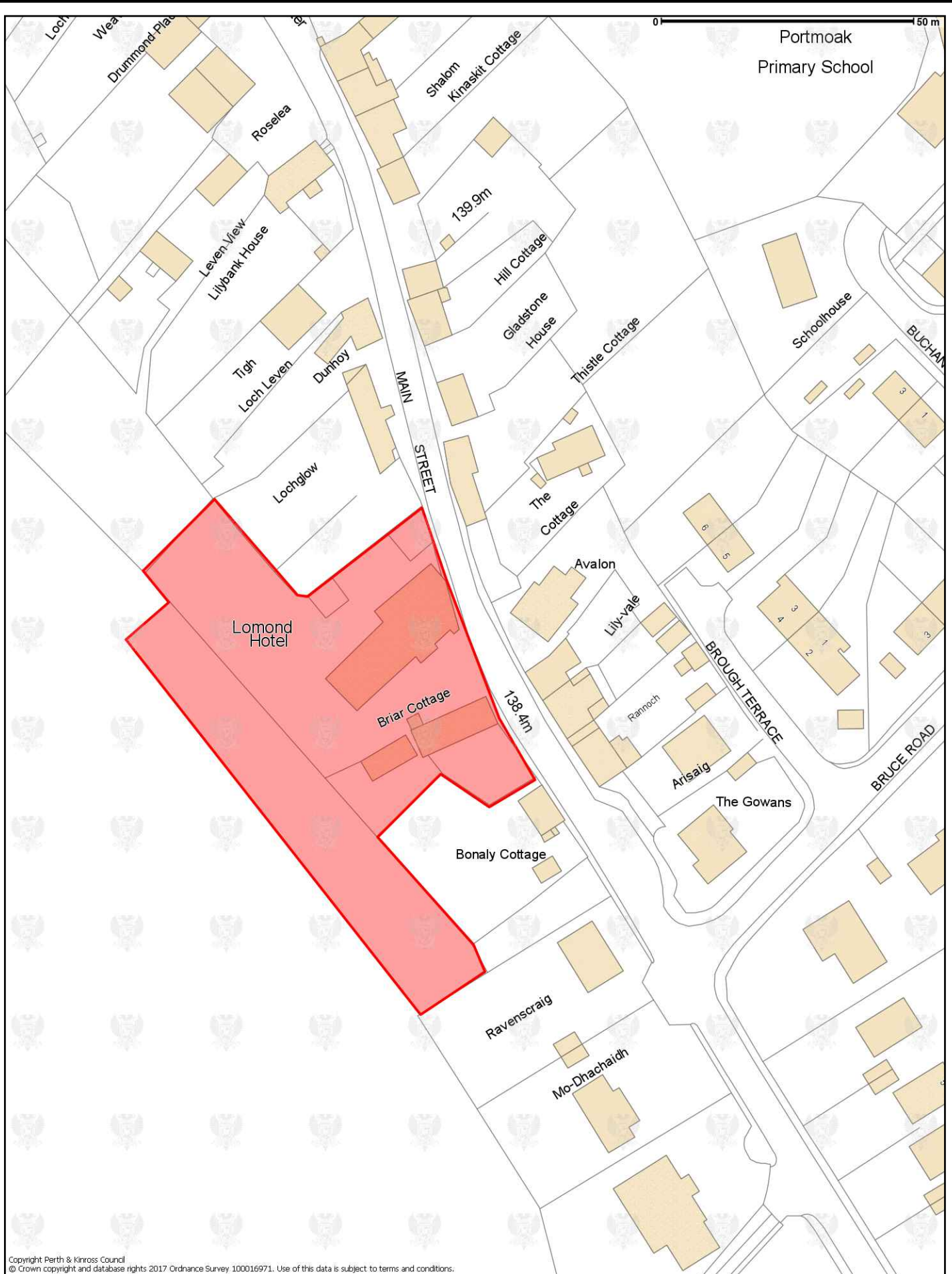
D INFORMATIVES

- 1 This planning permission will last only for three years from the date of this decision notice, unless the development has been started within that period. (See section 58(1) of the Town and Country Planning (Scotland) Act 1997 (as amended).
- 2 Under section 27A of the Town and Country Planning (Scotland) Act 1997 (as amended) the person undertaking the development is required to give the planning authority prior written notification of the date on which it is intended to commence the development. A failure to comply with this statutory requirement would constitute a breach of planning control under section 123(1) of that Act, which may result in enforcement action being taken.
- 3 As soon as practicable after the development is complete, the person who completes the development is obliged by section 27B of the Town and Country Planning (Scotland) Act 1997 (as amended) to give the planning authority written notice of that position.
- 4 No work shall be commenced until an application for building warrant has been submitted and approved.
- 5 The applicant should be advised that in terms of Section 56 of the Roads (Scotland) Act 1984 he must obtain from the Council as Roads Authority consent to open an existing road or footway prior to the commencement of works. Advice on the

disposal of surface water must be sought at the initial stages of design from Scottish Water and the Scottish Environmental Protection Agency.

- 6 No work shall commence on site until consent has been granted for the associated Conservation Area Consent application for the demolition of buildings (Ref: 16/00325/CON).
- 7 The applicant is reminded that, under the Wildlife and Countryside Act 1981, as amended, it is an offence to remove, damage or destroy the nest of any wild birds while that nest is in use or being built. Planning consent for a development does not provide a defence against prosecution under this act.

Background Papers: 19 letters of representation
Contact Officer: John Williamson – Ext 75360
Date: 4 October 2016



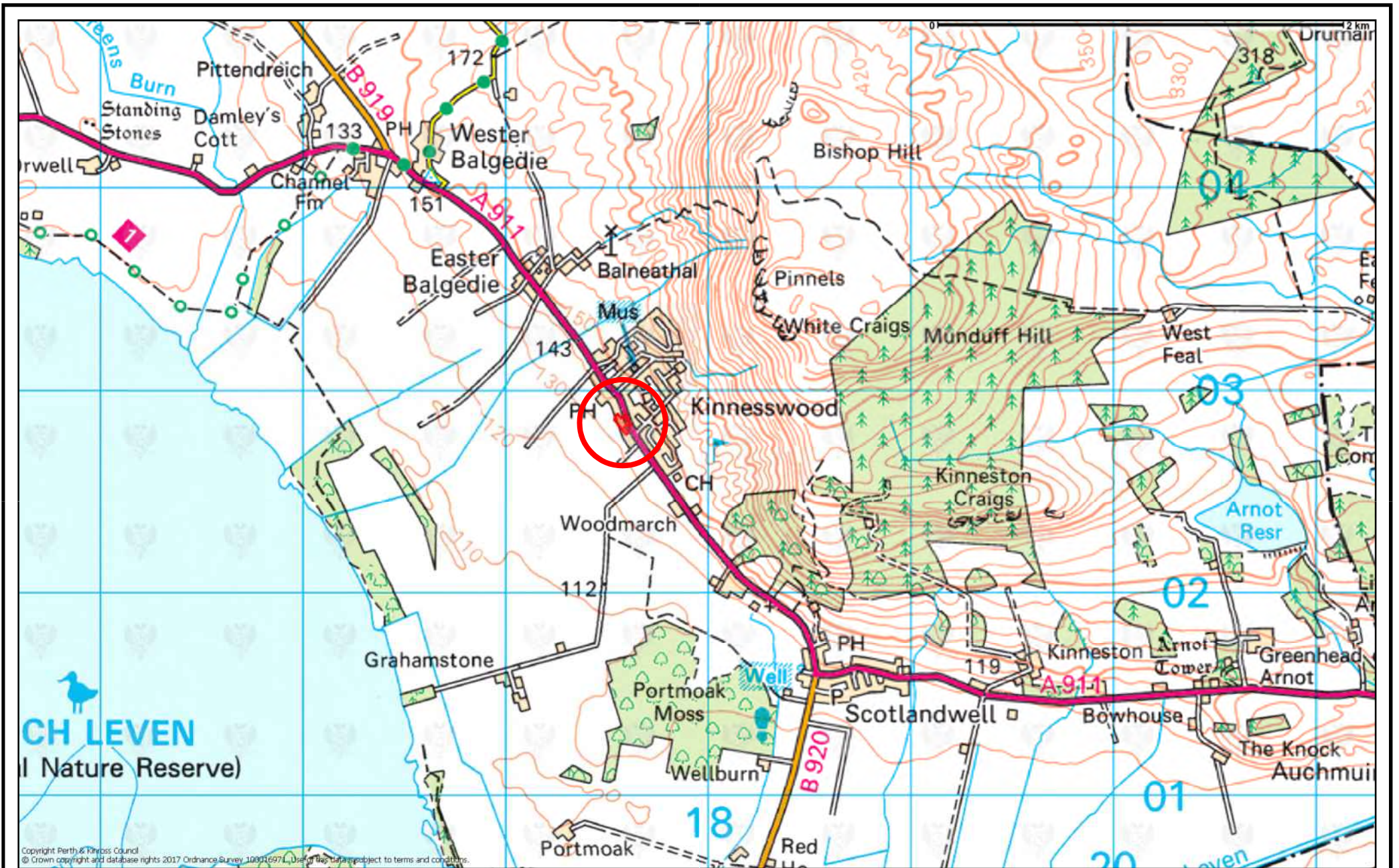
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16/00326/FLL

Part demolition, change of use and extension to hotel to form dwellinghouse, erection of 4 dwellinghouses and associated works at land NW of Bonaly Cottage, Main Street, Kinnesswood – (Revised conditions required as development commenced on site prior to decision being issued)





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Scale 1:25000



16/00326/FLL

Part demolition, change of use and extension to hotel to form dwellinghouse, erection of 4 dwellinghouses and associated works at land NW of Bonaly Cottage, Main Street, Kinnesswood – (Revised conditions required as development commenced on site prior to decision being issued)



Perth and Kinross Council
Development Management Committee – 5 July 2017
Report of Handling by Interim Head of Planning

Residential development for 217 dwelling houses, formation of open space, landscaping and associated infrastructure works at land 200 metres north east of Lindale, Glenalmond Road, Rattray.

Ref. No: 16/01861/FLM
Ward No: N3 – Blairgowrie and Glens

Summary

This report recommends approval of the application for a development comprising 217 dwellings on Local Development Plan (LDP) site allocation H63: at land 200 metres north east of Lindale, Glenalmond Road, Rattray.

The development is considered to comply with the Strategic Development Plan TAYplan 2012 and Perth and Kinross Local Development Plan 2014 (LDP). The proposal also complies with the Council's overarching economic, social and environmental objectives contained within the Community Plan, Corporate Plan and the Economic Development Strategy. The application is recommended for approval, subject to conditional control and the satisfactory conclusion of a planning obligation.

BACKGROUND AND PROPOSAL

- 1 The site, which extends to over 11.5 Ha, is bounded to the south by Glenalmond Road and by Blairgowrie Holiday Park to the west, within the settlement boundary of Rattray. To the far eastern tip is the Rattray burn, with woodland to the northern point, associated with Parkhill Farm. The site is characterised as agricultural land with rough vegetation along the southern and western boundaries, sloping from north down to south, towards Glenalmond Road. Glenalmond Road terminates at Back Row, with a bollard preventing through motorised traffic from passing through. The site sits on the northern edges of Rattray settlement, with a robust existing landscape framework flanking its edges. Core path (BLA 17) exists along the eastern boundary extents.
- 2 The proposal seeks to formally establish detailed planning consent for 217 dwellings, with a full range of dwelling types including a 27% affordable housing element (60 units), which has been indicated at the western edge of the development. A full range of house types have been proposed, including single storey, 1½ storey and 2 storey detached, semi-detached and terraced units of 2, 3 and 4 bedrooms along with cottage flats. In terms of parking, the proposed parking varies across the proposed house types from integral parking, side and front driveway parking and courtyard parking. There will be two vehicular accesses off Glenalmond Road and a third separate pedestrian connection proposed between the two vehicle accesses.

- 3 The proposed external material finishes include light coloured renders, slate grey tiles and dark framed door and window units, reflective of the neighbouring development, including the site across the road, which rises up from Rattray Primary School (Kinloch Gardens) developed by the same applicant.
- 4 The application submission has been supplemented by a suite of information, which was identified at the Proposal of Application Notice (PAN) report stage and pre-application discussions. As part of the application assessment, it was originally considered there was a lack of detailed landscape information. The applicants were requested to and subsequently submitted more detailed landscaping proposals for consideration. Additional flooding and drainage information was also requested and a district heating feasibility study was presented voluntarily following original consultation comments from SEPA.
- 5 The detailed landscape proposals produced include:
 - Native species woodland, shrub and meadowland mix planting with around the western, northern and eastern perimeters, with a path network in the northern and eastern extents
 - Formal internal open spaces and structural tree planting, including an oak tree at the eastern point.
 - Hedge planting to residential boundaries on key public elevations

Environmental Impact Assessment (EIA)

- 6 Directive 2011/92/EU requires the 'competent authority' (in this case Perth and Kinross Council) when giving a planning consent for particular large scale projects to do so in the knowledge of any likely significant effects on the environment. The Directive therefore sets out a procedure that must be followed for certain types of project before 'development consent' can be given.
- 7 This procedure, known as EIA, is a means of drawing together, in a systematic way, an assessment of a project's likely significant environmental effects. This helps to ensure that the importance of the predicted effects, and the scope for reducing any adverse effects, are properly understood by the public and the relevant competent authority before it makes its decision.
- 8 A screening request 16/00845/SCRN was made in May 2016, which found that an EIA is not required in this instance, through virtue of the proposals not having significant effects on the environment in relation to its size, nature, dwelling numbers and location.

PRE-APPLICATION CONSULTATION

- 9 The proposed development is classed as a Major development under class 9 of the Town and Country Planning (Hierarchy of Developments) (Scotland) Regulations 2009. This sets out that there is a statutory requirement imposed on the applicant to undertake pre-application consultation activity with the local community.

- 10 A PAN (reference 16/00009/PAN) was submitted on 16th May 2016 and outlined a public exhibition was to be held locally on 15th June 2016. The ward Councillors were all notified. The results of the community consultation have been submitted with the application as part of the Pre-Application Consultation (PAC) Report.

NATIONAL POLICY AND GUIDANCE

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

National Planning Framework

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

The Scottish Planning Policy 2014

- 13 The Scottish Planning Policy (SPP) was published on 23 June 2014. It sets out national planning policies which reflect Scottish Ministers' priorities for operation of the planning system and for the development and use of land. The SPP promotes consistency in the application of policy across Scotland whilst allowing sufficient flexibility to reflect local circumstances. It directly relates to:

- The preparation of development plans
- The design of development, from initial concept through to delivery
- The determination of planning applications and appeals

- 14 Overarching topic areas relevant to this application include:

- Paragraphs 24 – 35: Sustainability
- Paragraphs 36 – 57: Placemaking

- 15 Specific detailed topic area paragraphs include:

A successful Sustainable Place

- Paragraphs 123 – 125: Maintaining a 5-year Effective Land Supply
- Paragraphs 126 – 131: Affordable Housing
- Paragraphs 135 – 151: Valuing the Historic Environment

16 A Low Carbon Place

- Paragraph 152 – 160: Delivering Heat and Electricity
- Paragraph 190: Planning for Zero Waste

17 A Natural, Resilient Place

- Paragraphs 202 – 218: Valuing the Natural Environment
- Paragraphs 230 – 233: Maximising the Benefits of Green Infrastructure
- Paragraphs 254 – 268: Managing Flood Risk & Drainage

18 A Connected Place

- Paragraphs 286 – 291: Promoting Sustainable Transport and Active Travel
- Annex B – Parking Policies and Standards

19 The following Scottish Government Planning Advice Notes (PAN) are also of relevance:

- PAN 2/2010 Affordable Housing and Housing Land Audits
- PAN 1/2011 Planning and Noise
- PAN 2/2011 Planning and Archaeology
- PAN 40 Development Management
- PAN 44 Fitting New Housing Development into the Landscape
- PAN 51 Planning, Environmental Protection and Regulation
- PAN 52 Planning in Small Towns
- PAN 58 Environmental Impact Assessment
- PAN 60 Planning for Natural Heritage
- PAN 61 Planning and Sustainable Urban Drainage Systems
- PAN 63 Waste Management Planning
- PAN 65 Planning and Open Space
- PAN 67 Housing Quality
- PAN 68 Design Statements
- PAN 69 Planning & Building Standards Advice on Flooding
- PAN 75 Planning for Transport
- PAN 76 New Residential Streets
- PAN 77 Designing Safer Places
- PAN 78 Inclusive Design
- PAN 79 Water and Drainage

Designing Places 2001

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

Designing Streets 2010

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

National Roads Development Guide 2014

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

Place Standard (2016)

- 23 Place Standard is a tool accessible to all, which can be used to evaluate the quality of a place. This includes places that are well-established, undergoing change, or still being planned. The tool can also help users to identify priorities.

LOCAL POLICY AND GUIDANCE

TAYPlan Strategic Development Plan 2012-2032

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

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

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

Policy 1 – Location Priorities

- 26 Seeks to focus the majority of development in the region's principal settlements. Blairgowrie and Rattray have been identified as Tier 2 settlements with the potential to make a major contribution to the regional economy and accommodate a smaller share of additional development over the plan period.

Policy 2 – Shaping better quality places

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

Policy 3: Managing TAYplan’s Assets

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

Policy 5: Housing

- 29 States that Local Development Plans shall seek to have land allocated, which is effective or capable of becoming effective to meet the housing land requirement up to 10 years from the date of the plan adoption. The policy goes on to say that to assist in the delivery of build rates, Local Development Plan shall allocate sufficient land to ensure a generous supply of effective housing sites and to provide for flexibility and choice.

Policy 8 – Delivering the Strategic Development Plan

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

Perth and Kinross Local Development Plan 2014

- 31 The LDP was adopted by Perth and Kinross Council on 3 February 2014. It is the most recent statement of Council policy and is augmented by Supplementary Guidance.
- 32 The LDP sets out a vision statement for the area and states that: *“Our vision is of a Perth and Kinross which is dynamic, attractive and effective which protects its assets whilst welcoming population and economic growth.”*
- 33 Under the LDP, the following policies are of particular importance in the assessment of this application.

Policy PM1A - Placemaking

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

Policy PM1B - Placemaking

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

Policy PM1C - Placemaking

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

Policy PM2 - Design Statements

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

Policy PM3 - Infrastructure Contributions

- 38 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 ED4: Caravan Site, Chalets and Timeshare Developments

- 39 Encouragement will be given to the retention and improvement of existing caravan and camping sites, provided the improvements are compatible with adjoining land uses.

Policy RD1 - Residential Areas

- 40 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

- 41 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

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

Policy TA1B - Transport Standards and Accessibility Requirements

- 43 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 (TA) is required.

Policy CF1B - Open Space Retention and Provision

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

Policy CF2 - Public Access

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

Policy CF3 - Social and Community Facilities

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

Policy HE1A - Scheduled Monuments and Non Designated Archaeology

- 47 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

- 48 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 NE2A - Forestry, Woodland and Trees

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

Policy NE2B - Forestry, Woodland and Trees

- 50 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

- 51 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

- 52 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

- 53 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

- 54 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

- 55 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

- 56 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

- 57 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

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

Policy EP3D - Water, Environment and Drainage

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

Policy EP8 - Noise Pollution

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

Policy EP12 - Contaminated Land

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

Housing Land Allocation H63

- 62 Identifies residential site allocation for an indicative number of 160 residential units on a site extending to 11.59 Ha with associated site specific developer requirements.

OTHER POLICIES

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

- Developer Contributions and Affordable Housing Supplementary Guidance April 2016
- Flood Risk and Flood Risk Assessments – Developer Guidance June 2014
- Employment and Mixed Use Areas Supplementary Guidance May 2014
- Sustainable Design and Zero Carbon Development Supplementary Guidance May 2014
- Landscape Supplementary Guidance 2015

Perth & Kinross Community Plan (2006 – 2020)

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

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

Perth & Kinross Corporate Plan 2013-2018

- 65 Corporate Plan Vision includes promoting a prosperous, inclusive and sustainable economy, seeking to create safe and sustainable places for future generations.

SITE HISTORY

- 66 **16/00845/SCRN** EIA screening request was submitted May 2016. Confirmation that no EIA was required June 2016.

16/00009/PAN Proposal of Application Notice (PAN) submitted May 2016. Content of PAN approved July 2016.

CONSULTATIONS

EXTERNAL

Scottish Environment Protection Agency (SEPA)

- 67 Confirmed detail was sufficient to support the detailed planning application, subject to conditional approval. An initial response objected seeking more detail to be produced in relation to flooding, surface water drainage proposals and set out that investigation of district heating feasibility was also required. Additional information submitted has satisfactorily addressed these points.

Scottish Water

- 68 Confirmed no objection to the development, with sufficient capacity identified at Linrathen Water Treatment Works and Blairgowrie Wastewater Treatment Works.

Blairgowrie and Rattray Community Council (BRCC)

- 69 BRCC submitted an objection, covering the following points:
1. Concerned that the increase in traffic will exacerbate the existing parking and access issues around Rattray Primary School.
 2. Seek a more integrated approach to the distribution of the affordable housing element.
 3. Proximity of the proposed development from Blairgowrie Holiday Park.
 4. Hours of construction should be controlled.

Perth & Kinross Heritage Trust (PKHT)

- 70 Content that appropriate archaeological investigation has been undertaken through the trialing works, with no further mitigation or surveys required.

RSPB

- 71 RSPB identified nearby presence of yellowhammer, tree sparrow, spotted flycatcher and grey partridge but were content with the ecology survey report submitted by the applicant and its associated mitigation recommendations.

INTERNAL

Strategy and Policy

- 72 Separate responses were received in relation to the policy position of H63 and the later submission of a district heating feasibility study. General policy position comments touch on connections, layout and building relationships. Fundamentally, there was no questioning or challenging to the number of dwelling houses proposed. Comments received in relation to the district heating feasibility study requirement noted that the LDP developer requirements did not require a feasibility study to be undertaken and whilst welcomed as best practice, the SEPA position was regarded as premature to the emerging LDP position. Notwithstanding that, what had been submitted was considered to have gone far enough in this regard.

Community Greenspace (CG)

- 73 A number of comments have been received in relation to the proposed open space areas, both formal and informal. From the outset, the main criticism of this detailed application was the omission of any detailed landscape drawings on which to comment. Following a meeting with the applicant, it was agreed that a detailed landscape plan would be submitted. The planting mix proposed is considered appropriate. There have been some outstanding concerns in relation to the open space proposals within the site, including the Council position in relation to adoption and a proposed play area surplus to requirements and too close to neighbouring residential property. Contributions are to be sought in relation to off-site existing play areas at Hatton Road and Glenalmond Road.

Transport Planning (TP)

- 74 Generally satisfied with the detail submitted, with no concerns over the traffic volumes generated from the development in relation to the wider road network. The Transport Assessment (TA) produced was reviewed to provide an adequate degree of detail required in relation to the suitability of the site and the associated detailed access proposals.

Structures and Flooding Team (SFT)

- 75 The general drainage strategy and principles proposed are considered reasonable, however clarification was sought on specific matters. Following both the review of the revised Flood Risk Assessment (FRA) dated February 2017 and subsequent supporting information (8 June 2017), the SFT were satisfied that the flooding and drainage issues are resolved, with appropriate conditions recommended.

Environmental Health (EH)

- 76 Considered the proposals to be acceptable, with no concerns regarding the relationship of neighbouring land uses, simply recommending a condition in relation to hours of construction and an informative to advise the applicant to be aware of potential contamination to the eastern extents of the site.

Biodiversity Officer

- 77 Considered the background biodiversity analysis to be sufficient for this development with the detailed landscaping and open space proposals providing suitable opportunities for biodiversity and ecological enhancement in this regard.

Development Contributions Officer

- 78 Set out contribution requirements, which may be secured through a S.75 Legal Agreement. The requirements relate principally to Affordable Housing, with no contribution required for Primary Education on this occasion as there are currently no capacity concerns at Rattray Primary School.

Community Waste Advisor

- 79 No issue has been identified with adequate provision and arrangements proposed. It has also been encouraged that where opportunity exists, mini glass recycling points are considered to be integrated into the development, highlighted through an informative.

