

Perth and Kinross Council  
Planning and Placemaking Committee – 5 June 2024  
Report of Handling by Strategic Lead - Economy, Development and Planning  
(Report No. 24/166)

<b>PROPOSAL:</b>	Erection of 209 dwellinghouses, formation of SUDS, landscaping and associated works (approval of matters specified in conditions of 15/01237/IPM) (LDP site MU7)
<b>LOCATION:</b>	Land 300 Metres South West of Tighnacaille, Broich Road, Crieff

Ref. No: [23/01167/AMM](#)  
Ward No: P6- Strathearn

### Summary

This report recommends approval of a Matters Specified in Conditions (AMSC) application related to residential Phases 5-6 of the MU7 mixed-use development, allocated in LDP2. The application proposes details for the development of 209 dwellings within the phases, together with landscaping, SUDS, and other associated works. This Report concludes that the proposal is consistent with the Development Plan, the existing Planning Permission in Principle (PPP) (Ref: 15/01237/IPM) and other relevant material planning considerations.

### BACKGROUND AND DESCRIPTION OF PROPOSAL

- 1 The proposed site forms part of the MU7 allocation in the Perth and Kinross Local Development Plan (2019) (LDP2). The LDP2 allocation totals an area of 47 hectares (ha), with the indicative range of 409-639 residential units and 5 ha of employment land.
- 2 Planning Permission in Principle (PPP) was granted for the entire allocation in December 2015 (15/01237/IPM) and again in June 2018 (18/02213/IPM), which was subject to planning conditions, including an Approval of Matters Specified by Condition (AMSC) requiring detailed layout and design detail for each phase. A masterplan was submitted with the PPP application indicating 400+ units in total for all residential phases, with 5 ha of employment land; however, the residential figures were indicative and not approved.
- 3 This proposed site forms Phases 5 and 6 of residential development and extends to approximately 7.62ha. The site is located on the southern edge of Crieff, within the settlement boundary. It is currently used as agricultural land and is reasonably flat with a slight fall as you move south. It is bounded by the B8062

Broich Road to the north with Crieff Primary School and Strathearn Community Campus immediately across the road; to the east is further agricultural land that includes the site of a Scheduled Monument; to the west is the tree-lined access road for Broich House with the ongoing residential development by Ogilvie Homes beyond. To the south and south-west is woodland with a path to the River Earn with further agricultural land beyond.

- 4 Two vehicular accesses will be formed onto Broich Road, which will be widened to 6m to accommodate the additional traffic movements created by the development. Additional connections will be provided to the site to the west, to the access road for Broich House, and to the south-west of the site.
- 5 The majority of the houses are oriented to face a road or areas of open space, with the units on the eastern edge of the site taking advantage of the open outlook over the Scheduled Monument. Landscaping will be provided around the site boundaries with the SUDS and associated pond/basin located in the southern corner.
- 6 Of the 209 residential units proposed, 157 will be for sale and 52 affordable homes. These dwellings comprise a mix of detached, semi-detached, terraces and flats. The numbers and tenure mix are:
  - 32 x two-bedroom flats;
  - 15 x two-bedroom terraced houses;
  - 22 x three-bedroom terraced houses;
  - 55 x three-bedroom semi-detached houses;
  - 22 x three-bedroom semi-detached houses with a study;
  - 35 x three-bedroom detached houses; and
  - 28 x three-bedroom detached houses with a study.
- 7 All of the units will have access to a private external amenity area and be finished with smooth white or pale render, with a brown or grey facing brick basecourse and terracotta or grey roof tiles. The doors and windows will be white UPVC.

### **Site History**

- 8 [14/00005/PAN](#) submitted on 28 August 2014 for Mixed use development including residential, compatible employment uses, areas of open space, amenity landscaping, formation of access roads, footpaths and cycleways, associated drainage works and ancillary facilities.
- 9 [15/01237/IPM](#) was approved on 9 December 2015 for Mixed use development including residential, compatible employment uses, areas of open space, amenity landscaping, formation of access roads, footpaths and cycleways, associated drainage works and ancillary facilities.

- 10 [18/02213/IPM](#) was approved on 6 June 2019 for Application under Section 42 of the Town and Country Planning (Scotland) Act 1997 to amend condition 1 (timescales for submission of Approval of Matters Specified by Conditions applications) and condition 3 (phasing of development) of planning permission 15/01237/IPM (mixed use development including residential, compatible employment uses, areas of open space, amenity landscaping, formation of access roads, footpaths and cycle ways, associated drainage works and ancillary facilities (in principle)).
- 11 [19/01165/AMM](#) was approved on 8 March 2021 for Erection of 246 dwellinghouses, formation of vehicular accesses, play park, landscaping and associated works (approval of matters specified in conditions of 18/02213/IPM) (allocated site MU7)

### **PRE-APPLICATION CONSULTATION**

- 12 Pre application Reference: 22/00009/PREAPM
- 13 The scale of development proposed is classified as 'Major' in terms of the Town and Country Planning (Hierarchy of Developments) (Scotland) Regulations 2009. However, because the proposal is an AMSC application, further preapplication consultation (PAC) is not necessary beyond that already undertaken for PPP application.

