

Perth and Kinross Council  
Development Management Committee – 30<sup>th</sup> August 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 hectare (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 around the western, northern and eastern perimeters, with a path network in the northern and eastern extents, including a raised bunded area on the western boundary
  - 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 16<sup>th</sup> May 2016 and outlined a public exhibition was to be held locally on 15<sup>th</sup> 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.

## **DEVELOPMENT PLAN**

### **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 onto 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 are 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. A follow up response was provided, clarifying that adequate parking provision had been provided within the development, following Council guidance.

### **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. It is worth clarifying at this stage that the housing numbers reflected in the site allocation is purely an indicative figure to satisfy housing land supply requirements for the wider LDP and does not necessarily reflect the fixed site capacity, which is borne out of detailed site layout designs, landscape capacity studies and site context appraisals. The 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 are 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
<b>Site Specific Developer Requirements</b>			
⇒ 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. . Not including the significant structural landscaping element of the peripheries, this site layout has been calculated at approximately 29 units per Ha, which is closely comparable to neighbouring residential areas, including a recent nearby development by the same applicant.
- 97 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.
- 98 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. As aforementioned and 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.

- 99 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**

- 100 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**

- 101 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.
- 102 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**

- 103 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.

- 104 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. 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. The Council's 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/or bond as appropriate.
- 107 Through the close proximity of existing play areas at Hatton Road and Glenalmond Road (for which the Planning Authority are seeking a £10,000 contribution towards), the proposed play area within the development is 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 The site specific developer requirements for the LDP allocation require development on the lower slopes, landscaping and the provision of woodland screen planting along the western and northern boundaries. 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. This, together with the proposed screen planting along the western and northern boundaries, with the wider public access benefits being proposed to the north, is considered to satisfactorily address the specific requirements for the site. Wider LDP aspirations for enhancement to the setting of the development and setting and increased public access opportunities are also achieved. . It has been considered appropriate however

to promote and secure the early planting of the outer landscape framework through condition (5 and 7) to realise immediate and quicker realisation of these benefits. The applicant has indicated in the submitted landscape proposals to also provide a bund within the screen planting area on the western boundary. It is however considered that the width of the area (in excess of 25 metres) and the planting proposed is sufficient and therefore this addition would not be necessary. Furthermore, any bund of a significant height could cause an overbearing effect on existing and proposed properties with the possible loss of sun and day light to these properties. It is for these reasons recommended that this does not form part of any approved scheme.

- 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 Concerns have been raised about vehicle parking in and around the primary school; however, it is not considered that this would be exacerbated by this development. The development is within reasonable walking distance of the school for pupils and parents to walk or cycle, being approximately 300 metres north of Rattray Primary School. 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, to maximise non-vehicular travel to school. It is accepted that a restriction on the use of cars to drop off pupils cannot be enforced through any permission granted here.
- 117 A detailed parking layout plan was produced by the applicant that clearly demonstrates that the Council's parking guidelines are being fully satisfied. Through the guidelines, 479 spaces would be required as a result of both the house types proposed and the 217 units overall. In total 493 parking spaces have been identified to be proposed and all are considered deliverable.
- 118 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**

- 119 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**

- 120 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 Ha 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.
- 121 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 considered to be integrated within the site by the developer, 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 six detached plots with a useable rear garden ground below the 100 square metres (sqm) generally pursued (93sqm). It has however been accepted this relates to a minor proportion of the proposed detached house types. In addition the more modest house types including semi-detached and terraced properties do not generally achieve a rear garden area of 100sqm in these cases; there is currently no established guidance on a minimum rear garden ground for anything other than detached properties. 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. In general terms, the associated open space appropriately reflects the wider plot proportion split, with the built development footprint around 30% of the overall plot. The private garden ground proposed within this layout is considered adequate to cater for occupants needs within the associated house type.
- 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. Whilst the detailed proposals identify 57 units in addition to that referred to in the LDP site allocation, this figure was arrived at through a number of detailed considerations including a site capacity assessment, which was not undertaken at the time of producing the LDP. There is not therefore 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.

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 working on a Sunday.

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 (including 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.

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

- 6 In association with condition 5, and notwithstanding the details on Drawing No. SP005.16 SL-01 Revision D, prior to the commencement of development additional detailed landscape drawings shall be submitted for further written approval by the Planning Authority which should include the deletion of the bund in the western boundary screen planting. Once approved, the landscaping elements shall be implemented in accordance with the delivery plan.

Reason: In the interests of visual amenity and 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 and 6, 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 Prior to the commencement of development, an onsite signage strategy for the direction and routes through the site to the identified public recreational access areas within the northern and eastern extents of the site, shall be submitted for further written approval prior to the Planning Authority. The strategy shall include details for the timing and delivery of the scheme and shall thereafter be provided in accordance with the approved details.

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.

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.

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.

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

- 19 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.

- 20 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.

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

- 21 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.

- 22 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.

- 23 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.

- 24 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: 17 August 2017

**Nick Brian**  
**Interim Head of Planning**

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