REPRESENTATIONS

- 80 4 representations have been received, consisting of 3 objections and 1 general comment. The following issues were raised in the representations:
- Contrary to Development Plan Policy
 - Inappropriate housing density and over intensive development
 - Lack or loss of car parking
 - Light pollution
 - Loss of open space
 - Noise pollution
 - Out of character with the area
 - Over intensive development
 - Over looking
 - Road safety concerns
 - Traffic congestion
 - School capacity
 - Relationship with holiday park as a business
 - Flooding
 - Relationship of proposed affordable housing element
- 81 The material planning concerns raised are addressed in the Appraisal section of this report.

82 ADDITIONAL STATEMENTS

Environment Statement	Screened- not required
Screening Opinion	Submitted
Environmental Impact Assessment	Not required
Appropriate Assessment	Not required
Design Statement / Design and Access Statement	Submitted
Report on Impact or Potential Impact	Submitted

APPRAISAL

Policy Appraisal

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

Principle

- 84 The application site is allocated in the LDP (H63), within a Tier 2 settlement, as identified through TAYplan Policy 1. The proposed development of the site therefore is considered to be consistent with the objectives of Policy 1 of TAYplan.
- 85 The Glenalmond Road site is allocated for 160 dwelling units under site allocation H63, forming the only new strategic housing site allocation within Rattray under the current LDP. The proposed principle of residential development complies with the associated policy objectives in this regard. In addition, the neighbouring use of the Holiday Park, which is covered by Policy ED4: Caravan Sites, Chalets and Timeshare Developments is not considered to conflict with the established residential site allocation.
- 86 There are a number of developer requirements set out in the LDP for this site, as detailed in the following table, that require further consideration:

Site Specific Developer Requirements

87

Ref	Location	Size	Number
H63	Glenalmond Road, Rattray	11.59 ha	160
Site Specific Developer Requirements			
⇒ Flood Risk Assessment.			
⇒ A mix of housing types and sizes.			
⇒ Development on lower slopes of field only.			
⇒ Wastewater Network Investigations may be required resulting in network improvements.			
⇒ Provision of woodland screen planting along the west and north boundary of site incorporating public access.			
⇒ Evaluation of Archaeological potential and mitigation may be required.			
⇒ Enhancement of biodiversity.			
⇒ Financial contribution to education provision in line with the Supplementary Guidance.			

Flood Risk Assessment and Water Storage

- 88 LDP policy EP2 states there will be a general presumption against proposals for built development or land raising on a functional flood plain and in areas where there is a significant probability of flooding from any source, or where the proposal would increase the probability of flooding elsewhere.
- 89 In line with regulations, when the development exceeds 50 dwellings, a minimum of two levels of SUDS treatment will be required, which is identified to be provided in a variety of forms.
- 90 Historic information of flooding and surface water issues in the area has been referenced. The Rattray Burn flows to the east of the development site, entering a culvert at Kirklands for approximately 100m prior to discharging into an open watercourse in the private gardens at Back Row. The existing culvert is known to struggle to cope and is prone to blockages, which has caused flood water to flow down Parkhill Road. Flooding has previously occurred in December 1999, August 2004 and July 2015. Additional information has been submitted in relation to the overland flow path and details of likely flow paths at plots 144 to 147 along Glenalmond Road.
- 91 The preference of both SEPA and the SFT is to avoid any development within the flow path. More recent drainage plans show the layout of an intended swale, explaining that additional storage will be provided. It is also clarified that likely flows entering the site are difficult to predict as it is dependent on the existing condition of the culvert, however based upon the hydrological analysis, flows are generally calculated as low. The area at the eastern boundary of the site has been identified to be lowered, offering additional storage compared to the pre-development layout. It is imperative that the existing relief level from the site remains, ensuring that the flooding mechanism and capacity in this area remain the same, with additional storage incorporated within the development.
- 92 Overall, the SFT and SEPA have no objection to the proposals following the submission of additional details in relation to the FRA and drainage strategy, with the details now considered to accord with LDP policies EP2 New Development and Flooding and EP3 – Water Environment and Drainage.

Design, Scale and Layout

- 93 In respect of placemaking Policies PM1A and PM1B, the movement corridors, layouts and open spaces are considered to respond well to the surrounding site context, and within the associated site constraints. There have been efforts to avoid a car dominated layout, including proposed landscaping edges within an open space hierarchy framework. It has been considered appropriate to look to further control some of the residential boundary detailing through a suspensive condition (6).
- 94 The individual dwellings are of an appropriate scale with associated proportionate garden ground, including some contemporary touches in their finishes and approach. The overall housing mix types and heights provides variety and enhances the character of the area. A limited palette of external finishing materials is proposed within the design and access statement, including a range of light coloured renders, darker fenestration features and a simple grey slate coloured roof tile.
- 95 As per the LDP developer requirements, the dwellings have been proposed on the lower slopes of the field, with the finished floor levels several metres below that of the northern extents of the neighbouring holiday park.
- 96 The massing and scale of the proposed dwellings are considered appropriate, responding to the established neighbouring residential character area to the south. The proposed density of development is considered acceptable at this location. In general terms, the proposed dwellings will benefit from reasonable garden ground, with none of the properties calculated to adversely impact on the amenity enjoyed by neighbouring properties or land uses in terms of overlooking or overshadowing. The proposed landscape framework surrounding the site, particularly to the north and west are deemed appropriate in this site context and sufficient overall to ensure no adverse impact to neighbouring properties and businesses, particularly following the establishment of identified planting. It has been considered appropriate to seek that the peripheral landscape framework planting is introduced and established at the earliest possible juncture, controlled through a recommended suspensive condition to agree detailed phasing.
- 97 Some of the representation submitted against the proposal suggested that the number of dwellings proposed (217) was too high and contrary to the LDP allocation of 160. Consistent with all other sites allocated in the current LDP, this figure has been acknowledged to be purely indicative and is not a barrier to development coming forward with higher or indeed lower densities. Fundamentally, the final site capacity was established through an appropriate detailed site appraisal, taking cognisance of the wider site context and the market. In this case, pre-application discussions took place regarding the site and the overall relationship with neighbouring development in establishing an appropriate site density.

- 98 Overall, the proposals are considered appropriate in terms of the overall design, mix, house types, open space, movement patterns and associated landscaping satisfying the policy objectives of Designing Places, Designing Streets alongside the LDP Placemaking Policies, including a positive contribution to the quality of the surrounding built and natural environment.

Affordable Housing

- 99 Affordable Housing Policy RD4 requires that 25% of the total number of houses, above a threshold of 5 units, for which planning consent is being sought, is to be in the form of affordable housing. The application proposes the provision of 60 affordable units on site, approximately 27%. Detailed options will be secured through the conditional requirement for a detailed phasing plan (condition 5) and within a S.75 legal agreement. In response to representation comments received, the identified situation and concentration of the affordable housing element to the west of the site is not considered inappropriate in this context and does not require to be amended, responding well to the site characteristics, the wider established character areas and neighbouring residential development of this scale and nature.

Core Paths, Pedestrian and Cycle Routes

- 100 The site is well served by the existing road network and by pedestrian opportunities. An existing core path BLAI/17, also known as Kirkland's rights of way exists on the eastern boundary. Additional path links are proposed within the residential development and then linking into the open spaces to the north and east and linking up with core path BLAI/17. Specification of the informal paths will need to be agreed through condition 4 to ensure they are appropriate for all users. It is also deemed appropriate to require a signage strategy (condition 8) to guide through the development, advising of and encouraging pedestrians to link up into the open space network to the north.
- 101 Overall, the proposals are considered to comply with the site specific requirements in relation to core paths/ rights of way and pedestrian and cycle route opportunities, consistent with LDP Policies TA1B and CF2, with no significant or adverse impact calculated.

Biodiversity

- 102 When applying the tests of the LDP in terms of Policy NE3 Biodiversity, the Council has an obligation to protect and enhance all wildlife and wildlife habitats and consider whether the development would be likely to have an adverse effect on protected species.
- 103 The proposed development is on existing fields currently used for growing arable crops, as such there is likely to be low impact on biodiversity. The development has potential to provide opportunities to enhance the site for biodiversity by including bat roost and bird nest sites in the proposed buildings.
- 104 The landscape proposals provide a good mix of planting, with mixed native species hedging and woodland planting as well as meadow grass planting.

- 105 In summary, the Councils Biodiversity officer has confirmed that the habitat and ecological survey undertaken is satisfactory, appropriately identifying the presence of key biodiversity features and good future biodiversity opportunities. Overall, the proposed approach and background findings are considered to be consistent with LDP Policies NE3, NE4 and ER6.

Landscape, Open Space and Visual Impact

- 106 LDP Policy ER6 seeks to ensure development proposals have a good landscape framework within which the development can be set and, if necessary, can be screened. The applicant is proposing to take on the management of the open spaces themselves. PKC CG team have a preference to take on public open space but have agreed that a private factoring arrangement can be considered in this regard, provided that the Council and future residents are protected financially in the case of any default. This could be adequately controlled by condition, S.75 legal agreement and bond as appropriate.
- 107 Through the close proximity of existing play areas at Hatton Road and Glenalmond Road (which the Planning Authority are seeking a £10,000 contribution towards), the proposed play area within the development was deemed surplus to requirements. Notwithstanding it being an element that the applicant is keen to deliver, CG have also suggested that the proposed play area appeared too close to the proposed neighbouring dwellings (as per the Council standards) and compromising the wider open space area proposed. As a result of all of the aforementioned, it was deemed appropriate to condition out (11) the surplus on site play area proposal, and instead focus on the associated upgrade and maintenance of the neighbouring facilities, enabling a more appropriate open space area within the site, which still has the potential to provide informal play opportunities.
- 108 An appropriate open space hierarchy is proposed in this context with over 2 Ha given over to formal and informal open space use around the sites outer edges, providing wider setting benefits. Developer requirements in relation to providing woodland screen planting to the west and north, whilst also providing public access is considered to have been satisfactorily addressed in this regard. It has been considered appropriate to promote and secure the early planting of the outer landscape framework through condition (5 and 7).
- 109 Overall, the proposed landscape approach is considered both reasonable and proportionate. Significant landscape enhancement will be secured, particularly around the outer edges of the site, providing a reasonable buffer, benefitting neighbouring amenity and consistent with the LDP site requirements, effectively ensuring the visual amenity of the area is protected and enhanced, consistent with LDP Policies ER6, CF1 and CF3.

Sustainable Construction

- 110 LDP Policy EP1 requires sustainable design and construction to be integral to new development within Perth and Kinross. Proposals for new buildings must be capable of meeting a standard set out in the associated table (Bronze, Silver, Gold or Platinum). The energy output and requirements for this site has

been closely considered both through the initial submission and the additional voluntary submission of an energy statement pertaining to district heating feasibility.

- 111 In terms of the individual dwellings, a range of best practice elements are being introduced to ensure that sustainable design and construction is built into the development, including from the initial consideration of the layout and orientation, then within the buildings themselves, employing a fabric first approach employing high levels of insulation and overall U-values (the effectiveness of a material as an insulator) alongside hybrid heating solutions including air source heat pumps. The proposals for these dwellings are considered to satisfy the terms of policy LDP EP1 in this regard.

Investigation of district heating system and combined heat and power infrastructure utilising renewable resources.

- 112 Following on from sustainable construction considerations, SEPA originally objected to the planning application submission through the failure to provide any feasibility or investigation through an energy statement in relation to a district heating system for the site and/or serving its surroundings.
- 113 Whilst not a requirement of the LDP, the applicant produced an energy statement, setting out District Heating feasibility investigations to address the holding objection received from SEPA. The feasibility study considered district heating to be currently unfeasible. Perth and Kinross Council have not specified any policy or site specific requirement in the LDP for the development of site H63 to assess the feasibility of district heating, as with other strategic development sites. The submitted energy statement has however been reviewed and there are no objections to the assumptions made in the statement that district heating is not to be taken forward for the site. In line with SEPA follow up recommendations, it has however, been considered appropriate to ensure the site is future proofed in relation to the wider development area for potential district heating infrastructure (condition 25).

Traffic and Transport

- 114 LDP Policy TA1 requires that local road networks be capable of absorbing the additional traffic generated by the development and that a satisfactory access to the network is to be provided. SPP 2014 emphasises the importance of locating development in places well served by public transport and a wide choice of transport modes, including on foot and by cycle.
- 115 The TA includes modelling scenario options, which is a robust analysis of how the wider Blairgowrie transport network would cope with the proposed development. The TA shows that the development would provide a negligible increase in traffic across the network with a 5.4% increase in the AM peak and a 4.5% increase in the PM peak. It also identified that there would be no discernible differences in journey times or queue lengths on any of the main corridors in the network. Junction analysis of the two proposed access points

were also carried out quantifying that the proposed access junctions would operate and cope well within capacity.

- 116 The identified issue of vehicle parking in and around the primary school was not considered to be exacerbated by this development. The situation of the development is within reasonable walking distance of the school for pupils and parents to walk or cycle, albeit it is accepted that a restriction on the use of cars to drop off pupils cannot be enforced. There is adequate connectivity throughout the site as previously set out, taking into account the constraints placed upon it by topography and neighbouring site context.
- 117 In summary, the proposed details submitted are consistent and sufficient with that required by LDP Policies TA1A and TA1B to support the development.

Primary Education

- 118 In relation to primary education provision, 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. This proposal is within the catchment of Rattray Primary School and notwithstanding the developer requirements set out in the LDP: Education & Children's Services have no capacity concerns in this catchment area at this time.

Cultural Heritage and Archaeology

- 119 LDP Policy HE2 seeks to protect unscheduled sites of archaeological significance and their settings and, where it is likely that archaeological remains exist, the developer will be required to arrange for an archaeological evaluation to be carried out. An archaeological evaluation has been carried out with a required 10% trenching sample of the proposed 11.59 hectare development area. Evidence of 19th century improvement occurred in the form of ceramics and glass, which were observed in almost all of the trenches. No archaeologically significant features or material was recovered during the evaluation.
- 120 In respect to archaeology and the planning process, as outlined by SPP paragraphs 135-151, the proposed development does not raise issues. No archaeological mitigation is required.

Waste Collection

- 121 Waste collection is considered to be appropriately addressed through the provision and access to individual properties. It is recommended that up to three mini glass recycling points are pursued, covered via an informative.

Contaminated Land

- 122 The previous agricultural use of the site has not thrown up any significant contamination issues. An inspection of the proposed development site did not raise any real concerns, although there is a record of an area of potentially infilled ground to the eastern extents of the site. There is the potential for the infill material to contain contaminants, which could impact the proposed

development site. It is recommended through an informative therefore that the developer should make contact with the Council contamination officer at the earliest opportunity if any contamination is discovered on site during construction works.

Noise

- 123 Given the site location and the associated mix of surrounding land uses, it is considered that there are minimal noise issues long term with the site and EH have not raised any concern. In association, the relationship and relative environment with the Holiday Park has been considered as part of the assessment, but is not deemed to have an adverse impact in this regard, with general compatibility between the two land uses

Amenity

- 124 Most of the objection to this proposal relates to the proximity to the neighbouring Holiday Park and the proposed siting of the affordable housing elements. It is calculated that in excess of 25 metres will be achieved to the boundary of the Holiday Park from the closest proposed residential units. The higher end holiday chalets identified in the representation are located beyond the boundary and sit several metres above that of the finished floor level of the proposed dwellings most closely relating to the boundaries of the Holiday Park. The current detailed landscape proposals have now omitted a path from within the western elements, tying in further to the north. As a result of both the relative topography and proposed planting strategy along the affected boundaries, the relationship of the Holiday Park with this allocated housing site is not considered to have been compromised in this regard.
- 125 In general terms, it is not considered that the proposed residential units will result in any adverse impact through overlooking to neighbouring properties due to the separation distances between proposed and existing dwellings. The Building Research Establishment (BRE) document 'Site Layout Planning for Daylight and Sunlight – a guide to good practice 1991' sets guidelines on how to assess the potential impact. These standards are guidelines as suggested. There is deemed to be a reasonable level of both daylight and sunlight afforded to and maintained to neighbouring properties, both existing and proposed.
- 126 It has been acknowledged that whilst contextually reflecting residential character to the South, there are a number of plots with a useable rear garden ground below the 100sqm generally pursued. It has however been accepted this relates to a minor proportion of the proposed modest dwelling house types, including semi-detached and terraced properties, reflecting the wider plot proportion split. Notwithstanding, it is consistent and fundamental to seek an outside area capable of performing minimum standards expected of private external space in the form of providing for airing clothing, recycling waste

provision and space for a modest storage shed and sit out area. The private garden ground proposed within this layout is considered adequate to cater for occupants needs within the associated house type. It is however considered appropriate and reasonable to remove certain permitted development to any plot with a useable rear garden ground of less than 80sqm (approximately 14%), which is proposed to be addressed by condition 19.

- 127 Overall, the policy criteria of both Policies RD1 and ED4 are considered to have been satisfied through the detailed proposals.

Developer Contributions

- 128 A legal agreement will be required to secure infrastructure associated with site H63, under the terms of Policy PM3 Infrastructure Contributions. Matters to be secured and covered within the S.75 in this regard are set out in the following Legal Agreement section of this report.

Economic Impact

- 129 During the construction period jobs will be created and sustained, supporting in-direct employment and revenue that this volume of construction activity will generate from employees spending on local goods and services. Additional residents to the area will also support existing local employment and services in the area.
- 130 The Perth and Kinross Retail Study (2014) estimates that average convenience goods available expenditure in 2019 (per household) will be in the region of £2000 per annum and the average comparison goods available expenditure will be in excess of £3600 per annum. Applying these figures to the overall scale of development proposed here, the estimated annual expenditure on convenience and comparison goods could conservatively be calculated to be in excess of £ 1 million.
- 131 It is accepted that there will be some impact on the existing Holiday Park in respect of what is being proposed, particularly through the construction phases, although ultimately this is not considered to adversely compromise the ongoing operation of the Holiday Park in the long term. Overall, the economic benefits of this allocated housing site are considered to be significant and not adversely compromising the ongoing viability of the neighbouring land uses, which are considered to be mutually compatible.

LEGAL AGREEMENTS

- 132 A legal agreement is required to secure infrastructure that will be impacted by the proposal, in this case including:
- Affordable Housing
 - Open Space maintenance security
 - Off-site Play Area contributions

DIRECTION BY SCOTTISH MINISTERS

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

CONCLUSION AND REASONS FOR RECOMMENDATION

- 134 The proposals will lead to the creation of additional residential dwellings to meet forecast population growth and housing need, providing jobs during the construction period and workforce potential thereafter. The proposals will also assist in meeting local and national targets in achieving sustainable, economic development.
- 135 The proposal is considered to provide a good standard of layout, which complements and works with its surroundings in terms of the existing neighbouring development, land uses and through significant landscaping proposals in securing a robust long term edge of settlement landscape buffer, appropriate in this context. Notwithstanding the proposal for 57 units additional to that identified in the LDP site allocation, which was arrived at through a detailed site capacity assessment, there is not considered to be any significant departure from policy in relation to the consideration of all associated LDP policy criteria elements.
- 136 Overall, the proposed development is considered competent and compliant with the key principles of the LDP and is recommended for approval, subject to conditional control and an associated legal agreement.

RECOMMENDATION

A Approve the application subject to the following conditions:

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

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

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

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

- 3 The hours of operation at the construction stages shall be Monday to Friday 07:00 to 19:00 hours, Saturday 08:00 to 13:00 hours and no workings on a Sunday, unless otherwise agreed in writing with the Planning Authority.
Reason: In the interests of public health and to prevent noise pollution.

- 4 Prior to the occupation of any residential plot, details of the material specification, dimensions and finished level spot heights of all public footpaths and cycle-ways shall be submitted to the Planning Authority for further written approval. This shall include details of dropped kerbs on footpaths at all junctions. The agreed details shall thereafter be undertaken to the satisfaction of the Planning Authority, as part of an agreed delivery plan, prior to the completion of the development.

Reason: In the interest of pedestrian and cycle safety.

- 5 No development shall commence until a detailed delivery plan confirming the phased delivery of the site, landscaping of public open spaces and construction works has been submitted and approved in writing by the Planning Authority. Once approved, the development shall be implemented in accordance with the delivery plan unless otherwise agreed in writing by the Planning Authority.

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

- 6 In association with condition 5, prior to the commencement of development, additional boundary landscape drawings shall be submitted for further written approval by the Planning Authority, including full boundary treatment details (with elevations).

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

- 7 In association with condition 5, the areas of peripheral public open space and parkland indicated on the approved landscape and planting drawings shall be planted in accordance with the open space standards of the Planning Authority and completed in advance of the occupation of any phase of development, in accordance with the required phasing programme and agreed in writing with the Planning Authority prior to the commencement of the development.

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

- 8 In relation to the identified public recreational access areas within the northern and eastern extents of the site, an onsite signage strategy shall be submitted to the Planning Authority for further written approval. The signage strategy as approved shall thereafter be undertaken as part of the development, in situ prior to the completion of the development.

Reason: In the interests of promoting recreational amenity facilities to the wider area, and to ensure a satisfactory standard of environmental quality.

- 9 In association with condition 7, the remaining detailed landscaping and planting proposal specification as approved shall be undertaken and delivered commensurate with the residential development elements, in accordance with the approved phasing delivery plan and thereafter maintained to the

satisfaction of the Council as Planning Authority.

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

- 10 Any planting failing to become established within five years shall be replaced in the following planting season with others of similar sizes and species to the satisfaction of the Council as Planning Authority.

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

- 11 The proposed on site play area is not approved as part of this application.

Reason: To ensure a satisfactory standard of environmental quality is achieved and to ensure no adverse impact on neighbouring residential amenity.

- 12 A detailed open space plan, which clearly sets out areas proposed for adoption and proposed to be taken on by private factoring arrangement, shall be submitted to the Planning Authority for further written approval in consultation with the Council Community Greenspace Team.

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

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

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

- 14 Prior to the commencement of development a Construction Environment Management Plan (CEMP), incorporating a Construction Method Statement (CMS), a Construction Traffic Management Plan (CTMP), a Site Waste Management Plan (SWMP), a Site Access Management Plan, a Drainage Management Plan (DMP) and Environmental Management Plan (EMP) detailing pollution prevention and control measures for all phases of the, construction and operation programmes will be submitted to and be approved in writing by the Planning Authority, in consultation with Scottish Environment Protection Agency. Thereafter the development shall be fully undertaken in accordance with the CEMP unless otherwise agreed in writing by the Planning Authority.

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

- 15 In association with Condition 14, no removal of hedgerows, trees or shrubs or works to or demolition of buildings or structures that may be used by breeding birds shall take place between 1st March and 31st August inclusive, unless a competent ecologist has undertaken a careful, detailed check of vegetation for active birds' nests immediately before the vegetation is cleared and provided written confirmation that no birds will be harmed and/or that there are appropriate measures in place to protect nesting bird interest on site. Any such written confirmation should be submitted to the Planning Authority.

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

- 16 In association with Condition 14, measures to protect animals from being trapped in open excavations and/or pipe and culverts shall be implemented for the duration of the construction works of the development hereby approved. The measures may include creation of sloping escape ramps for animals, which may be achieved by edge profiling of trenches/excavations or by using planks placed into them at the end of each working day and open pipework greater than 150 mm outside diameter being blanked off at the end of each working day.

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

- 17 Prior to the completion of the development, a minimum of 1 Swift brick and 1 bat brick shall be incorporated into at least 50% of the approved 2 storey buildings at eaves height.

Reason: In the interests of employing best practice ecology and enhancing biodiversity.

- 18 In line with the planting specification, all proposed semi-natural habitats, shall include planting proposals of locally native species and local provenance unless otherwise agreed in writing with the Planning Authority.

Reason: In the interests of employing best practice ecology and enhancing biodiversity.