### **DEVELOPMENT PLAN**

- 14 The Development Plan for the area comprises National Planning Framework 4 and the Perth and Kinross Local Development Plan 2 (2019), along with its associated statutory supplementary guidance.

#### **National Planning Framework 4**

- 15 The National Planning Framework 4 (NPF4) is the Scottish Government's long-term spatial strategy with a comprehensive set of national planning policies. This strategy sets out how to improve people's lives by making sustainable, liveable and productive spaces.
- 16 NPF4 was adopted on 13 February 2023. NPF4 has an increased status over previous NPFs and comprises part of the statutory development plan.
- 17 The Council's assessment of this application has considered the following policies of NPF4:
- Policy 1: Tackling the Climate and Nature Crises
  - Policy 2: Climate Mitigation and Adaptation
  - Policy 3: Biodiversity
  - Policy 7: Historic Assets and Places

- Policy 13: Sustainable Transport
- Policy 14: Design, Quality and Place
- Policy 15: Local Living and 20 Minute Neighbourhoods
- Policy 16: Quality Homes
- Policy 18: Infrastructure First
- Policy 20: Blue and Green Infrastructure
- Policy 22: Flood Risk and Water Management

### **Perth and Kinross Local Development Plan 2019**

- 18 The Local Development Plan 2 (2019) (LDP2) sets out a vision statement for the area and states that, “Our vision is of a Perth and Kinross which is dynamic, attractive and effective which protects its assets whilst welcoming population and economic growth.” It is the most recent statement of Council policy and is augmented by Supplementary Guidance.
- 19 The principal relevant policies are, in summary;
- Policy 1A: Placemaking
  - Policy 1B: Placemaking
  - Policy 1D: Placemaking
  - Policy 2: Design Statements
  - Policy 5: Infrastructure Contributions
  - Policy 14B: Open Space Retention and Provision: Open Space within New Developments
  - Policy 20: Affordable Housing
  - Policy 25: Housing Mix
  - Policy 26A: Scheduled Monuments and Archaeology: Scheduled Monuments
  - Policy 26B: Scheduled Monuments and Archaeology: Archaeology
  - Policy 32: Embedding Low & Zero Carbon Generating Technologies in New Development
  - Policy 40A: Forestry, Woodland and Trees: Forest and Woodland Strategy
  - Policy 41: Biodiversity
  - Policy 42: Green Infrastructure
  - Policy 52: New Development and Flooding
  - Policy 53A: Water Environment and Drainage: Water Environment
  - Policy 53B: Water Environment and Drainage: Foul Drainage
  - Policy 53C: Water Environment and Drainage: Surface Water Drainage
  - Policy 53E: Water Environment and Drainage: Water Supply
  - Policy 56: Noise Pollution
  - Policy 58A: Contaminated and Unstable Land: Contaminated Land
  - Policy 60B: Transport Standards and Accessibility Requirements: New Development Proposals

## OTHER POLICIES

### Statutory Supplementary Guidance

- [Supplementary Guidance - Developer Contributions & Affordable Housing](#) (adopted in 2023)
- [Supplementary Guidance - Flood Risk and Flood Risk Assessments](#) (adopted in 2021)
- [Supplementary Guidance - Open Space Provision for New Developments](#) (adopted in 2021)
- [Supplementary Guidance - Placemaking](#) (adopted in 2020)

### PKC Non Statutory Guidance

- [Planning Guidance - Delivery of Development Sites](#)
- [Planning Guidance - Planning & Biodiversity](#)

## NATIONAL GUIDANCE

- 20 The Scottish Government expresses its planning policies through Planning Advice Notes, Creating Places, Designing Streets, National Roads Development Guide and a series of Circulars, in addition to NPF4.

### Planning Advice Notes

- 21 The following Scottish Government Planning Advice Notes (PANs) and Guidance Documents are of relevance to the proposal:
- PAN 40 Development Management
  - PAN 51 Planning, Environmental Protection and Regulation
  - PAN 61 Planning and Sustainable Urban Drainage Systems
  - PAN 68 Design Statements
  - PAN 69 Planning and Building standards Advice on Flooding
  - PAN 75 Planning for Transport

### Creating Places 2013

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

### Designing Streets 2010

- 23 Designing Streets is the policy statement in Scotland for street design and changes the emphasis of guidance on street design towards place-making and

away from a system focused upon the dominance of motor vehicles. It was created to support the Scottish Government's place-making agenda, alongside Creating Places.

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

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

### **CONSULTATIONS**

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

#### **External**

#### **Crieff Community Council**

- 26 The Community Council has submitted a number of observations. The main points raised are as follows:

- The ongoing requirement for the development of the employment land;
- Concern at lack of improvements to Broich Road;
- Tree species included in the landscape plans;
- Density; and
- Impact on healthy trees.