- 19 Permitted development rights associated with Classes 1A, 1B, 3A and 3B of The Town and Country Planning (General Permitted Development) (Scotland) Order 1992 (as amended), or any subsequent comparable classes in future legislation relating to development within the curtilage of a dwelling house are hereby revoked in full for the following plot nos:
12,16,17,18,19,20,25,28,31,34,35,40,41,48,53,54,59,60,73,74,106,117,118,119,110,111,112,113,121,122 and 123 as defined in approved Site Layout Plan (16/01861/3).

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

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

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

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

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

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

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

- 23 The overland flow path of surface water from Parkland Road onto the development site at the North East corner, which is being routed to onsite SUDS shall be maintained in perpetuity.

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

- 24 No built development should be constructed over an existing drain (including any field drain) that is to remain active.

Reason: In order to take account of the surface water runoff from the local environment, including appropriate management of construction surface water run-off to minimise flooding and avoid discharge of sediment/pollution to the local water environment or neighbouring property, in the interests of residential and environmental amenity.

- 25 The applicant is advised to design in future proofing measures for the development to be capable of connecting to a wider heat network as part of any potential future district heating system. This includes: appropriate safeguarding of space for the future provision of pipework, energy hubs or other associated heat infrastructure to ensure that the subsequent connection of any potential district heating network can be undertaken without causing avoidable disturbance to existing buildings or infrastructure.

Reason: In the interests of sustainability, to ensure any potential for district heating opportunities are futureproofed.

B JUSTIFICATION

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

C PROCEDURAL NOTES

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

D INFORMATIVES

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

- 5 The applicant should be advised that in terms of Section 21 of the Roads (Scotland) Act 1984 he must obtain from the Council as Roads Authority consent to construct a new road prior to the commencement of roadworks. Advice on the disposal of surface water must be sought at the initial stages of design from Scottish Water and the Scottish Environmental Protection Agency.
- 6 The applicant is advised that the detailed design of all SUDS shall conform to 'PKC Flooding and Flood Risk Guidance Document (June 2014)', or any subsequent update.

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

- In the event that the soakaway overtops due to a capacity issue or siltation over time, the surrounding ground should be contoured such to allow a volume of water to be retained before it can overland flow elsewhere. I.e. the land would be graded down to the soakaway (very gently). This would make it easier to identify a problem with the soakaway in the future because it would pond around it. This would provide additional protection to surrounding land/property.
 - A clear indication of the design standard of all the SUDS features on the design and As-Built drawings.
- 7 Please consult the Street Naming and Numbering Officer, The Environment Service, Perth and Kinross Council, Pullar House, 35 Kinnoull Street, Perth PH1 5GD.
 - 8 The applicant is advised that the granting of planning consent does not guarantee a connection to Scottish Water's assets. The applicant must make a separate application to Scottish Water Planning & Development Services team for permission to connect to the public wastewater system and/or water network and all their requirements must be fully adhered to.
 - 9 No work shall be commenced until an application for building warrant has been submitted and approved.
 - 10 The applicant is recommended to contact the Council Contamination Officer immediately if any ground contamination is found during construction of the development.
 - 11 The applicant is reminded that, under the Wildlife and Countryside Act 1981, as amended, it is an offence to remove, damage or destroy the nest of any wild birds while that nest is in use or being built. Planning consent for a development does not provide a defence against prosecution under this act.
 - 12 The applicant is recommended to incorporate mini glass recycling points in strategic areas within the approved development to compliment the kerbside recycling services that will be provided. In order to comply with the 'Household Charter', each household should have access to 10 litres of recycling capacity per week, which would roughly equate to 3 mini glass points over the

development. Further details of the requirements can be sought in discussion with the Council Waste Services Team.

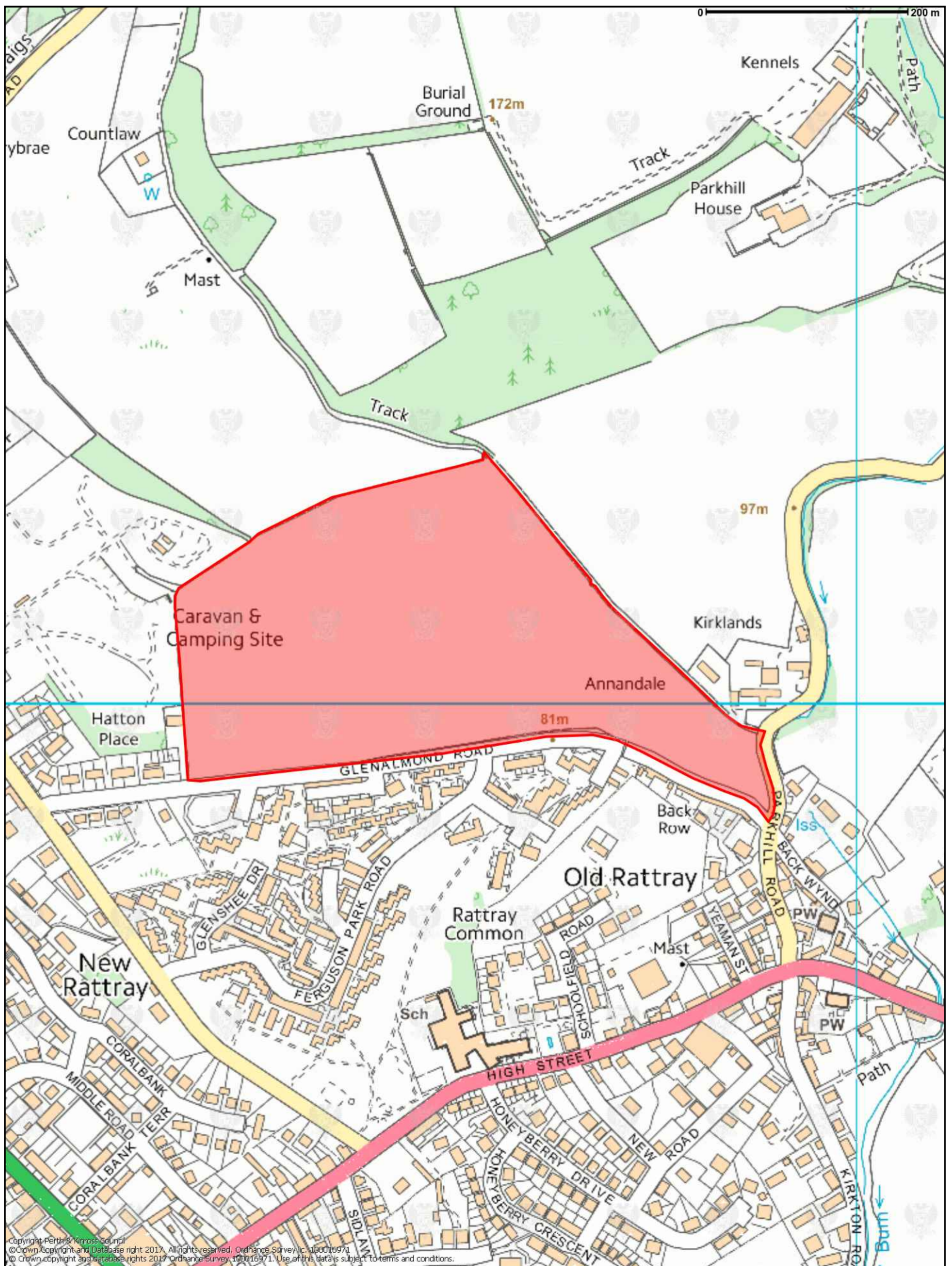
Background Papers: 4 letters of representation
Contact Officer: Callum Petrie
Date: 22 June 2017

Nick Brian
Interim Head of Planning

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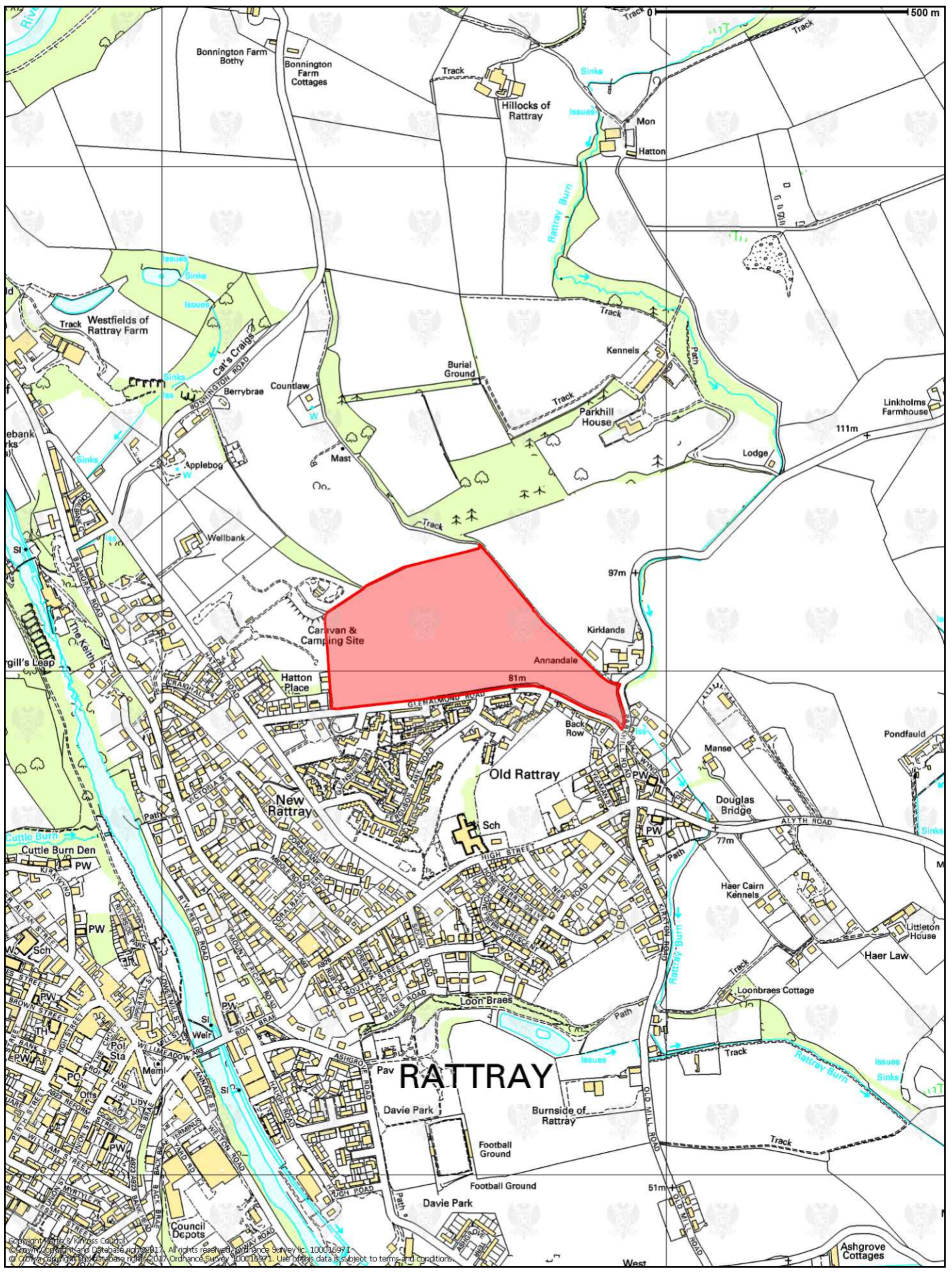
Development Management Committee



16/01861/FLM

Erection of 217 dwellinghouses, formation of open space, landscaping and associated infrastructure works at Land North East of Lindale, Glenalmond Road, Rattray





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Development Management Committee



16/01861/FLM

Erection of 217 dwellinghouses, formation of open space, landscaping and associated infrastructure works at Land North East of Lindale, Glenalmond Road, Rattray



Perth and Kinross Council
Development Management Committee – 5 July 2017
Report of Handling by Interim Head of Planning

Mixed use development of 240 dwellinghouses, commercial units, provision of open space/play area, associated infrastructure and associated works at Errol Airfield, Grange, Perthshire

Ref. No: 16/00999/AMM
Ward No: N1 – Carse of Gowrie

Summary

This report recommends approval of approval of matters specified by condition application to formally establish a mixed use (residential and employment) development at Errol Airfield, Grange, Perthshire. The development proposal does not fully comply with the relevant provisions of the Development Plan but there are significant material considerations apparent which outweigh the Development Plan.

BACKGROUND AND PROPOSAL

- 1 The planning application site extends to approximately 58.3 hectares and is located 0.75km north east of the eastern edge of Errol village. The site is part of the existing but now disused Errol Airfield. The former airfield consists of ancillary airfield buildings which provides accommodation for small businesses and there are some residential properties to the north of the site.
- 2 The site is bound to the north by the C484 Errol to Grange road, to the east by the remaining airfield area which is retained for the use by the skydiving club and to the west by a burn and farmland. The south of the site is contained by reed beds and the River Tay which is a designated Special Protection Area (SPA) is a further 300 metres away.
- 3 As the site has been an airfield its topography is predominantly flat. There are areas within the site which contains some existing bunding along the northern boundary and at the centre of the site. On the western boundary there are existing trees and a small wooded area. A burn also runs along the western boundary.
- 4 Access to the site will be retained from the two existing points on the C484 road in the north. Further access to the west is proposed and is subject to a separate planning application (16/01491/FLL) and determination by this Development Management committee.
- 5 The site is located with the settlement boundary of Errol Airfield/Grange within the Perth and Kinross Local Development Plan 2014 (LDP) and is identified as having extant planning permission. In Principle Planning Permission (05/02418/IPM) was approved in October 2010 and the In Principle permission was subsequently extended (13/01823/FLM) in January 2014.

- 6 This proposal seeks to formally discharge conditions 3 to 15 and 17 to 22 associated with 05/02418/IPM to formally establish the development of 240 dwellings, the location of commercial units, the provision of open space, play areas and associated infrastructure provision. The applicant has requested that conditions 16, 23, 24, 25 and 26 are continued with any subsequent approval:
3. Scale of development – Restriction to 240 residential units
 4. Commercial unit location
 5. Landscaping and planting
 6. Tree retention
 7. Contaminated land
 8. Archaeology
 9. SUDs/Access/Speed Restriction/Enhanced bus service/Footway/Traffic safety
 10. Biodiversity
 11. Local shopping provision
 12. Sports pitch provision
 13. Public transport provision
 14. Aircraft safeguarding
 15. Submission of a masterplan
 16. Construction Method Statement – To Be Continued (TBC)
 17. Waste/Recycling
 18. Affordable housing provision
 19. Home working units
 20. Link to path network
 21. Sustainability appraisal
 22. Walking route
 23. External lighting - TBC
 24. Restricted access to sensitive areas (reedbeds) - TBC
 25. Restricted access signage to sensitive areas (reedbeds) - TBC
 26. Leaflet provision regarding access to sensitive areas (reedbeds) - TBC
- 7 A masterplan as required by Condition 15 shows a detailed layout of 240 dwellings has been submitted. The masterplan seeks to meet the 240 housing numbers restriction within the northern third of the overall site area approved under 05/02418/IPM. The masterplan also indicates that the remainder of the 05/02418/IPM site will be subject to future planning applications. The masterplan shows the proposed location of the commercial units at the north eastern corner of the site next to the existing commercial units. Several areas of open space and play areas are shown on the masterplan including the provision of a full sized sports pitch at the northern end of the site. A local centre/shop is provided within the masterplan and bus stop provision is located next to the proposed local centre.
- 8 In terms of the proposed residential use, a mix of house types is proposed, incorporating detached, semi-detached and terraced units of 2 storey height. A standard palette of materials has been proposed for the dwellings consisting of

brick bases, dry dash render and concrete roof tiles. Details of proposed boundary treatments and planting have also been submitted.

- 9 This report refers to the corresponding conditions of the 'In Principle Consent' and how they are addressed through the current application.

ENVIRONMENTAL IMPACT ASSESSMENT

- 10 Directive 2011/92/EU requires the 'competent authority' (and in this case Perth and Kinross Council) when giving a planning consent for particular large scale project to do so in the knowledge of any likely significant effects on the environment. The Directive therefore sets out a procedure that must be followed for certain types of project before 'development consent' can be given.
- 11 This procedure, known as Environmental Impact Assessment (EIA), is a means of drawing together, in a systematic way, an assessment of a project's likely significant environmental effects. This helps to ensure that the importance of the predicted effects, and the scope for reducing any adverse effects, are properly understood by the public and the relevant competent authority before it makes its decision.
- 12 An Impact Assessment dealing mainly with ecology and biodiversity was submitted and assessed as part of the 05/02418/IPM 'In Principle Consent' and is not required to be repeated for this application as the proposal is within the boundary and parameters set out in its approval.

PRE-APPLICATION PROCESS

- 13 The proposed development is classed as a Major development under class 9 of the Town and Country Planning (Hierarchy of Developments) (Scotland) Regulations 2009. However because the site benefits from In Principle permission before the regulations changed, this is an application seeking approval of matters specified by conditions, it did not require any pre-application consultation to be undertaken with the local community.

NATIONAL POLICY AND GUIDANCE

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

National Planning Framework

- 15 The NPF3 is a long-term strategy for Scotland and is a spatial expression of the Government's Economic Strategy and plans for development and investment in infrastructure. Under the Planning etc (Scotland) Act 2006 this is

now a statutory document and material consideration in any planning application. The document provides a national context for Development Plans and planning decisions as well as informing the on-going programmes of the Scottish Government, public agencies and local authorities.

The Scottish Planning Policy 2014

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

- Sustainability : paragraphs 24 – 35
- Placemaking : paragraphs 36 – 57
- Supporting Business and Employment: paragraphs 92 - 108
- Valuing the Natural Environment : paragraphs 193 – 218
- Maximising the Benefits of Green Infrastructure: paragraphs 219 – 233
- Managing Flood Risk and Drainage: paragraphs 254 – 268
- Promoting Sustainable Transport and Active Travel : paragraphs 269 – 291

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

- PAN 3/2010 Community Engagement
- PAN 1/2011 Planning and Noise
- PAN 40 Development Management
- PAN 51 Planning, Environmental Protection and Regulation
- PAN 61 Planning and Sustainable Urban Drainage Systems
- PAN 67 Housing Quality
- PAN 68 Design Statements
- PAN 69 Planning and Building standards Advice on Flooding
- PAN 75 Planning for Transport
- PAN 77 Designing Safer Places

Designing Places 2001

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

Designing Streets 2010

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

National Roads Development Guide 2014

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

LOCAL POLICY AND GUIDANCE

TAYPlan Strategic Development Plan 2012-2032

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

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

- 22 The following sections of the TAYplan 2012 are of particular importance in the assessment of this application:

Policy 1: Locational Priorities

- 23 Seeks to focus the majority of development in the region’s principal settlements. Errol Airfield is not identified as a Tier 1, 2 or 3 Settlement with the potential to accommodate some of the region’s additional development over the plan period and add to the region’s economy.

Policy 2: Shaping Better Quality Places

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

Policy 3: Managing TAYplan’s Assets

- 25 Seeks to identify and safeguard at least 5 years supply of employment land within principle settlements to support the growth of the economy and a diverse range of industrial requirements.

Policy 5: Housing

- 26 Seeks to ensure there is a minimum of 5 years effective housing land supply at all times. Land should be allocated within each Housing market Area to provide a generous supply of land to assist in the delivery of 26,000 units up to year 2024. There is a presumption against land releases within the Carse of Gowrie which Errol Airfield is located.

Perth and Kinross Local Development Plan 2014

- 27 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.

- 28 The LDP sets out a vision statement for the area and states that:
“Our vision is of a Perth and Kinross which is dynamic, attractive and effective which protects its assets whilst welcoming population and economic growth.”

PM1A – Placemaking

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

Policy PM1B – Placemaking

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

Policy PM3 - Infrastructure Contributions

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

Policy PM4 – Settlement Boundaries

- 32 Where a settlement has a defined settlement boundary, development will not be permitted outside of that boundary.

Policy ED1 – Employment and Mixed Use Areas

- 33 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

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

Policy RD4 - Affordable Housing

- 35 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

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

Policy TA1B- Transport Standards

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

Policy CF1B - Open Space Retention and Provision

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

Policy CF2 - Public Access

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

Policy CF3 - Social and Community Facilities

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

Policy NE3 - Biodiversity

- 41 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

- 42 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

- 43 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

- 44 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

- 45 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

- 46 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

- 47 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

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

Policy EP3D - Water, Environment and Drainage

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

Policy EP5 – Nuisance from Artificial light and Light Pollution

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

Policy EP8 - Noise Pollution

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

Policy EP12 - Contaminated Land

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

Policy EP13 – Airfield Safeguarding

- 53 Developments will be refused if they are likely to have an impact on the safe operation of aircraft from the listed airfields.

OTHER POLICIES

- 54 The following supplementary guidance and documents are of particular importance in the assessment of this application:
- Developer Contributions and Affordable Housing Supplementary Guidance April 2016
 - Flood Risk and Flood Risk Assessments – Developer Guidance June 2014
 - Sustainable Design and Zero Carbon Development Supplementary Guidance May 2014
 - Green Infrastructure Supplementary Guidance November 2014
 - Airfield Safeguarding Supplementary Guidance December 2011
 - Perth and Kinross Retail Study 2014.

Perth & Kinross Community Plan (2006 – 2020)

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

Perth & Kinross Corporate Plan 2013-2018

- 56 Corporate Plan Vision includes promoting a prosperous, inclusive and sustainable economy. Creating safe and sustainable places for future generations.

PLANNING SITE HISTORY

- 57 **05/02418/IPM** Development of sustainable village. Approved against recommendation by Development Control Committee on 19 November 2008 with decision issued after the signing of a Legal Agreement on 11 October 2010.

13/01823/FLM Variation of Condition no 1 of planning consent 05/02418/IPM to extend the time limit for a further 3 years. Approved by Development Management Committee January 2014.

- 58 Also relevant to the determination of the planning application are:

16/01491/FLL Formation of access, landscaping and associated works to serve proposed development 16/00999/AMM.

13/02349/FLL Erection of grain storage building and drying plant at Tayside Grain, Errol. Approved under delegated powers June 2014 at Tayside Grain, Errol. Approved under delegated powers May 2016.

16/00477/FLL Extension to grain storage building at Tayside Grain, Errol. Approved under delegated powers May 2016.

CONSULTATIONS

EXTERNAL

Scottish Environmental Protection Agency (SEPA)

- 59 Following the submission of further flood risk and surface water drainage details an initial objection to the proposal has been removed by SEPA. There remains a requirement for a condition in relation to surface water drainage to be attached with any permission.
- 60 SEPA also advise that because the site is a former military airfield there may be some radioactive contaminants associated with the former use. SEPA is not aware of any measured radioactive contaminants on the site or any documentary evidence to suggest that radioactive contaminants may be present. However, given the site's former use as a military airfield radium 226 may be present due to its use in aircraft dials during WWII. SEPA recommend that the developer undertakes a radiological walkover survey of the area concerned, if not already done so, for radioactive contamination and carry out screening for radioactive contaminants during groundworks both for compliance under Health and Safety legislation.

Scottish Natural Heritage (SNH)

- 61 No objection. SNH's consultation response to 05/02418/IPM recommended certain conditions were applied to help avoid disturbance to the nearby protected areas of the Tay Estuary and thus avoid an adverse effect on the integrity of the SPA. This avoidance of an adverse effect was secured through conditions 24, 25 and 26. They note the applicant proposes to continue these three conditions and are content that these conditions, specified in the In Principle decision are continued with this current application as the applicant is not seeking to discharge them at the present time.
- 62 Condition 5 is proposed to be discharged in this application to protect the SPA. This condition concerns the establishment of screening for the development to reduce the scope for disturbance on the breeding birds of the SPA by residents venturing to the edge of the reedbed. SNH are content to leave this issue to the Planning Authority.

Scottish Water

- 63 No response received.

Transport Scotland

- 64 No objection to the proposal.

Errol Community Council

- 65 Object to the proposal stating that the masterplan does not comply with the layout approved in 2010 and certain conditions imposed. They are also concerned that the masterplan shows potential future development areas to the south of the proposed development but within the 05/02418/IPM application boundary. They object to replacing the requirement of Condition 9 (e) of 05/02418/IPM requiring a new footpath to be created along the C484 road

between Errol and Grange with a new footpath to and from the proposed housing and delivered through the planning application 16/01491/FLL to form a new access road into the site. They also object to the proposed new bus location within the site as it will result in some existing residents losing access to the current bus stop on the C484.

Dundee Airport

- 66 No objection to the proposal as their calculations show that, at the given position and height, the development would not infringe the safeguarding surfaces for Dundee Airport.

Network Rail

- 67 No objections in principle to the proposal. Due to the potential increase of traffic over level crossings in the area, they recommend certain planning conditions are applied with any permission.

INTERNAL

Environmental Health

- 68 Following a relocation of proposed dwellings close to the adjacent Tayside Grain business and relocation of the sports pitch plus a detailed Nosie Assessment there is now no objection but recommends conditions are included with any permission to protect residential amenity for future residents and the existing grain store business.

Land Quality Officer (Contaminated Land)

- 69 The proposed development is immediately adjacent to land that is identified as having a former military use. There is the potential for contaminants associated with this land use to have impacted the proposed development site, potentially affecting its suitability for the proposed use. A condition is recommended to be applied with any approval.

Biodiversity Officer

- 70 The scale of the proposed development suggests that a full ecological survey is required. While the northern section of the site is currently developed with industrial buildings and hard standings, the remainder is largely agricultural. There are likely to be breeding birds on site and the potential that protected species may use the site. It is recommended that ecological surveys be undertaken prior to the commencement of development

Strategic Planning and Policy

- 71 This application proposal is within the settlement boundary for Errol Airfield and Grange and therefore complies with the Adopted LDP. Nonetheless, this

proposal is not supported by TAYplan's current strategy which is to avoid development in non-tiered settlements within the Carse area.

- 72 The proposal is for a separate village with the view that it will be a standalone development. The proposal is described as a mixed use development with "the erection of 240 dwellinghouses/garages, erection of commercial elements, provision of openspace/play provision, associated infrastructure and other associated works". Whilst it provides a neighbourhood retail unit, this development cannot really be described as mixed use. There are blocks of land proposed for commercial usage, but unlike the residential masterplan, no indication is given as to how these sites would be envisaged or brought forward.

Developer Negotiations Officer

Affordable Housing

- 73 The application proposes more than 5 dwelling houses, which would mean that the Affordable Housing Policy would apply. The existing consent under 13/01823/FLM is subject to a S.75 Legal Agreement. This agreement will apply to this proposal.

Primary Education

- 74 This proposal is within the catchments of Errol Primary School. The existing consent under 13/01823/FLM is subject to a S.75 Legal Agreement. This agreement will apply to this proposal.

Transport Infrastructure

- 75 The application falls within the identified Transport Infrastructure Supplementary Guidance boundary. This proposal has In-Principle consent which predated the adoption of the Transport Infrastructure Guidance. No contributions towards Transport Infrastructure are required.

Community Greenspace including Access

- 76 No objection to the proposal but commented that **four** separate equipped play areas in addition to the sports pitch area is excessive. Only **one** equipped play area suitable for 4-8 & 8-14 years should be provided within the development and this should be located to be accessible through path linkages to the majority of residents. Additional green areas can be provided for informal play. The sports pitch should be on well drained ground and have sufficient ground available for the future placement of a changing and storage facility.

Transport Planning

- 77 No objection to the proposal as it meets the terms of the original consent provided the certain conditions are attached in the interests of pedestrian and traffic safety.

Structures and Flooding

78 No objection following further drainage details submitted for the site.

Waste Services

79 No objection to the proposal. This development will be on the 3 bin system and the developer should note the requirements for refuse collection vehicle access to the site. They recommend that a mini glass recycling point is sited within the development.

REPRESENTATIONS

80 23 letters of representation has been received all of which object to the proposal. The following issues were raised by the objectors:

- Against principle of development.
- Inappropriate land use
- Noise issues from nearby uses especially Tayside Grain
- Inadequate access arrangements
- Flood risk
- Adverse impact on visual amenity
- Road safety concerns/traffic congestion
- Excessive scale/density.
- Loss of open space
- Out of character with area
- Not sustainable location
- Adverse impact on biodiversity.
- Not compliant with Development Plan – TAYplan and LDP
- Not compliant with conditions imposed under 05/02148/IPM
- Light pollution
- Tree loss
- Impact on existing primary school and public services
- Inadequate transport infrastructure.

81 The Appraisal section of this report responds to the material planning concerns raised.

ADDITIONAL STATEMENTS

82	Environment Statement	Not required
	Screening Opinion	Not required
	Environmental Impact Assessment	Not required
	Appropriate Assessment	Not required

Design Statement / Design and Access Statement	Submitted
Report on Impact or Potential Impact	Flood Risk and Drainage Assessment, Drainage Strategy Report Assessment, Standing Building Survey, Environmental Desk Study, Noise Assessment

APPRAISAL

Policy Appraisal

- 83 Sections 25 and 37(2) of the Town & Country Planning (Scotland) Act 1997 (as amended) requires the determination of the proposal to be made in accordance with the provisions of the Development Plan, unless material considerations indicate otherwise. The determining issues here are whether the proposals comply with Development Plan policy and Supplementary Guidance or if there are other material considerations, which justify a departure from policy. The most relevant policies of the Development Plan are listed in the policy section above.
- 84 The most relevant policies of the Development Plan are TAYplan Strategic Development plan 2012 and Perth and Kinross Local Development Plan 2014 including Supplementary Guidance.

Principle

- 85 TAYplan Policy 1 (Location Priorities) focuses the majority of development to Tier 1, 2 and 3 settlements as they have the greatest potential to accommodate the majority of the region's additional development in the next 20 years. The proposed site is not located within the Perth Core Area and is not specifically listed within the policy as a Tier 1, 2 or 3 settlement. TAYplan specifically identifies the Carse of Gowrie area in which Errol Airfield is located between the Perth Core Area and Dundee Core area as not being suitable for land releases for development. Therefore, this proposal is not supported by TAYplan's current strategy which is to avoid development within non-tiered settlements within the Carse area.
- 86 However, the site is within the settlement boundary for Errol Airfield and Grange and therefore complies with the LDP. Fundamentally it does benefit from extant In Principle planning permission granted before TAYplan 2012 was adopted and was extended in 2014. This is a significant material consideration in the determination of this application. The LDP specifically highlights the site as having extant planning permission and is located within a settlement boundary. Therefore and notwithstanding the imposition of TAYplan Policy 5 (Housing), the principle of development on the proposed site has been established by the extant In Principle planning permission granted in 2010 and extended in 2014.

Condition 3 – Scale of development

- 87 The condition specifically restricts the scale of residential development within the 'In Principle' site to 240 houses in total, including 60 affordable houses. The masterplan as required by Condition 15 shows exactly 240 dwellings located within the northern third of the site. The provision of 60 affordable units is covered by the Section 75 legal agreement associated with the 13/01823/FLM permission. This agreement will also apply to this proposal.
- 88 I appreciate the concerns raised by both the Community Council and the public that the proposed masterplan is not in line with the In Principle permission. The masterplan is showing built development within the approved red line of 05/02418/IPM but does not cover it all. The applicant has shown future development areas in the remaining areas but is fully aware that other applications will be required to be assessed for any additional development and such applications will have to be assessed on its own merits.
- 89 Many of the representations submitted made reference to excessive scale of development for the area. It is agreed that a proposal of 240 dwellings is significant at this location but it is within the limit of the condition imposed. What the masterplans does show is that the proposed mix of dwellings (detached, semi-detached, terrace), open space, play areas and sports pitch can comfortably be accommodated within a much smaller site than the 05/02418/IPM approved site plan. The proposed development is considered to be medium density and acceptable for the location. It will result in a much smaller land take and with increased distances from the reed beds and River Tay SPA south of the site, its impact on these sensitive areas should as a result be reduced.
- 90 A new access road is proposed at the west of the application site and is outwith the In Principle red line boundary. It is subject to a separate planning application (16/01491/FLL) and this is also at this committee's agenda for determination.

Condition 4 - Location of Commercial Units

- 91 The condition requires that all new office and commercial/light industrial units shall fall within Class 4 (Business) use, and need to be located next to the existing industrial area. The submitted masterplan and plans show the location of the commercial units immediately adjacent to the existing commercial units at the north eastern corner of the site and accessible via the existing access off the C484 road. The location of the commercial units is considered to be acceptable as it relates well to the existing commercial area and will be easily accessible off the C484 road. Further applications will be required for the exact detail of the position, scale and design of the future commercial units. This can be controlled by planning condition (No. 6).

Condition 5 – Landscaping and Planting scheme

- 92 A landscape masterplan including details on all soft works has been submitted with the application. Community Greenspace have viewed the proposed landscaping plans for the site and have not raised any significant issues.
- 93 The proposed species for tree planting is considered acceptable, although further detail on exact location of each tree species will need to be agreed. This can be controlled by way of condition.
- 94 SNH commented that Condition 5 of 05/02419/IPM seeks to protect the SPA natural heritage interests from disturbance. This condition concerns the establishment of screening for the development to reduce the scope for disturbance on the breeding birds of the SPA from recreation by residents venturing to the edge of the reed bed.
- 95 SNH comment that there is some indication of what is proposed in the Masterplan and the Design and Access Statement with a wooded fringe to the south and west of the site. Impenetrable woodland would present a greater barrier to access by residents and hence disturbance to the SPA. SNH are content to leave this matter to the Planning Authority.
- 96 The proposed woodland planting for the site is considered appropriate by Community Greenspace. The new woodland plantations along the boundaries should be maintained for a minimum of 3 years or until the plantations are successfully established to the densities shown on the submitted drawings. The individual tree and hedge planting should also be maintained for a minimum of 3 years or until successfully established as per the drawings submitted.

Condition 6 – Tree Retention

- 97 The topographical survey submitted as part of the application outlines the location of the existing trees within the site and also confirms that they shall all be retained. Community Greenspace commented that all existing trees and plantations to be retained must be protected from the outset. A standard condition (No. 9) ensuring their protection during the construction period will be required to make sure it meets current British Standard (BS 5837 2012 - Trees in Relation to Design Demolition and Constructions).

Condition 7 – Ground Investigation

- 98 SEPA advise that because the site is a former military airfield there may be some radioactive contaminants associated with the former use. SEPA is not aware of any measured radioactive contaminants on the site or has any documentary evidence to suggest that radioactive contaminants may be present. However, given the site's former use as a military airfield radium 226 may be present due to its use in aircraft dials during WWII.
- 99 SEPA recommended that the developer undertakes a radiological walkover survey of the area concerned, for radioactive contamination and carry out

screening for radioactive contaminants during groundworks both for compliance under Health and Safety legislation.

- 100 A Phase I Environmental Desk Study has been submitted as part of this application and has been assessed by the Council's Land Quality (Contaminated Land) Officer.
- 101 Due to the previous use of the site the previous application 13/01823/FLM had a condition attached related to contaminated land. There is potential for a number of substances to be present including unexploded munitions, various hydrocarbons, heavy metals and commonly, with infrastructure of this age, asbestos. Given that the proposed application area includes the site of a disused runway and various aircraft dispersal pads, the Councils Land Quality Officer would anticipate that substantial areas of made ground will be encountered during the development. The risk posed by this sort of material is uncertain as its origin and composition is unknown. The applicant should also take into consideration the underlying drift cover which is described as silt and clay, as such there may be some natural gas generation taking place.
- 102 The Phase 1 report for the site identifies the need for an intrusive investigation to be carried out in order to assess the suitability of the site for the proposed development and a condition (No. 15) is recommended to be applied to any permission.

Condition 8 – Archaeology

- 103 Perth and Kinross Heritage Trust (PKHT) have reviewed the submitted Building Survey Report and have confirmed they are satisfied with the standing building recording on the site. They have no further archaeological recommendations or requirements.

Condition 9 (a) – Layout/Access/SUDs

- 104 In addition to the masterplan, detailed layout plans highlighting access, car parking, road layout, design and specification have been submitted and Transport Planning have not raised any issues with regards to the proposed access points, the internal road layout, in curtilage car parking provision or SUDs.
- 105 The road network has been developed in accordance with national guidance Designing Streets and the National Roads Development Guide. The frontage to new streets and lanes is a critical part of the proposal and along important elevations. Parking is located to the rear where possible in particular along the primary route to ensure that the quality of the landscape and the architecture define these edges of the development rather than the car.
- 106 In specific relation to the proposed SUDs provision both SEPA and the Councils Flood Risk Officer are satisfied with the proposals. SEPA still require

a condition in relation to surface water drainage be attached with any permission.

Condition 9 (b) – Access from C484

- 107 Two access points are proposed from the main C484 Errol to Grange road into the site and these are proposed to be priority junctions. Both accesses offer adequate visibility and Transport Planning consider these to be appropriate for this development.
- 108 In addition a new access point is proposed onto the C484 and because it is outwith the approved red line boundary has had to be assessed via a separate planning application 16/01491/FLL to serve proposed development. Again Transport Planning do not have an issue with this proposal and agree it will provide an even better access off the C484.

Condition 9 (c) – Traffic Speed

- 109 An analysis of traffic speeds has been undertaken by the applicant and it is proposed that a speed limit of 40mph is implemented in the vicinity of the site to link into the existing 30mph zone to the west of the site, on the Station Road approach to Errol. Transport Planning have considered the 05/02418/IPM decision requiring a 20mph restriction at this location and do not consider it to be necessary now. It agrees with the applicant's analysis that a 40mph restriction will be more appropriate at this location.
- 110 The promotion of this order would be entirely at the developer's own expense and a suitable condition should be attached to any consent to reflect this.

Condition 9 (d) – Local Bus Service

- 111 The proposed layout plans and design statement illustrate the primary bus route and its associated infrastructure. A bus stop adjacent to the proposed local shop is shown to be provided. Transport Planning have commented that current bus service provision has been analysed and the applicant recommends a further review after the 100th house has been built.
- 112 However, this does not take into account current revisions to services in this area and potential future demand. It is therefore recommended that the applicant enters into discussions with the Council's Public Transport Unit with regards to future bus service provision for the site.

Condition 9 (e) – Footpath

- 113 The condition requires the provision of a 1.8 metre wide footway to be provided along the site frontage and to connect with existing pedestrian facilities at Errol Station Road and implemented before occupation of the 60th dwelling. Transport Planning note that the plans show a footway will be provided to link in with the existing footway at the crossroads at Station Road and are satisfied with this provision.

Condition 9 (f) – Traffic Priorities at East Inchmichael

- 114 The applicant proposes to provide appropriate priority signage at the Inchmichael Cutting to ensure that traffic can safely negotiate this pinch point. Transport Planning and Network Rail have no objection to these off –site works and can be controlled by Condition 28.

Condition 10 – Biodiversity

- 115 An ecology report has been submitted with the application. Neither SNH nor the Council Biodiversity Officer have raised any significant issues with its content. Certain conditions (16, 17, 18, 19) are recommended for protection for hedgerows, trees etc. and for updated surveys to be taken for future phases of the development.

Condition 11 – Local centre

- 116 The masterplan and associated plans show a local shop being provided at the northern end of the site. The applicant has chosen to not provide a health centre as they consider the number of units proposed will not make a health centre viable especially with one already located within Errol less than 1km away. Overall it is considered that the provision of a new health centre for the number of dwellings proposed at this location is not required.
- 117 It is also debatable as to whether the creation of 240 dwellings at this location will also make a local shop a viable business. It is generally expected that a higher threshold of dwellings will be needed to result in viable local shop. However it is considered more important that a local shop is provided and should it not prove to be viable then alternative uses can be investigated.

Condition 12 – Sports Pitch Provision

- 118 It was originally proposed to locate the sports pitch at the southern end of the site. However to help deal with a potential noise issue on dwellings associated with an operational grain dryer at the northern end of the site, a potential solution would be to relocate the sports pitch at the northern end of the site and act as a distance buffer for residential properties.
- 119 Community Greenspace have reviewed the revised location and have raised no issue.

Condition 13 – Public Transport

- 120 As per Condition 9 (d).

Condition 14 – Aircraft safeguarding

- 121 Perth and Kinross Council's Supplementary Guidance on Airfield Safeguarding (December 2011), includes consultation zones around airfields for particular heights of development.
- 122 It stipulates that the Civil Aviation Authority (CAA) will be consulted if any vertical height and surface restrictions are exceeded. No issue has been raised by Dundee Airport who were consulted on the application. Given the distance from Dundee Airport and that the development will be reasonably low level: it will not interfere with the use and function of the Dundee Airport.

Condition 15 – Masterplan

- 123 The condition requires a masterplan and design statement for the full development site together with a design statement. Both documents have been submitted with the application. What the masterplan process has clearly shown is that the 240 dwellings, local shop, open space and sports pitch approved under 05/02418/IPM can be accommodated within the northern third of the site. The masterplan does show the potential for future development parcels within the remainder of the original site plan. Any such proposals would be required to be formally assessed as and when submitted.

Condition 16 – Construction Method Statement (CMS)

- 124 The applicant has requested that this condition is continued and added to any planning permission. As it is relative to the actual construction process and without an identified housebuilder at this stage it is considered too early to deal with and this request is acceptable. We therefore intend to include the condition again as a pre-commencement planning condition after a housebuilder is appointed.

Condition 17 – Waste and Recycling

- 125 Waste Services have confirmed that the development will be on the 3 bin system and the site layout plans show how each will be provided within the curtilage of each dwelling. Waste Services also require suitable access/surface to wheel the bins from the storage area to the kerbside where they must be presented for collection. Based on the proposed layout and path provision up to the kerbside, this will be achievable.
- 126 In terms of any recycling centres, the exact number and location will need to be agreed and this can be controlled by way of condition.

Condition 18 – Affordable Housing Provision

- 127 The masterplan as required by Condition 15 shows exactly 240 dwellings located within the northern third of the site. The provision of 60 affordable units is already covered by the Section 75 legal agreement associated with the 13/01823/FLM permission. This agreement will also apply to this proposal and will ensure that 25% of the development will meet the Council's definitions of affordable housing.

128 As no housebuilder has yet to be appointed to deliver the proposal, the Council's Affordable Housing Supplementary Guidance provides a range of options to the developer as to how they will be provided and managed.

Condition 19 – Home Working Units/Economic Development Land

129 The applicant considers that the requirement for home working units is no longer as relevant as they were at the time of the original approval. It is agreed that the provision of home working units are not as relevant to today's needs.

130 Any occupier of a dwelling will have the ability to have a business at home provided it remains ancillary to the main use. Should the business involve customers/visitors then a planning application for a partial change of use will be required. Any such application would be assessed under its own merits.

131 In terms of the delivery of economic development land this can be enforced via a condition (6) requiring a detailed phasing and delivery plan be submitted prior to works commencing on site for that aspect of the submission.

Condition 20 – Path networks

132 The proposed site layout plan, masterplan and Section 2.8 of the Design Statement details the network of existing walking routes and Section 4.3 of the Design Statement shows the proposed paths throughout the site and connecting up with the existing network.

133 Within the applicants Design and Access Statement a movement strategy has been provided developed in accordance with the requirements of the approved In Principle permission and conditions. The masterplan incorporates the following provisions:

- Footpaths and cycleways
- Primary routes
- Secondary streets and lanes
- Safer routes to school

134 Pedestrian connections and cycleways will be critical to the success of the new neighbourhood as it is located between the two settlements of Errol and Grange and their services. The masterplan has been developed to maximise these connections and permeability through the site to the existing footpath network. The proposed path network also incorporates a 2km long route to accommodate dog walkers and casual exercisers to also comply with Condition 22 – Walking Routes.

135 The proposed landscape, open space and proposed woodland areas provide an opportunity to create a network of footpaths throughout the new area and potential to connect with the existing wider path network. Community

Greenspace have not raised any issues with the proposed paths, cycleways and walking routes.

Condition 21 – Sustainability Appraisal

- 136 The applicants Design and Access Statement states that *“there is an opportunity to create a new sustainable residential settlement at Errol Airfield.”*
- 137 The design has been produced to try and ensure that the layout and design meet the needs and expectations of the Scottish Government in reducing carbon footprints. The proposed layout should ensure permeability for both pedestrians and vehicles, whilst the orientation of housing areas should maximise on daylight opportunities.
- 138 There is a defined hierarchy of streets within the site creating a simple development to navigate through. The road pattern of the secondary streets and lanes puts more emphasis on the pedestrian, ensuring vehicles speeds will be reduced.
- 139 The proposed woodland, green network and central park are key features of the proposal with a series of walking routes throughout the masterplan with play areas, public parks / open space, sports pitches and the local shop all interconnected by a network of paths and tree lined avenues. This should encourage pedestrian activity and reduce unnecessary short journeys by car.
- 140 The dwellings will require to be constructed in accordance with the latest Building Regulations with increased insulation to the fabric of each dwelling, and improvements on carbon reduction in line with government strategies. The proposed layout allows for future flexibility in this regard.
- 141 The masterplan has been developed to promote sustainable modes of travel through a series of pedestrian/cycle links throughout the scheme with connections to Errol and the surrounding area. The existing bus services will be encouraged to extend routes through the proposed development with a stop at the new local shop to further promote sustainable travel.

Condition 22 – Waking route

- 142 Please refer to Condition 20 above.

Condition 23 – External Lighting

- 143 The applicant has requested that this condition is continued and added to any planning permission. As it is relative to the actual construction process it is considered too early to deal with and this request is acceptable. We would look to include the condition (now 22) again as a pre-commencement planning condition.

Conditions 24 to 26 (Reed Bed access, signage, publicity)

- 144 The applicant has requested that this condition is continued and added to any planning permission. SNH's consultation response to 05/02418/IPM recommended certain conditions were applied to help avoid disturbance to the nearby protected areas of the Tay Estuary and thus avoid an adverse effect on the integrity of the SPA. This avoidance was secured through conditions 24, 25 and 26. SNH have confirmed they are content that these conditions, specified in the In Principle decision are continued with the current application (Now Conditions 23, 24, 25).

Other Material Issues

Flood Risk and Drainage

- 145 A number of representations expressed concern about the possibility of increased flood risk issues associated with the proposed development. Following initial feedback by SEPA and the Council's Flood Risk Officer, a revised Flood Risk and Drainage Assessment was submitted. Following this neither SEPA nor the Council's Flood Risk Officer have any significant issues regarding flood risk and drainage (foul and surface water).
- 146 SEPA note that some parts of the application site lie within the 1 in 200 year flood extent of the SEPA Flood Maps, and may therefore be at medium to high risk of flooding. There is an area of surface water pooling located at the northern end of the site (shown to be within the commercial area on the masterplan). In addition the site is adjacent to fluvial flooding on the northern side of the B958 road.
- 147 There is also a minor watercourse flowing adjacent to the application site, which has a catchment smaller than 3km². As the SEPA Flood Maps have been produced following a consistent nationally-applied methodology for catchment areas equal to or greater than 3km², the fluvial flood risk from such minor watercourse has not been modelled or shown on the SEPA Flood Map.
- 148 The applicant proposes Sustainable Urban Drainage System (SUDS) in the form of swales and wetlands. Surface water runoff will be treated and attenuated to greenfield runoff equivalent levels prior to discharge to the River Tay. An End-of-Line SUDS basin will provide treatment and attenuation prior to discharge into the Tay and additional at-source treatment will also be provided within the development areas in order to provide a total of two levels of treatment as required by SEPA.
- 149 The SUDS Basin has been sized to serve the full development including the commercial phases.
- 150 There are no planning conditions set for fluvial/coastal flood risk for the site and the only condition relating to flood risk would appear to be for SUDS. SEPA advise that the Council should be satisfied with the calculations and design provided. The Council's Flood Risk Officer has confirmed that they are satisfied

with the further details regarding proposed drainage for the site.

- 151 In addition the access road to the site, which is not part of this application but is linked, requires a water crossing over the Pow of Errol. SEPA strongly recommend that further consideration is given to the sizing of the crossing to ensure there is no increase of flood risk elsewhere. Consideration should also be given to minimise any land raising to enable access to the site as this could interrupt flow paths and encourage water to back up behind the structure.
- 152 SEPA recommends that for the commercial area where there is potential risk of surface water pooling water resistant / resilient materials to be used.
- 153 To mitigate the risk from fluvial flooding SEPA recommend that finished floor levels of dwellings are elevated above proposed ground levels (Condition 8).

Noise

- 154 A number of representations submitted expressed concern regarding noise and in particular noise from the consented and operational grain dryer associated with Tayside Grain adjacent to the northern boundary of the site.
- 155 Initially Environmental Health requested a noise impact assessment be conducted in support of this application to quantify the noise arising from the grain drying at Tayside Grain. The initial site plan for this application had dwelling houses built only 40 metres away from the existing grain driers and as such Environmental Health expressed reservations about the residential amenity of future residents and the potential for Statutory Noise Nuisance conditions to arise.
- 156 Tayside Grain were granted planning permission for the new grain drying plant in 2013 (13/02349/FLL) after the application was supported by a noise impact assessment. Initially the NIA considered only existing residential receptors however after concerns from Environmental Health, future residents of this housing developments were also considered as In Principle permission for this site predated the grain drying plant. The difficulty in assessing future residential properties was that no firm site layout existed at that time. A distance of 200 metres was chosen based upon plans contained within supporting information of 05/02418/IPM, which showed the commercial area of this development directly to the south of the grain dryer.
- 157 Based on the distance with a significant amount of extra mitigation through silencers, permission was granted for the grain drying plant with the standard quiet rural plant noise condition namely:

“All plant or equipment associated with the grain dryer shall be so enclosed, attenuated and/or maintained such that any noise there from 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 noise-sensitive

property, with all windows slightly open, when measured and/or calculated and plotted on a Noise Rating curve chart.”

- 158 At certain times of the year the grain drier operates 24 hours a day for 6-8 weeks per annum, therefore the night time level of NR20 is most appropriate.
- 159 At a distance of 40 metres this condition would not be achievable, therefore the NIA was conducted and the site plan amended with the swap of housing for the sports pitch. This increased the buffer zone to a little over 100 metres and as such predicted noise levels at the closest future receptors were reduced to an acceptable level.
- 160 There is still a slight exceedance of the NR20 condition and a condition of NR25 may be more appropriate due to the nature of the area changing in the future. This most likely applies for Statutory Nuisance considerations as well, particularly as the noise is only a limited period of 6 to 8 weeks per annum.
- 161 However the condition remains at NR20 and cannot be changed. As way of mitigation, a 6 metre bund topped by a 3 metre acoustic fence has been proposed. Environmental Health advise that the mitigation measures as described by the applicant’s Noise Impact Assessment of 22 December 2016 need to be put in place prior to the occupation of any dwelling house (Condition 10).

Developer Contributions

Affordable Housing

- 162 The provision of 60 Affordable Houses is required. The existing consent under 13/01823/FLM is subject to a S.75 Legal Agreement and will apply to this proposal. The proposed masterplan and site layout plan show a mix of housing types throughout the site and is capable of providing the number required.

Primary Education

- 163 This proposal is within the catchment of Errol Primary School. The existing consent under 13/01823/FLM is subject to a S.75 Legal Agreement and will also apply to this proposal.

Transport Infrastructure

- 164 This proposal has In-Principle consent which predated the adoption of the Transport Infrastructure Guidance: therefore no contributions towards Transport Infrastructure are required.

Economic Impact

- 165 The development of up to 240 dwellings will provide a significant increase in available expenditure for the economy of Perth in particular and further afield. The Perth and Kinross Retail Study in 2014 estimates that average convenience goods available expenditure in 2019 per household will be £2,047

per annum and the average comparison goods available expenditure per household will be £3,634 per annum. Based on these figures and 240 dwellings the estimated expenditure on convenience and compassion goods will be in the region of £1,363,440 per annum. This expenditure should have a positive impact on Errol in particular as well as Perth and Dundee.

- 166 The creation of additional employment uses adjacent to an existing employment generator should also have a significant economic impact and provide additional choice for potential investors in the area or those already at Errol looking to expand their business.
- 167 The proposal accords national and local policy aimed at stimulating the economy including the Perth City Plan 2015 - 2035 by providing additional expenditure and skilled workforce to the local economy that will help sustain the city. This development will have a considerable economic impact after the development stage. It will take time to reach its maximum potential as units become occupied. A local multiplier effect will be experienced as other suppliers grow to increased local demand or start up to serve the influx of new businesses.
- 168 In summary this development would have a positive impact on the local economy.

LEGAL AGREEMENTS

- 169 The Section 75 Legal Agreement associated with 13/01823/FLM approval will require to be updated to account for provision and maintenance of open space, play area and sports pitch prior to release of decision notice.

DIRECTION BY SCOTTISH MINISTERS

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

CONCLUSION AND REASONS FOR RECOMMENDATION

- 172 Whilst the proposal does not accord with TAYplan 2012, it is considered to comply with the provisions of the LDP as it is within a settlement boundary with extant In Principle permission. The development can be satisfactorily accessed, with appropriate road infrastructure improvements. Together with the future implementation of an associate access road it offers good connectivity with Errol village and beyond. The proposed masterplan and site layout plans are considered to comply with the Councils Placemaking requirements and is in

accordance with both Designing Streets and the National Roads Development Guide.

- 173 Accordingly the proposal is recommended for approval subject to the following conditions and update to the associated legal agreement.

RECOMMENDATION

- A Approve the application subject to the following conditions and updated Section 75 legal agreement:**

Conditions

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

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

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

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

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

Reason: In the interest of pedestrian and cycle safety.

- 4 The detailed landscaping and planting scheme including the sports pitch as approved shall be implemented fully within one calendar year of the commencement of development and thereafter maintained to the satisfaction of the Council as Planning Authority.

Any planting failing to become established within five years shall be replaced in the following planting season with others of similar sizes and species to the satisfaction of the Council as Planning Authority.

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

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

For the avoidance of doubt only one equipped play area for 4-8 & 8-14 years which complies with the Council's Play Standards shall be provided within the site. All other proposed play areas should be unequipped.

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

- 6 Prior to the commencement of development a detailed delivery and phasing plan shall be as submitted for the approval of the Planning Authority. The agreed detail shall thereafter be fully implemented.

For the avoidance of doubt the location of the commercial area as shown on the masterplan is in general acceptable but is not fully approved by this permission as they are still indicative at this stage. Further detailed application(s) will be required for the exact scale and design of the structures.

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

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

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

- 8 The Finished Floor Level of all properties shall be a minimum of 600mm above the 200 year flood level.

Reason: To reduce the risk of flooding.

- 9 All existing trees and hedging within the site and on the boundaries shall be retained. The development shall fully comply with, respect and remain in full accordance with BS5837 2012: *'Trees in relation to construction, demolition and construction. Recommendations'*.

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

- 10 The mitigation measures as described by the Energised Environments Noise Impact Assessment dated 22 December 2016 shall be put in place prior to the occupation of any dwelling house.

Reason: To ensure a satisfactory standard of local environmental quality.

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

Reason: To ensure a satisfactory standard of local environmental quality.

- 12 Servicing of and deliveries to any commercial premises shall be carried out between 0700 and 1900 Monday to Sunday and at no other time to the satisfaction of the Council as Planning Authority.

Reason: To ensure a satisfactory standard of local environmental quality.

- 13 Prior to the commencement of development a Construction Traffic Management Scheme (CTMS) must be submitted for the approval of the Planning Authority. The submission of a Construction Method Statement must also be included in the submission. The Construction Traffic Management Scheme should include the following details:

Restrictions of construction traffic to approved routes and the measures to be put in place to avoid other routes being used. Heavy construction traffic should avoid the use of Murie, Inchcoonans, Errol, Grange and Inchtire Level Crossings.

Reason: In the interest of road safety.

- 14 Prior to the commencement of development the exact level and location of recycling facilities shall be submitted to and approved by the Planning Authority in consultation with Waste Services. The agreed detail must thereafter be implemented in full prior to the occupation of the first dwelling.

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

- 15 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. 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. Validation that the scheme has been fully implemented must also be submitted to the Council as Planning Authority.

Reason: To prevent harm to human health and pollution of the environment in accordance with the aims and objectives of the Development Plan.

- 16 No removal of hedgerows, trees or shrubs or works to or demolition of buildings or structures that may be used by breeding birds shall take place between 1st March and 31st August inclusive, unless a competent ecologist has undertaken a careful, detailed check of vegetation for active birds' nests immediately before the vegetation is cleared and provided written confirmation that no birds will be harmed and/or that there are appropriate measures in place to protect nesting bird interest on site. Any such written confirmation should be submitted to the Planning Authority for approval.

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

- 17 No works which include the creation of trenches, culverts or the presence of pipes will commence until measures to protect animals from becoming trapped in open excavations and/or pipes and culverts are submitted to and approved in writing by the planning authority. The measures could include, but are not restricted to, creation of sloping escape ramps from trenches and excavations and securely sealing open pipework at the end of each working day.

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

- 18 If the development hereby approved does not commence or, having commenced, is suspended for more than 12 months within 2 years from the date of the planning decision notice, the approved ecological measures secured through the applicants Biodiversity Study of April 2016 shall be reviewed and, where necessary, amended and updated. The review shall be informed by further ecological surveys commissioned to i) establish if there have been any changes in the presence and/or abundance of protected species and ii) identify any likely new ecological impacts that might arise from any changes. Where the survey results indicate that changes have occurred that will result in ecological impacts not previously addressed in the approved scheme, the original approved ecological measures will be revised and new or amended measures, and a timetable for their implementation, will be submitted to and approved in writing by the local planning authority prior to the commencement of development. Works will then be carried out in accordance with the proposed new approved ecological measures and timetable.

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

- 19 Where the approved development is to proceed in a series of phases, further supplementary ecological surveys for protected species shall be undertaken to inform the preparation and implementation of corresponding phases of ecological measures required through the applicants Biodiversity Study of April 2016. The supplementary surveys shall be of an appropriate type for the above habitats and/or species and survey methods shall follow national good practice guidelines.

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

- 20 Prior to the occupation and use of the approved development the applicant shall at his own expense promote a Traffic Regulation Order (TRO) from the site entrance to the existing 30mph zone to the West of the site, on the Station Road approach to Errol.

Reason: In the interest of road safety.

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

Reason: In the interest of promoting sustainable travel.

- 22 Prior to the commencement of development details of all external lighting, including both for construction and operational use shall be submitted for the prior approval of the Planning Authority. For the avoidance of doubt the lighting shall be designed to minimise any light pollution.

Reason: To minimise any light pollution.

- 23 The developer shall demonstrate that a restriction is to be placed within the title deeds to all residential property confirming the provision of a voluntary agreement to the restriction on access between April – August in sensitive areas adjacent to the reedbeds. Such evidence shall be submitted to the Planning Authority and SNH prior to the commencement of the development on site.

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

- 24 Details relating to the location, design and maintenance of signage by the developer in respect of access to the sensitive areas shall be submitted for the prior approval of the Planning Authority in consultation with SNH before any development commences on site and shall be fully implemented prior to the occupation of any of the units on the site.

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

- 25 Details of the preparation, content and publicity through leaflets relating to the restriction of access to the sensitive areas shall be submitted by the developer for the prior approval of the Planning Authority in consultation with SNH and the leaflets as agreed shall be distributed in accordance with a programme to be agreed and implemented in the same timescale.

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

- 26 No development shall be occupied on any phase of the site until the local access road network improvements approved under planning application 16/01491/FLL has been implemented and made operational to mitigate the traffic implications of the development, to the satisfaction of the Planning Authority.

Reason: In the Interest of vehicle and pedestrian safety.

- 27 Prior to the completion of any residential plot, details of the bus stops shown in the Site Layout Plan shall be submitted to the Council as Planning Authority in consultation with the Council's Public Transport Unit for approval. The agreed detail shall thereafter be implemented prior to the completion of the 50th dwelling.

Reason: In order to ensure that associated local sustainable infrastructure improvements are undertaken to adequately accommodate the impact of the development proposed.

- 28 Details relating to the location, design and maintenance of the priority signage at the Inchmichael Cutting shall be submitted for the prior approval of the Planning Authority in consultation with Network Rail before any development commences on site and shall be fully implemented prior to the occupation of any of the units on the site.

Reason: In the Interest of vehicle and pedestrian safety.

B JUSTIFICATION

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

C PROCEDURAL NOTES

Section 75 associated with 13/01823/FLM requires to be updated to incorporate open space, play area and sports pitch provision and maintenance. Consent shall not 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 The development hereby permitted shall be commenced no later than the expiration of two years from the date of this consent or from the date of subsequent approval of matters specified in conditions, or three years from the date of planning permission in principle, whichever is the later.
- 2 Under section 27A of the Town and Country Planning (Scotland) Act 1997 (as amended) the person undertaking the development is required to give the planning authority prior written notification of the date on which it is intended to commence the development. A failure to comply with this statutory requirement would constitute a breach of planning control under section 123(1) of that Act, which may result in enforcement action being taken.
- 3 As soon as practicable after the development is complete, the person who completes the development is obliged by section 27B of the Town and Country Planning (Scotland) Act 1997 (as amended) to give the planning authority written notice of that position.
- 4 This development will require the 'Display of notice while development is carried out', under Section 27C (1) of the Town and Country Planning Act 1997, as amended, and Regulation 38 of the Development Management Procedure (Scotland) Regulations 2008. 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 38 the notice must be:
 - Displayed in a prominent place at or in the vicinity of the site of the development
 - Readily visible to the public
 - Printed on durable material.
- 5 The applicant is advised that in terms of Section 56 of the Roads (Scotland) Act 1984 he must obtain from the Council as Roads Authority consent to open an existing road or footway prior to the commencement of works. Advice on the disposal of surface water must be sought at the initial stages of design from Scottish Water and the Scottish Environment Protection Agency.
- 6 The applicant is advised that in terms of Section 21 of the Roads (Scotland) Act 1984 they must obtain from the Council as Roads Authority consent to construct a new road prior to the commencement of roadworks. Advice on the

disposal of surface water must be sought at the initial stages of design from Scottish Water and the Scottish Environment Protection Agency.

- 7 The applicants are advised that they must apply to the Roads Authority for construction consent to form a new street. Please contact The Construction and Maintenance Manager, The Environment Service, Perth and Kinross Council, Pullar House, Kinnoull Street, Perth.
- 8 The applicant is advised that the granting of planning consent does not guarantee a connection to Scottish Water's assets. The applicant must make a separate application to Scottish Water Planning & Development Services team for permission to connect to the public wastewater system and/or water network and all their requirements must be fully adhered to.
- 9 The applicant is advised that the works may need a license under the Water (Controlled Activities) Regulations 2005 (CAR). The applicant should contact SEPA's Perth Environmental Protection and Improvement Team (Tel: 01738 627989) in regard to this. The applicant should ensure that all works on site comply with the best practice guidelines laid out in SEPA's published Pollution Prevention Guidance, found at www.sepa.org.uk.
- 10 The Council's Public Transport Unit in the Environment Service should be contacted to clarify the bus service requirements for the development.
- 11 Any further applications should take into account the possible increase of traffic over all Level Crossings in the area and the impacts this may have on the reliability and frequency of the rail service.
- 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.
- 13 The applicant is reminded that, under the Wildlife and Countryside Act 1981, as amended, it is an offence to remove, damage or destroy the nest of any wild birds while that nest is in use or being built. Planning consent for a development does not provide a defence against prosecution under this act.

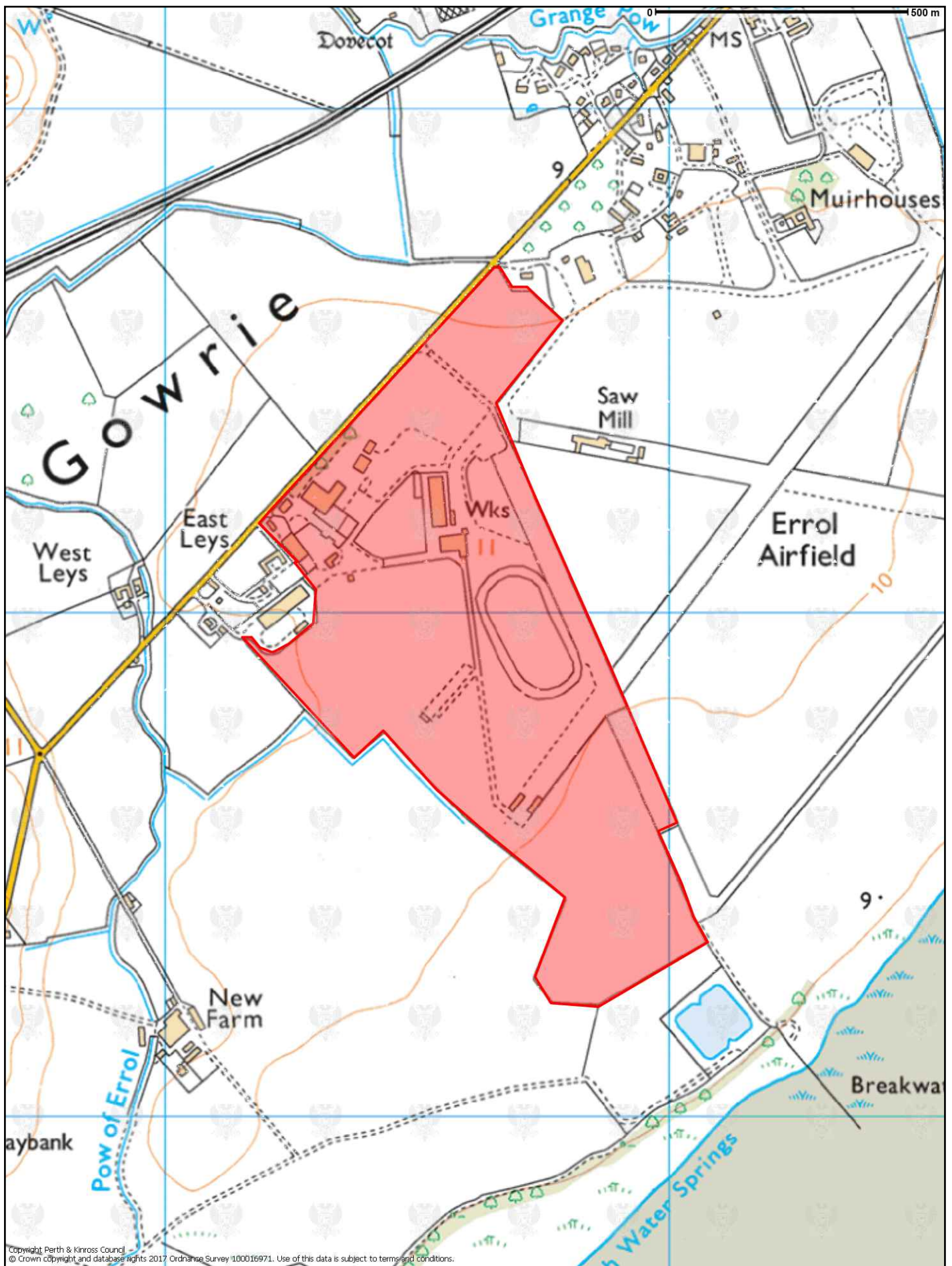
Background Papers: 23 letters of representation
Contact Officer: Steve Callan – Ext 75337
Date: 21 June 2017

Nick Brian
Interim Head of Planning

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Development Management Committee

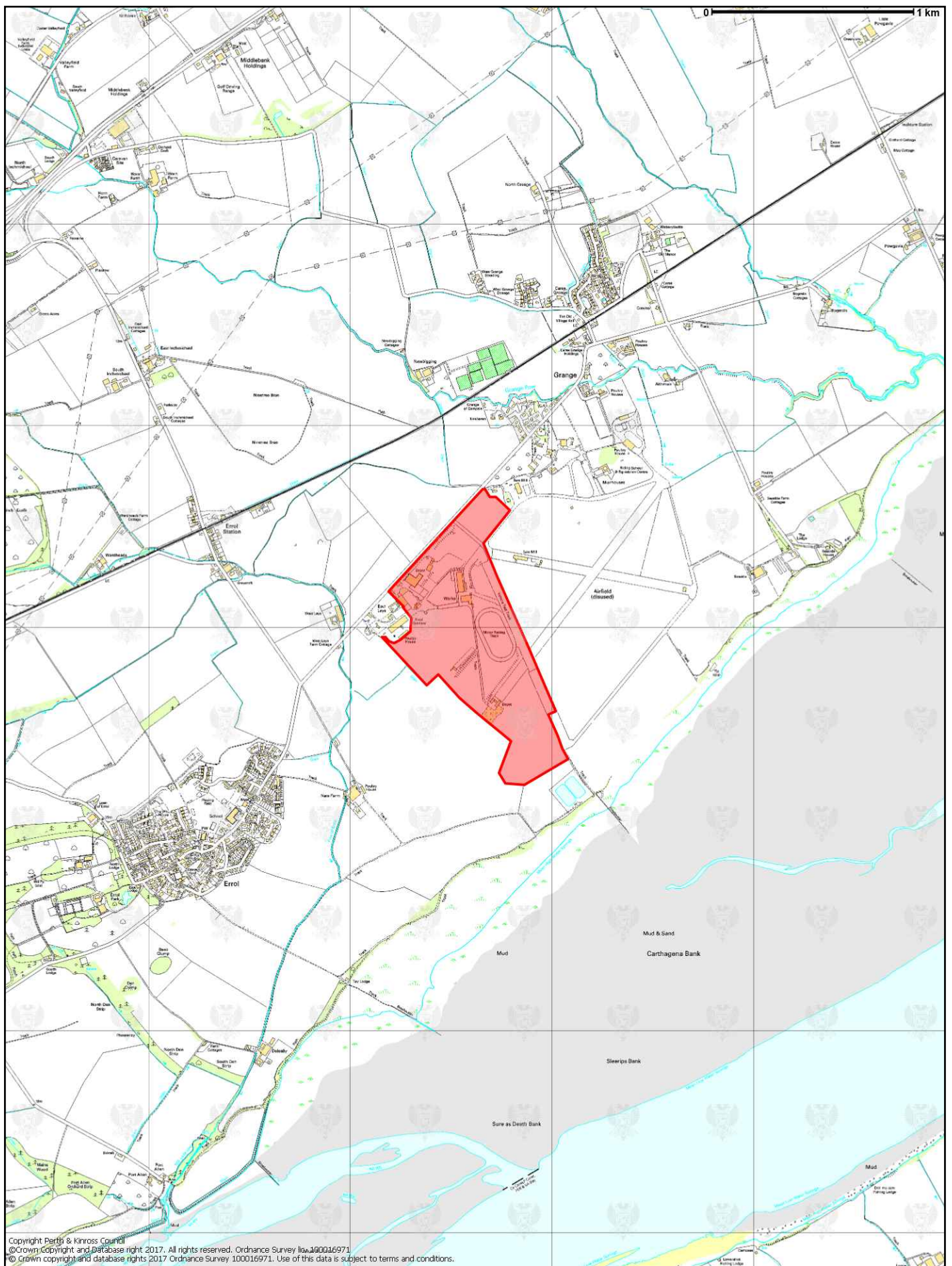


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16/00999/AMM

Mixed use development comprising the erection of 240 dwellinghouses/garages, erection of commercial elements, provision of openspace/play provision, associated infrastructure and other associated works at Morris Leslie, Errol Airfield, Grange





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Development Management Committee



16/00999/AMM

Mixed use development comprising the erection of 240 dwellinghouses/garages, erection of commercial elements, provision of openspace/play provision, associated infrastructure and other associated works at Morris Leslie, Errol Airfield, Grange



Perth and Kinross Council
Development Management Committee – 5 July 2017
Report of Handling by Interim Head of Planning

Formation of access, landscaping and associated works at land 200 metres south of Fernlea, Eastleys Farm adjacent to Errol Airfield, Grange, Perthshire

Ref. No: 16/01491/FLL
Ward No: N1 – Carse of Gowrie

Summary

This report recommends approval of a detailed application to formally establish an access road, landscaping and associated works at land 200 Metres south of Fernlea, Eastleys Farm to provide a new access route to serve the planning application 16/00999/AMM for 240 dwellings, commercial space, open space, play areas and pitch provision at the former Errol Airfield near the villages of Errol and Grange, Perthshire. The development proposal complies with the relevant provisions of the Development Plan and there are no material considerations apparent which would outweigh the Development Plan.

BACKGROUND AND PROPOSAL

- 1 The planning application site extends to approximately 8 hectares and is located 400 metres north east of the eastern edge of Errol village. The site is adjacent to the existing but now disused Errol Airfield.
- 2 The site is bound to the north by the C484 Errol to Grange road, to the east by Errol Airfield, which is subject to a separate detailed planning application 16/00999/AMM for 240 dwellings, commercial space, open space, play areas and pitch provision.
- 3 The proposal will provide vehicular, pedestrian and cyclist access to the proposed development. Existing access points off the C484 road to the Errol Airfield site will be retained but will become secondary access points with the proposed new access becoming the primary route.
- 4 The proposed access road will be six metres wide of 350 metres in length and will provide a gateway entrance feature to emphasise that it is the main route into and out of the site. The applicant has proposed a stone wall entrance feature located along the main road (B958). The walls would create the backdrop for the introduction of signage on either side of proposed entrance piers.
- 5 Beyond the walled entrance feature a formal tree lined avenue would extend through the landscape connecting to the Errol Airfield development. The avenue of trees are proposed within a 3 metre wide close mown grass strip creating a formal approach through the landscape. The specification proposed

will utilise semi-mature species with a 2.5m clear stem to establish a mature aspect to the route at an early stage.

- 6 The proposed pedestrian route is to be less formal and separated from the vehicular route on entering the site and crossing the parkland landscape. Both the access road and path will traverse the existing Errol Pow watercourse and the applicant has proposed a similar treatment to the main walled entrance material palette.

NATIONAL POLICY AND GUIDANCE

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

National Planning Framework

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

The Scottish Planning Policy 2014

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

- Sustainability : paragraphs 24 – 35
- Placemaking : paragraphs 36 – 57
- Valuing the Natural Environment : paragraphs 193 – 218
- Maximising the Benefits of Green Infrastructure: paragraphs 219 – 233
- Managing Flood Risk and Drainage: paragraphs 254 – 268
- Promoting Sustainable Transport and Active Travel : paragraphs 269 – 291

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

- PAN 40 Development Management
- PAN 51 Planning, Environmental Protection and Regulation
- PAN 61 Planning and Sustainable Urban Drainage Systems
- PAN 68 Design Statements
- PAN 69 Planning and Building standards Advice on Flooding

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

Designing Places 2001

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

Designing Streets 2010

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

National Roads Development Guide 2014

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

LOCAL POLICY AND GUIDANCE

TAYPlan Strategic Development Plan 2012-2032

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

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

- 15 The following sections of the TAYplan 2012 are of particular importance in the assessment of this application:

Policy 2: Shaping Better Quality Places

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

technologies are incorporated with development to reduce carbon emissions and energy consumption.

Perth and Kinross Local Development Plan 2014

17 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.

18 The LDP sets out a vision statement for the area and states that, *“Our vision is of a Perth and Kinross which is dynamic, attractive and effective which protects its assets whilst welcoming population and economic growth.”*

19 The relevant policies are;

PM1A – Placemaking

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

Policy TA1A - Transport Standards and Accessibility Requirements

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

Policy TA1B- Transport Standards

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

Policy CF2 - Public Access

23 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 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

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

Policy EP1 – Climate Change, Carbon Reduction and Sustainable Construction

- 25 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

- 26 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

- 27 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 EP3C – Surface Water Drainage

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

Policy EP3D – Reinstatement of Natural Watercourses

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

OTHER GUIDANCE

- 30 The following supplementary guidance and documents are of particular importance in the assessment of this application:
- Flood Risk and Flood Risk Assessments – Developer Guidance June 2014
 - Sustainable Design and Zero Carbon Development Supplementary Guidance May 2014
 - Green Infrastructure Supplementary Guidance November 2014

PLANNING SITE HISTORY

- 31 **05/02418/IPM** Development of sustainable village. Approved against recommendation by Development Control Committee on 19 November 2008 with decision issued after the signing of a Legal Agreement on 11 October 2010.

13/01823/FLM Variation of Condition no 1 of planning consent 05/02418/IPM to extend the time limit for a further 3 years. Approved by Development Management Committee January 2014.

16/00999/AMM Mixed use development of 240 dwellinghouses, commercial units, provision of open space/play area, associated infrastructure and associated works at Errol Airfield, Grange. Under consideration at this committee.

CONSULTATIONS

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

EXTERNAL

Errol Community Council

- 33 Object to the proposal as the proposed access road and path will be replacing the requirement of Condition 9 (e) of 05/02418/IPM for a new footpath to be created along the C484 road between Errol and Grange with a new footpath to and from the proposed housing and delivered through a new access into the site.

Dundee Airport

- 34 No objection to the proposal as the development would not infringe the safeguarding surfaces for Dundee Airport.

Paragon Skydiving Club

- 35 No response received.

INTERNAL

Transport Planning

- 36 No objection to the proposal provided the certain conditions are attached in the interests of pedestrian and traffic safety.

Structures and Flooding

- 37 No objection following a Flood Risk Assessment being submitted and assessed for the site. They are satisfied that the new crossing will have no impact on existing flood risk in the area. The new road is required to be built at existing ground levels so as to not act as an impediment to any surface water flooding.

REPRESENTATIONS

- 38 Four letters of representation has been received all of which object to the proposal. The following issues were raised by the objectors:

- Flood risk
- Adverse impact on visual amenity
- Road safety concerns/traffic volumes
- Loss of daylight
- Loss of privacy
- Loss of agricultural land

- 39 The Appraisal section of this report responds to the material planning concerns raised

ADDITIONAL STATEMENTS

40	Environment Statement	Not required
	Screening Opinion	Not required
	Environmental Impact Assessment	Not required
	Appropriate Assessment	Not required
	Design Statement / Design and Access Statement	Submitted
	Report on Impact or Potential Impact	Flood Risk and Drainage Assessment

APPRAISAL

Policy Appraisal

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

or if there are other material considerations, which justify a departure from policy.

- 42 The most relevant policies of the Development Plan are TAYplan Strategic Development plan 2012 and Perth and Kinross Local Development Plan 2014 including Supplementary Guidance and are listed in the policy section above.

Design

- 43 The proposed entrance has been developed around the concept of providing a central landscaped corridor and a walking / cycle routes to connect the Errol Airfield development with Errol Village the surrounding area.
- 44 The new gateway feature with the use of traditional Scottish Stone will create a visually appealing 'Estate like' entrance to access the 240 dwellings at Errol Airfield. The proposed route will connect to the internal road network and provide an attractive landscape route into the site.
- 45 Transport Planning reviewed the the proposed new entrance as a replacement for the footpath required along the C484 road as required by condition of 05/2418/IPM. The new access route will provide safer and better connectivity with Errol village and in particular to link the existing primary school in Errol. The new path from the site will connect into the existing path on the north side of Station Road and will enable residents to travel to school and the village more safely than at present or as required under 05/02418/FLL.

Flood Risk

- 46 All of the representations expressed concern about the possibility of increased flood risk issues associated with the proposed development and in particular the road and path crossing over the Pow of Errol and blocking it and causing it to back up and flood nearby properties. Following initial feedback by the Councils Flood Risk Officer, they requested a Flood Risk Assessment (FRA) was submitted to assess the impact of the access road crossing the Pow of Errol.
- 47 Following this submission and detailed investigation the Flood Risk Officer is satisfied that the new crossing will have no impact on existing flood risk in the area. The new road is required to be built at existing ground levels so as to not act as an impediment to any surface water flood risk.
- 48 Advice has been sought from the Council's Roads Construction Consent (RCC) team regarding any potential issues regarding the adoption of the new road if it is designed at ground level rather than be raised above the 1 in 200 year (+ climate change) flood level. They have advised that having the road at existing ground levels should be acceptable as there are two existing access points off the C484 road into the Errol Airfield site. Should the road flood then there are alternative access points for future residents.

Privacy

- 49 Concern has been expressed by some nearby residents regarding the privacy implications of the proposal and that the development will be too close and result in privacy implications. The proposed road and footpath will be over 100 metres from the nearest dwelling and unless people deviate from these routes the privacy implications will be minimal. The remaining land within the site will remain a field of managed grassland.

Loss of Daylight

- 50 Concern was expressed about the height of the proposed trees bounding the avenue and potential blocking of daylight into residential. Based on the distance of over 100 metres between the avenue and the nearest dwelling there will be no issues of blocking of daylight. In addition to this the proposed trees will be deciduous and for a number of months of the year will be without leaves.

Loss of Agricultural Land

- 51 The vast majority of the land within the site boundary will remain a field and should the landowner wish to continue using it for agricultural purposes they will still be able to do so.

Developer Contributions

- 52 No contributions towards infrastructure are required for this proposal.

Economic Impact

- 53 The economic impact of this proposal will primarily be related to the construction phase, but will assist the delivery of the wider mixed use development area.

LEGAL AGREEMENTS

- 54 None required

DIRECTION BY SCOTTISH MINISTERS

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

CONCLUSION AND REASONS FOR RECOMMENDATION

- 56 The development will facilitate a more satisfactory access arrangement into the Errol Airfield site than what was previously approved under 05/02418/IPM. It will provide a better and more sustainable vehicular, pedestrian and cyclist link to Errol village and beyond. The proposal is considered to comply with the Councils Placemaking requirements and is in accordance with both Design Streets and the National Roads Development Guide.
- 57 Accordingly the proposal is recommended for approval subject to the following conditions.

RECOMMENDATION

A Approve the application subject to the following conditions

Conditions

- 1 The proposed development must be carried out in accordance with the approved drawings and documents, unless otherwise provided for by conditions imposed on the planning consent.
- Reason: To ensure that the development is carried out in accordance with the plans approved.
- 2 Prior to the occupation of any residential plot associated with 16/00999/AMM, details of the specification including materials of the footpath shall be submitted to the Planning Authority for further approval.
- Reason: In the interest of pedestrian and cycle safety.
- 3 The detailed tree planting scheme as approved shall be implemented fully within one calendar year of the commencement of development and thereafter maintained to the satisfaction of the Council as Planning Authority.
- Any planting failing to become established within five years shall be replaced in the following planting season with others of similar sizes and species to the satisfaction of the Council as Planning Authority.
- Reason: In the interests of visual amenity; to ensure a satisfactory standard of local environmental quality and in pursuance of suitably satisfying placemaking policy criteria of the adopted Perth and Kinross Local Development Plan 2014.
- 4 The access road and footpath shall be constructed at existing ground levels only.
- Reason: In the interests of best practise surface water management; to avoid undue risk to public safety and flood risk.

- 5 Prior to the commencement of development a Construction Method Statement (CMS) must be submitted for the approval of the Planning Authority.

Reason: In the interest of road safety.

- 6 The access road hereby approved under planning application 16/01491/FLL must be implemented and made operational prior to the occupation of any dwelling approved under 16/00999/AMM.

Reason: In the Interest of vehicle and pedestrian safety.

B JUSTIFICATION

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

C PROCEDURAL NOTES

None.

D INFORMATIVES

- 1 This planning permission will last only for three years from the date of this decision notice, unless the development has been started within that period. (See section 58(1) of the Town and Country Planning (Scotland) Act 1997 (as amended).
- 2 Under section 27A of the Town and Country Planning (Scotland) Act 1997 (as amended) the person undertaking the development is required to give the planning authority prior written notification of the date on which it is intended to commence the development. A failure to comply with this statutory requirement would constitute a breach of planning control under section 123(1) of that Act, which may result in enforcement action being taken.
- 3 As soon as practicable after the development is complete, the person who completes the development is obliged by section 27B of the Town and Country Planning (Scotland) Act 1997 (as amended) to give the planning authority written notice of that position.
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- 6 The applicants are advised that they must apply to the Roads Authority for construction consent to form a new street. Please contact The Construction and Maintenance Manager, The Environment Service, Perth and Kinross Council, Pullar House, Kinnoull Street, Perth.
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- 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 consent for a development does not provide a defence against prosecution under this act.

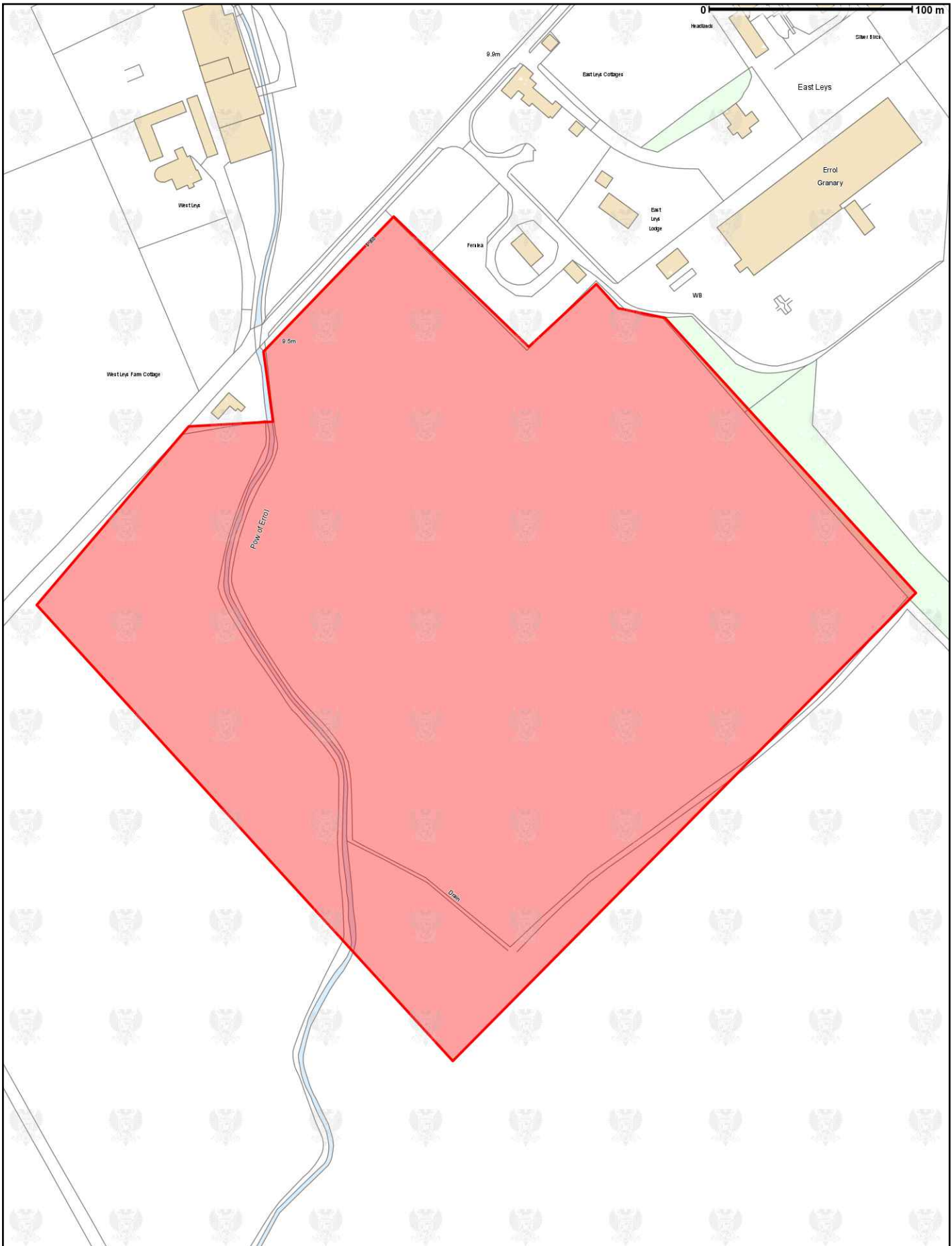
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Nick Brian
Interim Head of Planning

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Development Management Committee

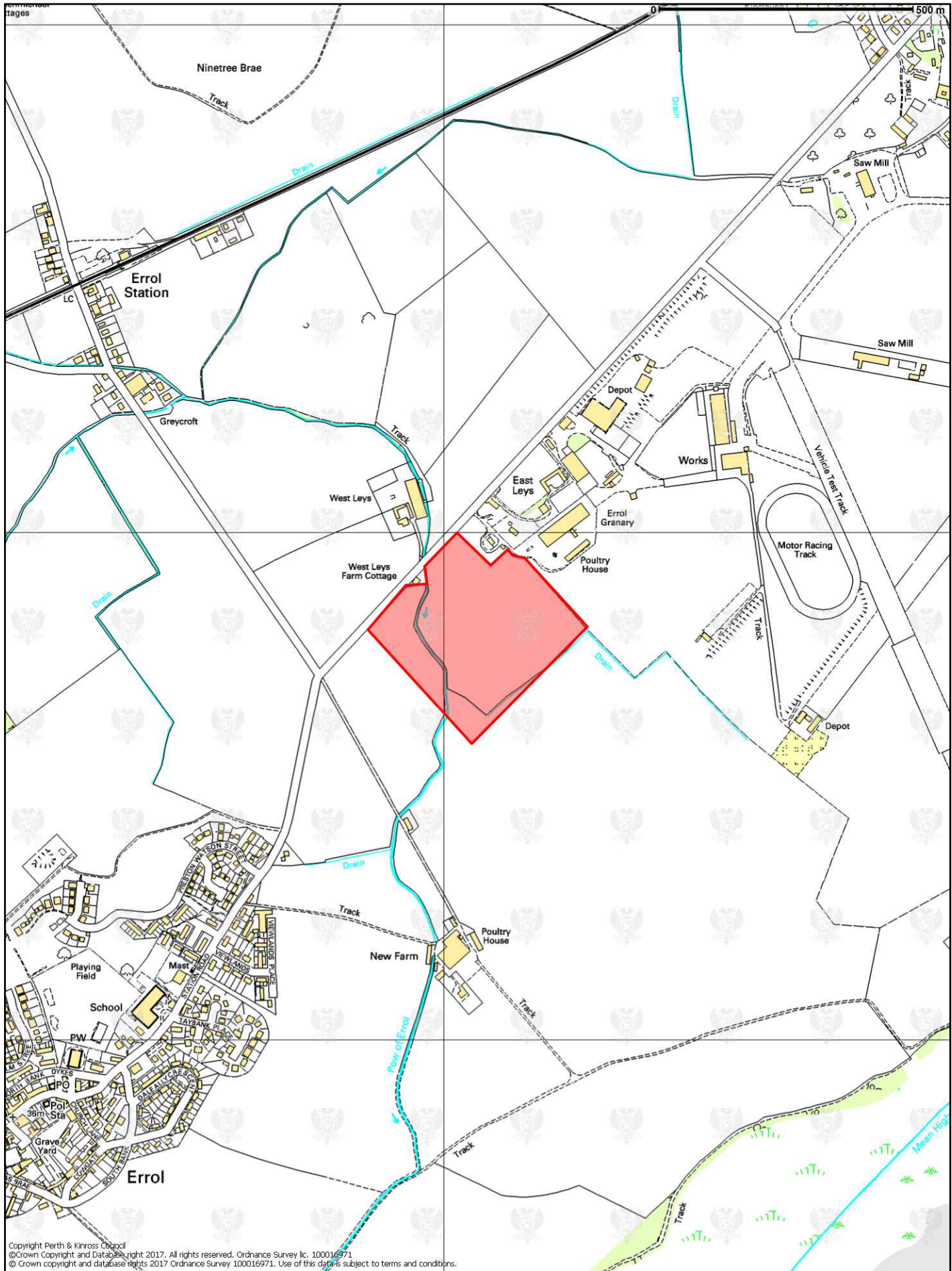


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16/01491/FLL

Formation of access, landscaping and associated works at Land South of Fernlea Eastleys Farm, Errol





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Development Management Committee



16/01491/FLL

Formation of access, landscaping and associated works at Land South of Fernlea Eastleys Farm, Errol



Perth and Kinross Council
Development Management Committee – 5 July 2017
Pre-Application Report by Interim Head of Planning

Proposed employment development – Classes 1; 3; 4; 5; 6; and sui generis (Car Showroom) at land 150 metres south of Target House, Ruthvenfield Road, Inveralmond Industrial Estate, Perth

Ref. No: 17/00004/PAN
Ward No: N11 Perth City North

Summary

This report is to inform the Committee of a potential forthcoming planning application in respect of a major development for proposed employment development (Classes 1 – Retail; 3 – Food and Drink; 4 – Business; 5 – General Industrial; 6 – Storage and Distribution and Sui Generis (Car Showroom) at land 150 metres south of Target House, Ruthvenfield Road, Inveralmond Industrial Estate, Perth. The report also aims to highlight the key planning policies, the likely stakeholders who would be involved in the decision making process and to offer a brief overview of the key planning issues which are likely to be relevant to the proposal.

BACKGROUND AND DESCRIPTION

- 1 In accordance with the provisions of the Town & Country Planning (Scotland) Act 1997 as amended, the applicants submitted a Proposal of Application Notice (PAN) on 26 January 2016. The purpose of this report is to inform the Development Management Committee of a forthcoming planning application in respect of a major development for employment development - Classes 1; 3; 4; 5; 6; and sui generis (Car Showroom) at land 150 metres south of Target House, Ruthvenfield Road, Inveralmond Industrial Estate, Perth. Pre-application reports give the Committee an opportunity to raise issues which it would like to see addressed in the planning application.
- 2 The proposed site is 6.9 hectares of relatively level land located along Ruthvenfield Road adjacent to Inveralmond Industrial Estate. The site is situated on the north west edge of Perth, to the west of the A9 and south of the River Almond. The site is bordered by Inveralmond Industrial Park to the north and east; Double Dykes travellers site to the north west; and agricultural fields to the west and south. Immediately west of the site are the ongoing works to the A9/A85 Junction improvements which form the first phase of the Cross Tay Link Road (CTLR). There are proposals for a residential development (Almond Valley Village) on the land to the west of the site beyond the current road works.
- 3 The River Almond is approximately 200 metres to the north west of the site and is part of the River Tay Special Area of Conservation (SAC). The Almondbank

Site of Special Scientific Interest (SSSI) lies on the northern bank of the River Almond, approximately 300m north of the site.

- 4 The site forms part of an allocated employment (E38) site in the adopted Perth and Kinross Local Development Plan (LDP) 2014 and is within the Perth City settlement boundary. It is also identified within TAYplan 2012 as part of the Perth West/North West Perth Strategic Development Area.
- 5 This proposal of application notice (PAN) seeks to formally establish the principle of a major employment development at land 150 metres south Of Target House, Ruthvenfield Road, Inveralmond Industrial Estate, Perth. Because the intention is to submit an 'In Principle' application for this, the exact design, scale of the development will be arrived during further discussions and subsequent detailed applications.

ENVIRONMENTAL IMPACT ASSESSMENT

- 6 Due to the scale of the proposal it will require to be screened as to whether the proposal is an Environmental Impact Assessment (EIA) development under current EIA regulations. A screening request (17/00551/SCRN) was submitted in March 2017 and it was determined that an EIA would be required to be submitted by the applicant.

PRE-APPLICATION PROCESS

- 7 The PAN (reference 17/00004/PAN) outlined a public exhibition has been held at McDiarmid Park on 3 May 2017. The Ward Councillors at the time and Methven Community Council (as the nearest Community Council) were notified. The results of the community consultation will be submitted with the renewal application as part of the required Pre-Application Consultation (PAC) Report.

NATIONAL POLICY AND GUIDANCE

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

National Planning Framework

- 9 The NPF3 is a long-term strategy for Scotland and is a spatial expression of the Government's Economic Strategy and plans for development and investment in infrastructure. Under the Planning etc (Scotland) Act 2006 this is now a statutory document and material consideration in any planning application. The document provides a national context for development plans

and planning decisions as well as informing the on-going programmes of the Scottish Government, public agencies and local authorities.

The Scottish Planning Policy 2014

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

- Sustainability : paragraphs 24 - 35
- Placemaking : paragraphs 36 – 57
- Supporting Business and Employment: paragraphs 92 – 108
- Valuing the Natural Environment : paragraphs 193 – 218
- Maximising the Benefits of Green Infrastructure: paragraphs 219 – 233
- Managing Flood Risk and Drainage: paragraphs 254 – 268
- Promoting Sustainable Transport and Active Travel : paragraphs 269 – 291

11 The following Scottish Government Planning Advice Notes (PAN) and Guidance are likely to be of relevance to the proposal:

- PAN 2/2011 Planning and Archaeology
- PAN 3/2010 Community Engagement
- PAN 40 Development Management
- PAN 51 Planning, Environmental Protection and Regulation
- PAN 61 Planning and Sustainable Urban Drainage Systems
- PAN 68 Design Statements
- PAN 69 Planning and Building standards Advice on Flooding
- PAN 75 Planning for Transport
- National Roads Development Guide 2014

LOCAL POLICY AND GUIDANCE

TAYPlan Strategic Development Plan 2012-2032

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

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

13 The following sections of the TAYplan 2012 are of particular importance in the assessment of this application:

- Policy 1 – Location Priorities
- Policy 2 – Shaping better quality places
- Policy 3 – Managing TAYPlans Assets

Perth and Kinross Local Development Plan 2014

- 14 The Local Development Plan was adopted by Perth and Kinross Council on 3 February 2014. It is the most recent statement of Council policy and is augmented by Supplementary Guidance.
- 15 The LDP sets out a vision statement for the area and states that:
“Our vision is of a Perth and Kinross which is dynamic, attractive and effective which protects its assets whilst welcoming population and economic growth.”
- 16 Under the LDP, the following policies are of particular importance in the assessment of this application.
- PM1 – Placemaking
 - PM2 – Design Statements
 - PM3 – Infrastructure Contributions
 - RC4 – Retail and Commercial Leisure Proposals
 - TA1 – Transport Standards and Accessibility Requirements
 - CF1 – Open Space Retention and Provision
 - CF2 – Public Access
 - HE1 – Scheduled Monuments and Non-Designated Archaeology
 - NE2 – Forestry, Woodland and Trees
 - NE3 – Biodiversity
 - NE4 – Green Infrastructure
 - ER5 – Prime Agricultural Land
 - EP1 – Climate Change, Carbon Reduction and Sustainable Construction
 - EP2 – New Development and Flooding
 - EP3 – Water Environment and Drainage
 - EP8 – Noise Pollution
 - EP11 – Air Quality Management Areas

OTHER GUIDANCE

- 17 The following supplementary guidance and documents are of particular importance in the assessment of this application:
- Developer Contributions Supplementary Guidance April 2016
 - Flood Risk and Flood Risk Assessments – Developer Guidance June 2014
 - Perth and Kinross Council Corporate Plan 2013-2018
 - Perth and Kinross Community Plan 2013/2023
 - Perth City Plan 2015-2016
 - Perth and Kinross Local Transport Strategy (2010)

- Perth's Transport Future Project: Phase 2 Cross Tay Link Road Preferred Route - Report by Depute Chief Executive, Environment (Sustainability, Strategic and Entrepreneurial Development) – 14 December 2016

PLANNING SITE HISTORY

- 18 The following are of particular importance as the proposed site once formed part of larger scale planning applications:

08/00678/IPM: Proposed mixed use development (residential, education, leisure, offices) at land adjacent to Huntingtower and Ruthvenfield (known as Almond Valley Village). Application refused by Development Management Committee 4 January 2012.

10/00005/PAN: Proposal of Application Notice for mixed use (residential, retail, business, industrial) development. Content of PAN approved 7 May 2010.

14/00011/PAN: Proposal of Application Notice for mixed use (residential, education and community facilities) development at land adjacent to Huntingtower and Ruthvenfield (known as Almond Valley Village). Content of PAN approved 13 October 2014

16/00012/PAN: Proposal of Application Notice for erection of high school with pitches and multi-use games area at land north of Bertha Park development. Content of PAN approved 15 November 2016.

17/00198/FLM: Erection of school, biomass/energy plant, formation of playground areas, sports pitches, landscaping, car parking, vehicular accesses and associated works at Bertha Park, Perth. Application approved by Development Management Committee 25 May 2017

CONSULTATIONS

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

External

- Scottish Environmental Protection Agency (SEPA)
- Scottish Natural Heritage (SNH)
- Scottish Water
- Transport Scotland
- Historic Environment Scotland
- Perth and Kinross Heritage Trust (PKHT)
- Health and Safety Executive(HSE)
- Methven Community Council

Internal

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

KEY ISSUES AGAINST WHICH A FUTURE APPLICATION WILL BE ASSESSED

20 The key considerations against which the eventual application will be assessed Includes:

- a. Visual Impact
- b. Scale, Design and Layout
- c. Relationship to nearby land uses
- d. Natural Heritage and Ecology
- e. Townscape and Landscape
- f. Water resources and soils
- g. Air Quality
- h. Noise
- i. Transport Implications
- j. Archaeology
- k. Flood Risk
- l. Drainage

ADDITIONAL STATEMENTS WHICH WILL BE REQUIRED

21 Following the EIA Screening exercise, it is anticipated that the EIA will provide an assessment of the following subject matters:

- Ecology including Protected Species
- Air Quality
- Noise
- Ground Conditions including Contaminated Land
- Transport and Access
- Townscape, Landscape and Visual
- Flood Risk and Drainage
- Archaeology

22 In addition to the EIA, the following supporting documents will need to be submitted with any planning application:

- Planning Statement
- Design and Access Statement
- Pre-Application Consultation (PAC) Report
- Tree Survey
- Sustainability Assessment

CONCLUSION AND RECOMMENDATION

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

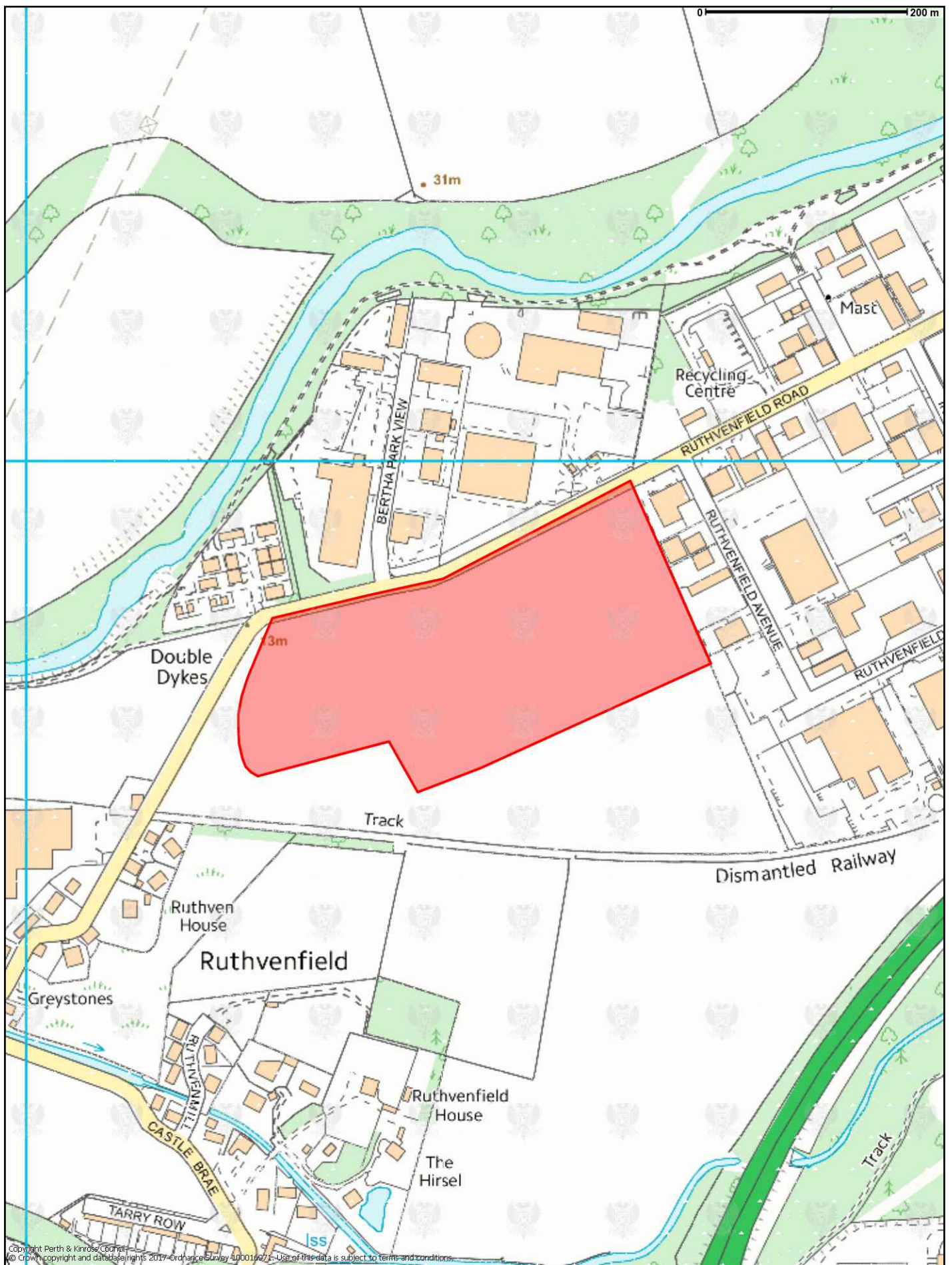
Background Papers: None
Contact Officer: Steve Callan – Ext 75337
Date: 21 June 2017

Nick Brian
Interim Head of Planning

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Development Management Committee

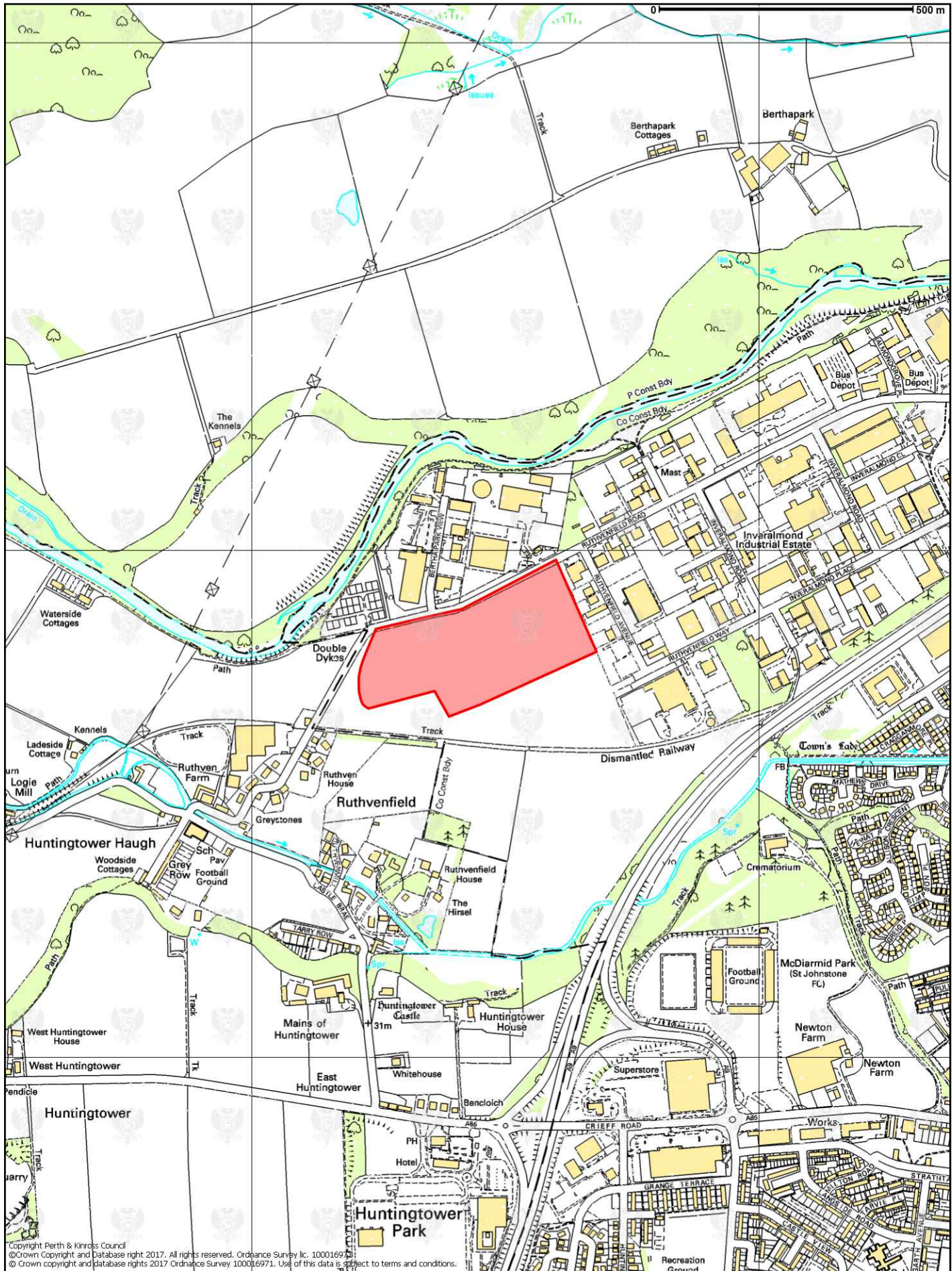


Scale 1:5000

17/0004/PAN

Commercial development (classes 1, 3, 4, 5, 6 and car showroom sui generis), landscaping, vehicular access and associated works at Land South of Target House, Ruthvenfield Road, Perth





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Development Management Committee



17/0004/PAN

Commercial development (classes 1, 3, 4, 5, 6 and car showroom sui generis), landscaping, vehicular access and associated works at Land South of Target House, Ruthvenfield Road, Perth



Perth and Kinross Council
Development Management Committee – 5 July 2017
Pre-Application Report by Interim Head of Planning

Residential development, demolition of buildings, formation of open space, landscaping, car parking, vehicular access and associated works at former Murray Royal Hospital, Muirhall Road, Perth

Ref. No: 17/00005/PAN
Ward No: P12 Perth City Centre

Summary

This report is to inform the Committee of a potential forthcoming planning application in respect of a major development for residential development, demolition of buildings, formation of open space, landscaping, car parking, vehicular access and associated works at former Murray Royal Hospital, Muirhall Road, Perth. The report also aims to highlight the key planning policies, the likely stakeholders who would be involved in the decision making process and to offer a brief overview of the key planning issues which are likely to be relevant to the proposal.

BACKGROUND AND DESCRIPTION

- 1 In accordance with the provisions of the Town & Country Planning (Scotland) Act 1997 as amended, the applicants submitted a Proposal of Application Notice on 26 January 2016. The purpose of this report is to inform the Development Management Committee of a forthcoming planning application in respect of a major development for residential development, demolition of buildings, formation of open space, landscaping, car parking, vehicular access and associated works at former Murray Royal Hospital, Muirhall Road, Perth. Pre-application reports give the Committee an opportunity to raise issues which it would like to see addressed in the planning application.
- 2 The application site totals 8.83 hectares and is located to the east of the River Tay in Perth's Left Bank and within the mainly residential Bridgend district of the city. A hospital has been present on the site since 1827 and new hospital facilities were built adjacent to the application site in 2010-2012, with the hospital buildings within the application site becoming vacant in 2014. The site is currently not in active use.
- 3 Within the application site are a number of now redundant medical buildings, an internal road network and elements of parkland setting associated with the wider Murray Royal Hospital site. The proposed new build residential development would be located within the mature landscape setting created as part of the wider Murray Royal Hospital site.

- 4 Vehicular access to the application site is achieved via Muirhall Road. Pedestrian access is achieved through a number of official and unofficial access points around the application site boundary.
- 5 The site is not allocated for any particular use within the adopted Perth and Kinross Local Development Plan (LDP) 2014 but is within the Perth City settlement boundary and is classed as 'white land'.
- 6 This proposal of application notice (PAN) seeks to formally establish new build residential development, demolition of buildings, formation of open space, landscaping, car parking, vehicular access and associated works at former Murray Royal Hospital. The applicant has provided an indicative number of 70 new build dwellings and because the intention is to submit an 'In Principle' application for this, the exact design of the development will be arrived during further discussions and subsequent detailed applications. There is an associated PAN (17/00006/PAN) for conversion of the listed buildings within the grounds of the former Hospital, also included in this agenda.

ENVIRONMENTAL IMPACT ASSESSMENT

- 7 Due to the scale of the proposal it was previously determined (14/00716/SCRN) that an Environmental Impact Assessment (EIA) will be required to be submitted with any planning application. A scoping request (17/00924/SCOP) has been submitted by the applicant and is currently being assessed.

PRE-APPLICATION PROCESS

- 8 The Proposal of Application Notice (reference 17/00001/PAN) outlined a public exhibition will be held at the former chapel at Murray Royal Hospital on 22 June 2017. The Ward Councillors and Bridgend, Gannochy and Kinnoull Community Council have been notified. The results of the community consultation will be submitted with the renewal application as part of the required Pre-Application Consultation (PAC) Report.

NATIONAL POLICY AND GUIDANCE

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

National Planning Framework

- 10 The NPF3 is a long-term strategy for Scotland and is a spatial expression of the Government's Economic Strategy and plans for development and investment in infrastructure. Under the Planning etc (Scotland) Act 2006 this is

now a statutory document and material consideration in any planning application. The document provides a national context for development plans and planning decisions as well as informing the on-going programmes of the Scottish Government, public agencies and local authorities.

The Scottish Planning Policy 2014

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

- Sustainability : paragraphs 24 - 35
- Placemaking : paragraphs 36 – 57
- Enabling Delivery of New Homes: paragraphs 109 – 134
- Valuing the Historic Environment: paragraphs 135 - 151
- Valuing the Natural Environment : paragraphs 193 – 218
- Maximising the Benefits of Green Infrastructure: paragraphs 219 – 233
- Managing Flood Risk and Drainage: paragraphs 254 – 268
- Promoting Sustainable Transport and Active Travel : paragraphs 269 – 291

12 The following Scottish Government Planning Advice Notes (PAN) and Guidance are likely to be of relevance to the proposal:

- PAN 2/2011 Planning and Archaeology
- PAN 3/2010 Community Engagement
- PAN 40 Development Management
- PAN 51 Planning, Environmental Protection and Regulation
- PAN 61 Planning and Sustainable Urban Drainage Systems
- PAN 67 Housing Quality
- PAN 68 Design Statements
- PAN 69 Planning and Building standards Advice on Flooding
- PAN 75 Planning for Transport
- PAN 77 Designing Safer Places
- Designing Places 2001
- Designing Streets 2010
- National Roads Development Guide 2014

LOCAL POLICY AND GUIDANCE

TAYPlan Strategic Development Plan 2012-2032

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

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

- 14 The following sections of the TAYplan 2012 are of particular importance in the assessment of this application:
- Policy 1 – Location Priorities
 - Policy 2 – Shaping better quality places
 - Policy 3 – Managing TAYPlans Assets
 - Policy 5 – Housing

Perth and Kinross Local Development Plan 2014

- 15 The Local Development Plan 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.
- 16 The LDP sets out a vision statement for the area and states that:
“Our vision is of a Perth and Kinross which is dynamic, attractive and effective which protects its assets whilst welcoming population and economic growth.”
- 17 Under the LDP, the following policies are of particular importance in the assessment of this application:
- PM1 – Placemaking
 - PM2 – Design Statements
 - PM3 – Infrastructure Contributions
 - RD1 – Residential Areas
 - RD4 – Affordable Housing
 - TA1 – Transport Standards and Accessibility Requirements
 - CF1 – Open Space Retention and Provision
 - CF2 – Public Access
 - CF3 – Social and Community Facilities
 - HE2 – Listed Buildings
 - NE2 – Forestry, Woodland and Trees
 - NE3 – Biodiversity
 - NE4 – Green Infrastructure
 - EP1 – Climate Change, Carbon Reduction and Sustainable Construction
 - EP2 – New Development and Flooding
 - EP3 – Water Environment and Drainage
 - EP11 – Air Quality Management Areas

OTHER GUIDANCE

- 18 The following supplementary guidance and documents are of particular importance in the assessment of this application:
- Developer Contributions Supplementary Guidance April 2016
 - Flood Risk and Flood Risk Assessments – Developer Guidance June 2014
 - Perth and Kinross Council Corporate Plan 2013-2018
 - Perth and Kinross Community Plan 2013/2023
 - Perth City Plan 2015-2016
 - Perth and Kinross Local Transport Strategy (2010)
 - Perth's Transport Future Project: Phase 2 Cross Tay Link Road Preferred Route - Report by Depute Chief Executive, Environment (Sustainability, Strategic and Entrepreneurial Development) – 14 December 2016

PLANNING SITE HISTORY

- 19 The site has extensive planning history and the following is of particular importance:

02/02039/FUL: Alterations and extension to Isla and Erich wards. Approved under delegated powers 20 January 2003.

06/02346/OUT: Erection of additional mental health facilities (in outline). Approved by Development Management Committee 22 February 2007.

06/02356/OUT: Proposed residential development (in outline). Application withdrawn 26 February 2007.

08/02078/OUT: Erection of additional mental health facilities (in outline). Approved by Development Management Committee 24 December 2008.

09/01691/AMM: Erection of new mental health facility to replace existing hospital. Approved by Development Management Committee 14 January 2010.

09/01695/LBC: Demolition of existing listed villa buildings (Elcho and Birnam Wards). Refused by Development Management Committee 28 January 2010.

11/01358/LBC: Demolition of kitchen and dining extension (to north east of main building). Approved under delegated powers 27 September 2011.

14/00716/SCRN: EIA Screening requested for residential and hotel accommodation. Screening confirmed that EIA will be required 14 May 2014

17/00006/PAN: Proposal of Application Notice for conversion of the listed buildings into residential use. Content of PAN approved 31 May 2017

17/00924/SCOP: EIA Scoping request submitted 26 May 2017. Currently undergoing assessment

CONSULTATIONS

20 As part of the planning application process the following would be consulted:

External

- Scottish Environmental Protection Agency (SEPA)
- Scottish Natural Heritage (SNH)
- Scottish Water
- Transport Scotland
- Historic Environment Scotland
- Bridgend, Gannochy and Kinnoull Community Council

Internal

- Environmental Health
- Biodiversity Officer
- Strategic Planning and Policy
- Developer Negotiations Officer
- Conservation Planning
- Community Greenspace including Access
- Transport Planning
- Structures and Flooding
- Waste Services

KEY ISSUES AGAINST WHICH A FUTURE APPLICATION WILL BE ASSESSED

21 The key considerations against which the eventual application will be assessed Includes:

- a. Visual Impact
- b. Scale, Design and Layout
- c. Relationship to nearby land uses
- d. Natural Heritage and Ecology
- e. Townscape and Landscape
- f. Water resources and soils
- g. Air Quality

- h. Transport Implications
- i. Cultural Heritage
- j. Flood Risk
- k. Drainage

ADDITIONAL STATEMENTS WHICH WILL BE REQUIRED

22 It is anticipated that the EIA will provide an assessment of the following subject matters:

- Ecology
- Cultural Heritage
- Air Quality
- Ground Conditions
- Transport and Access
- Townscape, Landscape and Visual
- Flood Risk and Drainage

23 In addition to the EIA, the following supporting documents will need to be submitted with any planning application:

- Planning Statement
- Design and Access Statement
- Pre-Application Consultation (PAC) Report
- Tree Survey
- Sustainability Assessment

CONCLUSION AND RECOMMENDATION

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

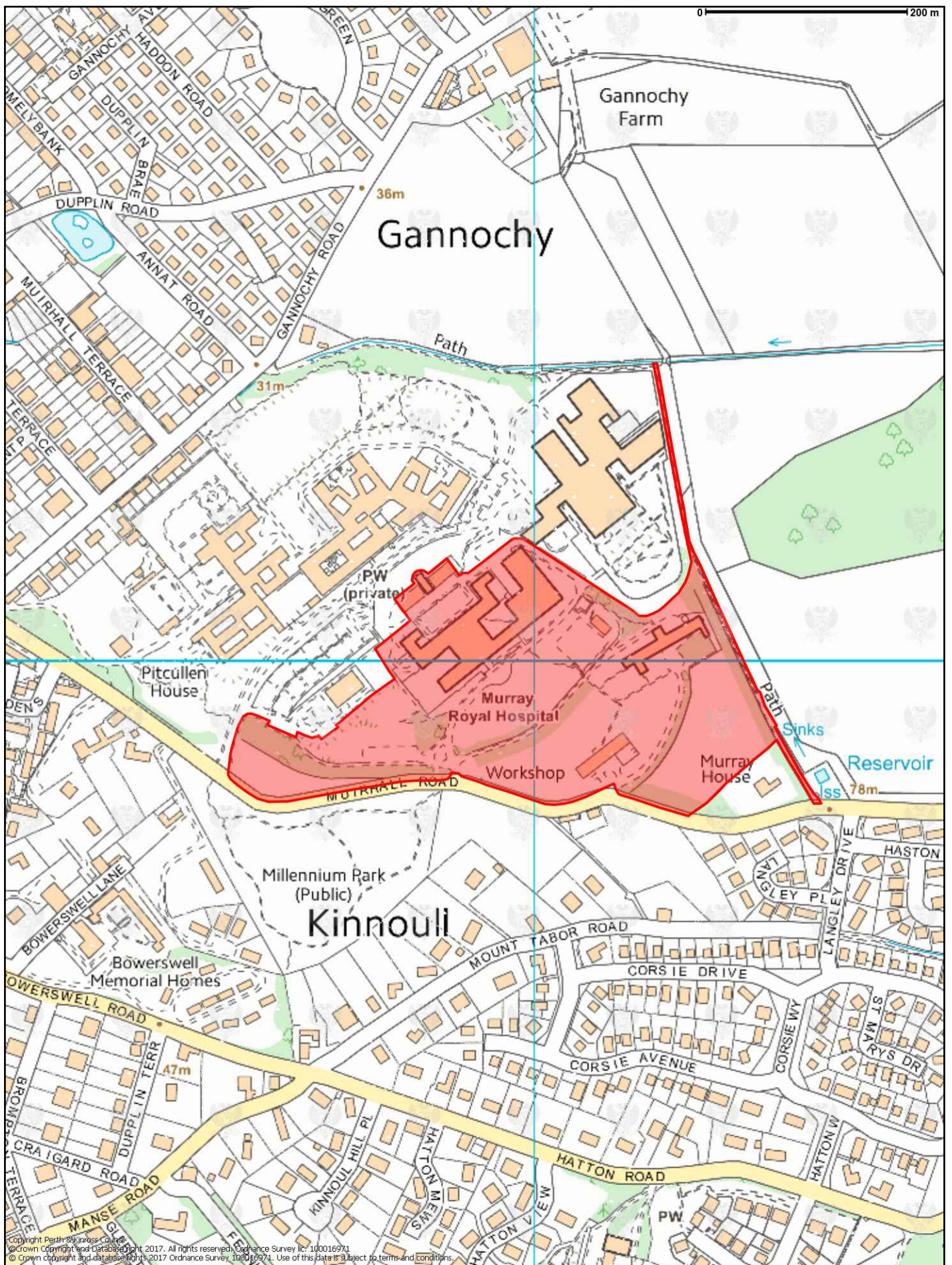
Background Papers: None
Contact Officer: Steve Callan – Ext 75337
Date: 21 June 2017

Nick Brian
Interim Head of Planning

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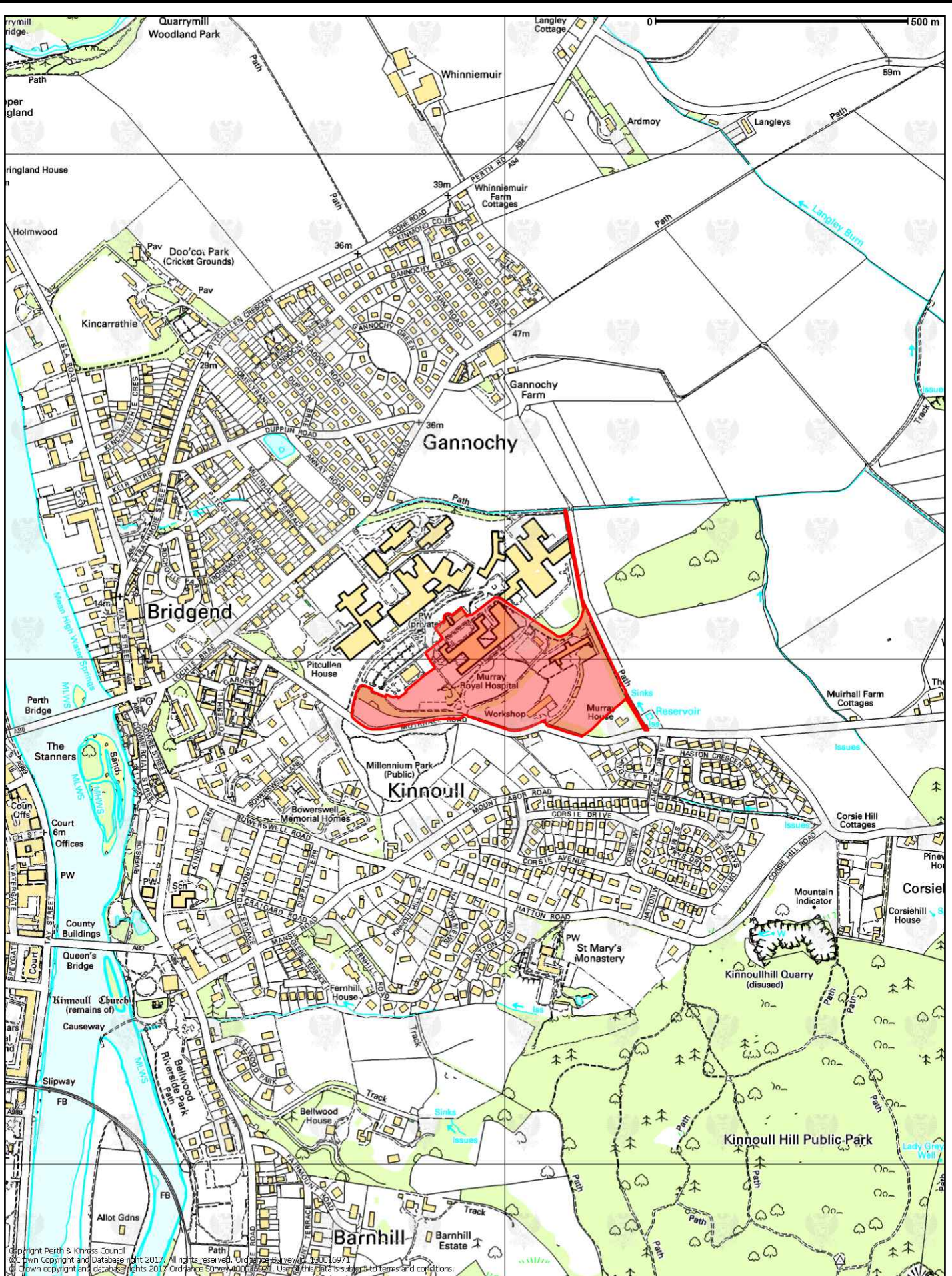
Development Management Committee



17/0005-PAN

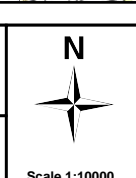
Residential development, demolition of buildings, formation of open space, landscaping, car parking, vehicular access and associated works at Former Murray Royal Hospital, Muirhall Road, Perth





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Development Management Committee



17/0005-PAN

Residential development, demolition of buildings, formation of open space, landscaping, car parking, vehicular access and associated works at Former Murray Royal Hospital, Muirhall Road, Perth



Perth and Kinross Council
Development Management Committee – 5 July 2017
Pre-Application Report by Interim Head of Planning

Change of use and alterations to listed buildings to form residential units, demolition of buildings, formation of open space, landscaping, car parking, vehicular access and associated works at former Murray Royal Hospital, Muirhall Road, Perth.

Ref. No: 17/00006/PAN
Ward No: P12 Perth City Centre

Summary

This report is to inform the Committee of a potential forthcoming planning application in respect of a major development for a change of use and alterations to listed buildings to form residential units, demolition of buildings, formation of open space, landscaping, car parking, vehicular access and associated works at former Murray Royal Hospital, Muirhall Road, Perth. The report also aims to highlight the key planning policies, the likely stakeholders who would be involved in the decision making process and to offer a brief overview of the key planning issues which are likely to be relevant to the proposal.

BACKGROUND AND DESCRIPTION

- 1 In accordance with the provisions of the Town & Country Planning (Scotland) Act 1997 as amended, the applicants submitted a Proposal of Application Notice on 26 January 2016. The purpose of this report is to inform the Development Management Committee of a forthcoming planning application in respect of a major development for a change of use and alterations to listed buildings to form residential units, demolition of buildings, formation of open space, landscaping, car parking, vehicular access and associated works and associated works at former Murray Royal Hospital, Muirhall Road, Perth. Pre-application reports give the Committee an opportunity to raise issues which it would like to see addressed in the planning application.
- 2 The application site totals 8.83 hectares and is located to the east of the River Tay in Perth's Left Bank and within the mainly residential Bridgend district of the city. A hospital has been present on the site since 1827 and new hospital facilities were built adjacent to the application site in 2010-2012, with the hospital buildings within the application site becoming vacant in 2014. The site is currently not in active use.
- 3 Within the application site are a number of now redundant medical buildings, an internal road network and elements of parkland setting associated with the wider Murray Royal Hospital site. The proposed development seeks to change the use, alter and refurbish the main A listed building and the former Elcho and Birnam Wards (C listed) to form a residential development, selective demolition of buildings, open space, landscaping, infrastructure (including access and car parking) and associated works.

- 4 The key internal changes proposed for the A listed building are to divide the building into residential flats, retaining many of the internal features and key aspects of the original layout. Key external changes proposed for the building are to remove the more recent accretions/extensions.
- 5 The key internal changes proposed for the Category C listed buildings are to divide the building into flats. Key external changes proposed for these buildings are to remove the fire escapes.
- 6 The Category B listed Chapel would be retained as a communal building and be maintained long term by the management company. No external changes are proposed for this building and key internal changes proposed are currently under consideration.
- 7 Vehicular access to the application site is achieved via Muirhall Road. Pedestrian access is achieved through a number of official and unofficial access points around the application site boundary.
- 8 The site is not allocated for any particular use within the adopted Perth and Kinross Local Development Plan (LDP) 2014 but is within the Perth City settlement boundary and is classed as 'white land'. There is an associated PAN (17/00005/PAN) for the proposed new build dwellings within the grounds of the former Hospital, also on this agenda.

ENVIRONMENTAL IMPACT ASSESSMENT

- 9 Due to the scale of the proposal it was previously determined (14/00716/SCRN) that it an Environmental Impact Assessment (EIA) will be required to be submitted with any planning application. A scoping request (17/00924/SCOP) has been submitted by the applicant and is currently being assessed.

PRE-APPLICATION PROCESS

- 10 The Proposal of Application Notice (reference 17/00001/PAN) outlined a public exhibition will be held at the former chapel at Murray Royal Hospital on 22 June 2017. The Ward Councillors and Bridgend, Gannochy and Kinnoull Community Council have been notified. The results of the community consultation will be submitted with the renewal application as part of the required Pre-Application Consultation (PAC) Report.

NATIONAL POLICY AND GUIDANCE

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

National Planning Framework

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

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

- Sustainability : paragraphs 24 - 35
- Placemaking : paragraphs 36 – 57
- Enabling Delivery of New Homes: paragraphs 109 – 134
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- PAN 3/2010 Community Engagement
- PAN 40 Development Management
- PAN 51 Planning, Environmental Protection and Regulation
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LOCAL POLICY AND GUIDANCE

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

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

- 16 The following sections of the TAYplan 2012 are of particular importance in the assessment of this application:

- Policy 1 – Location Priorities
- Policy 2 – Shaping better quality places
- Policy 3 – Managing TAYPlans Assets
- Policy 5 – Housing

Perth and Kinross Local Development Plan 2014

- 17 The Local Development Plan 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.

- 18 The LDP sets out a vision statement for the area and states that:
“Our vision is of a Perth and Kinross which is dynamic, attractive and effective which protects its assets whilst welcoming population and economic growth.”

- 19 Under the LDP, the following policies are of particular importance in the assessment of this application:

- PM1 – Placemaking
- PM2 – Design Statements
- PM3 – Infrastructure Contributions
- RD1 – Residential Areas
- RD4 – Affordable Housing
- TA1 – Transport Standards and Accessibility Requirements
- CF1 – Open Space Retention and Provision
- CF2 – Public Access
- CF3 – Social and Community Facilities
- HE2 – Listed Buildings
- NE2 – Forestry, Woodland and Trees
- NE3 – Biodiversity
- NE4 – Green Infrastructure

- EP1 – Climate Change, Carbon Reduction and Sustainable Construction
- EP2 – New Development and Flooding
- EP3 – Water Environment and Drainage
- EP11 – Air Quality Management Areas

OTHER GUIDANCE

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

- Developer Contributions Supplementary Guidance April 2016
- Flood Risk and Flood Risk Assessments – Developer Guidance June 2014
- Perth and Kinross Council Corporate Plan 2013-2018
- Perth and Kinross Community Plan 2013/2023
- Perth City Plan 2015-2016
- Perth and Kinross Local Transport Strategy (2010)
- Perth's Transport Future Project: Phase 2 Cross Tay Link Road Preferred Route - Report by Depute Chief Executive, Environment (Sustainability, Strategic and Entrepreneurial Development) – 14 December 2016

PLANNING SITE HISTORY

21 The site has extensive planning history and the following is of particular importance:

02/02039/FUL: Alterations and extension to Isla and Erich wards. Approved under delegated powers 20 January 2003

06/02346/OUT: Erection of additional mental health facilities (in outline). Approved by Development Management Committee 22 February 2007

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09/01691/AMM: Erection of new mental health facility to replace existing hospital. Approved by Development Management Committee 14 January 2010

09/01695/LBC: Demolition of existing listed villa buildings (Elcho and Birnam Wards). Refused by Development Management Committee 28 January 2010

11/01358/LBC: Demolition of kitchen and dining extension (to north east of main building). Approved under delegated powers 27 September 2011

14/00716/SCRN: EIA Screening requested for residential and hotel accommodation. Screening confirmed that EIA will be required 14 May 2014

17/00006/PAN: Proposal of Application Notice for conversion of the listed buildings into residential use. Content of PAN approved 31 May 2017

17/00924/SCOP: EIA Scoping request submitted 26 May 2017. Currently undergoing assessment

CONSULTATIONS

22 As part of the planning application process the following would be consulted:

External

- Scottish Environmental Protection Agency (SEPA)
- Scottish Water
- Transport Scotland
- Historic Environment Scotland
- Bridgend, Gannochy and Kinnoull Community Council

Internal

- Environmental Health
- Biodiversity Officer
- Strategic Planning and Policy
- Developer Negotiations Officer
- Conservation Planning
- Community Greenspace including Access
- Transport Planning
- Structures and Flooding
- Waste Services

KEY ISSUES AGAINST WHICH A FUTURE APPLICATION WILL BE ASSESSED

23 The key considerations against which the eventual application will be assessed Includes:

- a. Visual Impact
- b. Scale, Design and Layout
- c. Relationship to nearby land uses
- d. Natural Heritage and Ecology
- e. Townscape and Landscape
- f. Water resources and soils

- g. Air Quality
- h. Transport Implications
- i. Cultural Heritage

ADDITIONAL STATEMENTS WHICH WILL BE REQUIRED

24 It is anticipated that the EIA will provide an assessment of the following subject matters:

- Ecology
- Cultural Heritage
- Air Quality
- Ground Conditions
- Transport and Access
- Townscape, Landscape and Visual
- Flood Risk and Drainage

25 In addition to the EIA, the following supporting documents will need to be submitted with any planning application:

- Planning Statement
- Design and Access Statement
- Pre-Application Consultation (PAC) Report
- Tree Survey
- Sustainability Assessment

CONCLUSION AND RECOMMENDATION

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

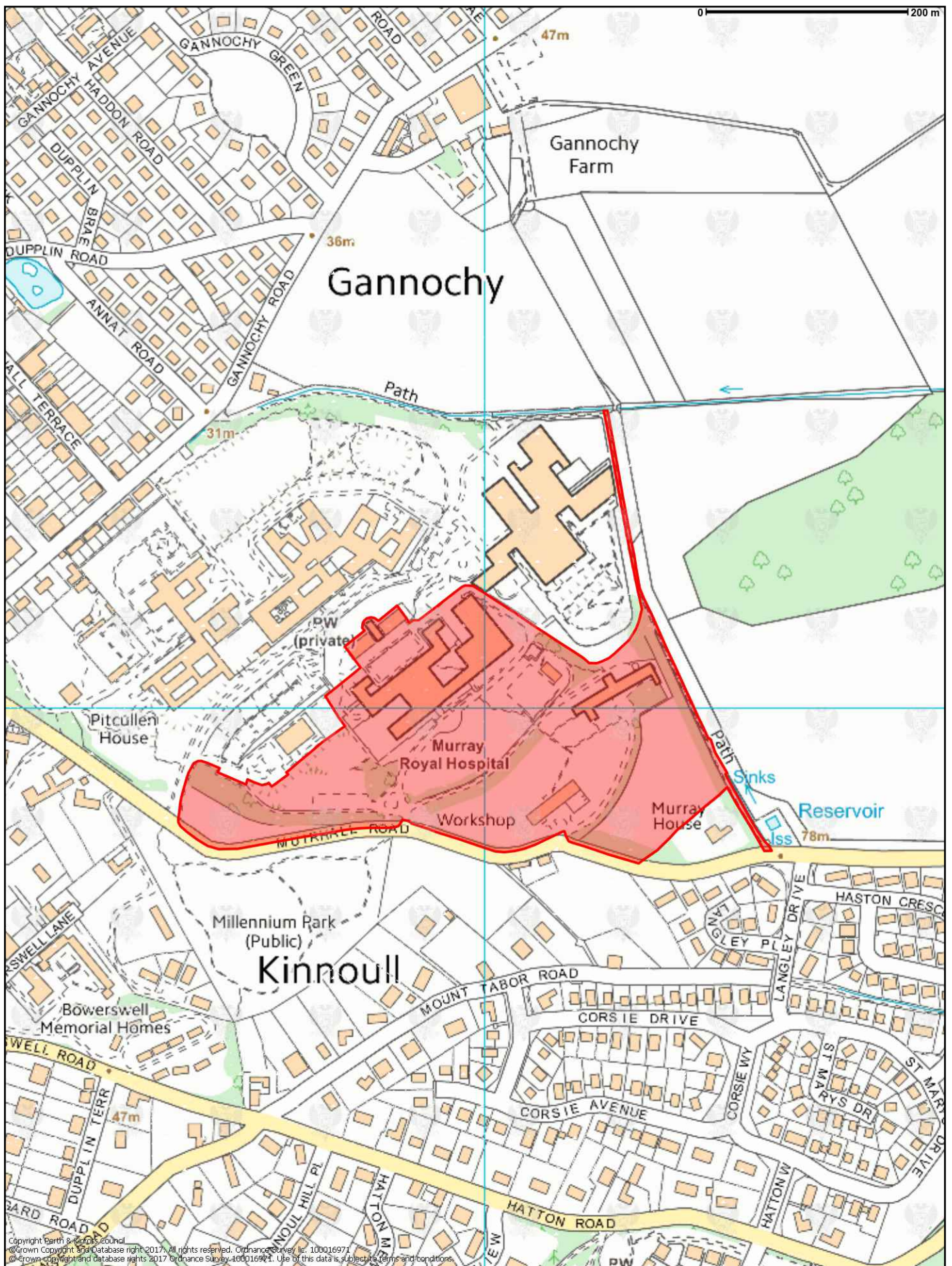
Background Papers: None
Contact Officer: Steve Callan – Ext 75337
Date: 21 June 2017

Nick Brian
Interim Head of Planning

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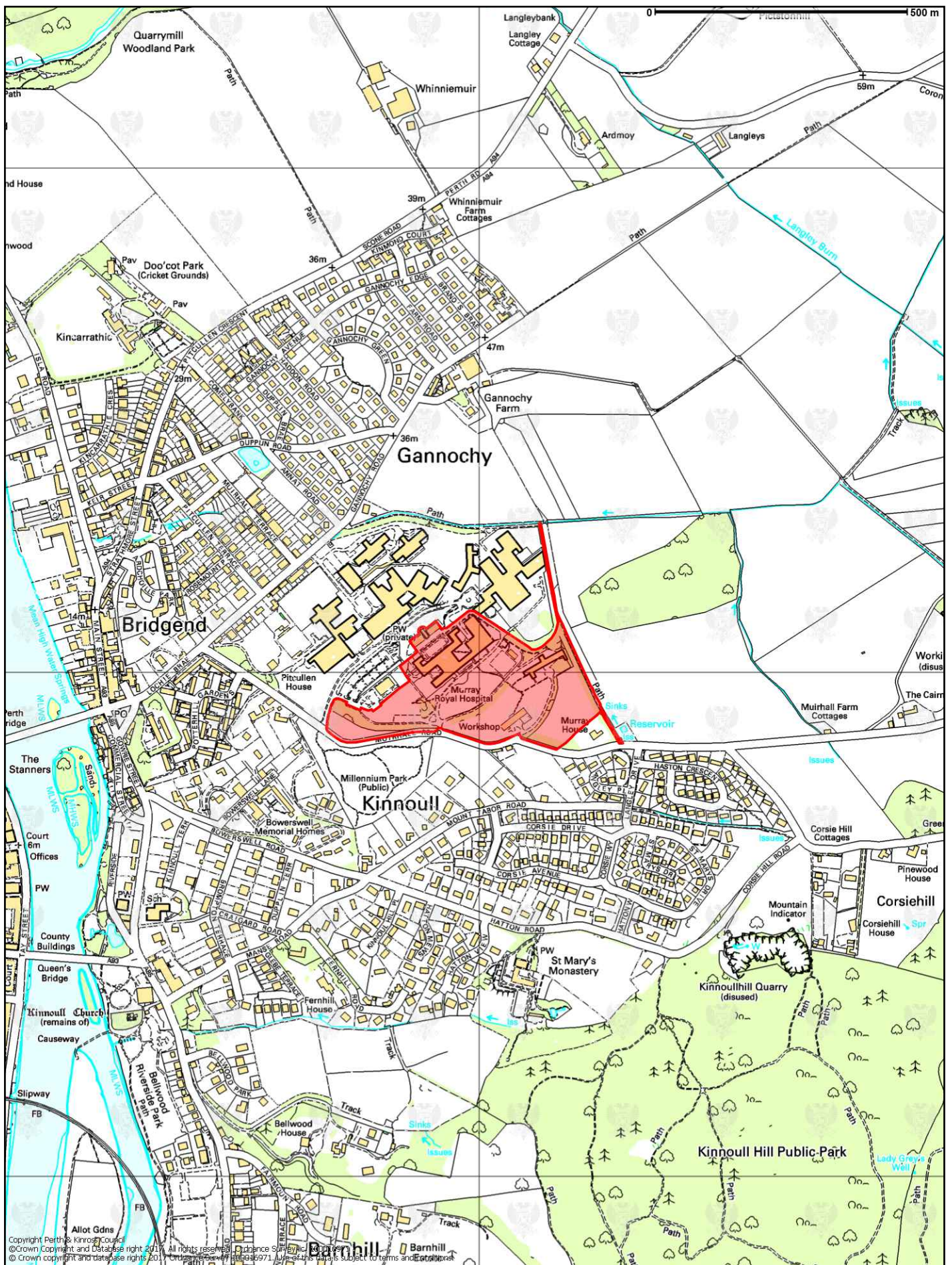
Development Management Committee



17/0006/PAN

Change of use and alterations to building to form residential units, demolition of buildings, formation of open space, landscaping, car parking, vehicular access and associated works at Former Murray Royal Hospital, Muirhall Road, Perth





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Development Management Committee