#### **Historic Environment Scotland**

- 27 An initial objection was received due to the impact of proposed fencing and walling, new trees, a surfaced path and a sloped area within the Scheduled Monument. Following the removal or amendment of these matters HES have withdrawn their objection.

#### **NHS**

- 28 Advise that the Health and Social Care Partnership is under pressure to meet significant rising demands. However, there are no site-specific requirements to contribute towards health care provision in the locality as this was not identified during the preparation of LDP2.

#### **Perth And Kinross Heritage Trust**

- 29 The site is within an area considered to be archaeologically sensitive. A condition is recommended to ensure a protection is installed around the Scheduled Monument.

### **Scottish Environment Protection Agency**

30 No objection to the proposal.

### **Scottish Water**

31 No objections to the proposal. There is sufficient capacity in the Turret Water Treatment Works to service the development. Scottish Water is unable to confirm capacity within the Crieff Waste Water Treatment Works and suggest the applicant completes a Pre-Development Enquiry Form for this purpose.

### **Internal**

#### **Biodiversity/Tree Officer**

32 Following the submission of revised plans, no objection to the proposal subject to conditions on landscaping and biodiversity enhancement and protection measures.

#### **Community Greenspace**

33 No objections. As there is no priority public open space within the development it is acceptable for the open space to be privately factored. A contribution of £26,079.03 is required for the ongoing maintenance and replacement of equipment at King George V Park.

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

33 No objection to the proposal.

#### **Development Contributions Officer**

34 No objection. An S.75 is required for the delivery of affordable housing (52 units) and a Primary Education Contribution (£5,164 per open market unit).

#### **Environmental Health (Contaminated Land)**

35 No objection subject to a condition requiring further investigations.

#### **Environmental Health (Noise/Odour)**

36 No objection subject to a condition requiring the implementation of noise mitigation measures.

#### **Structures And Flooding**

37 No objection subject to the provision of updated information on discharge rates and SUDS maintenance. This information has subsequently been submitted.

## Transportation And Development

38 No objections subject to conditions requiring the following:

- Provision of a crossing on Broich Road;
- A vehicular link to the western boundary;
- The detailed design of parking bays, surfacing materials and traffic calming measures within the site;
- Street lighting design;
- Wildlife kerbs; and
- A Construction Transport Management Scheme (CTMS)

## REPRESENTATIONS

39 One representation was received objecting to the development. The main issues raised within the representation are:

- Density is too high
- Detrimental impact on existing infrastructure and services
- Volume of traffic on Broich Road

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

## ADDITIONAL STATEMENTS

41

Screening Opinion	EIA Not Required
Environmental Impact Assessment (EIA): Environmental Report	Not Required (submitted as part of IPM)
Appropriate Assessment under Habitats Regulations	AA Not Required
Design and Access Statement	Submitted
Report on Impact or Potential Impact eg Flood Risk Assessment	Noise Impact Assessment; CEMP; Drainage Assessment; Archaeological Evaluation And Monitoring Report; Ground Investigation Report; Biodiversity Enhancement Plan; Preliminary Ecological Appraisal; Tree Survey; Transport Statement; Travel Plan; Air Quality Mitigation Report; Energy Statement; Statement of Community Benefit.



## **APPRAISAL**

- 42 Sections 25 and 37(2) of the Town & Country Planning (Scotland) Act 1997 (as amended) require the determination of the proposal to be made in accordance with the provisions of the Development Plan, unless material considerations indicate otherwise. The Development Plan comprises NPF4, the Perth and Kinross Local Development Plan 2019 and statutory supplementary guidance. The relevant policy considerations are outlined in the policy section above and are considered in more detail below.

### **Principle**

- 43 The principle of the proposal has been established through the site's allocation as MU7 in LDP2 for a mixed-use development, including residential. Planning permission in principle (PPP) has also been granted for the development of the wider site, with this area being approved for residential use, reflective of that LDP2 allocation.
- 44 In addition, an Approval of Matters Specified in Conditions (AMSC) has been granted for the detailed design for 246 houses on Phases 1-4 has already been granted and is substantially underway. This is the adjacent Ogilvie Homes development.
- 45 The principle of the development is thus considered acceptable, provided the proposals are compatible with the PPP and relevant policies of the development plan. This is assessed below.

### **Design and Layout**

- 46 Policy 14: Design, Quality and Place, Policy 15: Local Living and 20 Minute Neighbourhoods and Policy 16: Quality Homes of NPF4 are relevant; as are LDP2 Policy 1: Placemaking, Policy 14B: Open Space within New Developments, Policy 17: Residential Areas, Policy 25: Housing Mix and Policy 42: Green Infrastructure.
- 47 The layout broadly complies with the principles of the approved masterplan and seeks to provide a logical movement pattern through the site, with permeability provided to surrounding areas. The proposed layout provides an appropriate network of streets and open spaces, with the majority of the houses oriented to overlook these areas. The eastern edge of the site bounds the Broich Cursus Scheduled Monument (SM9135), which will remain undeveloped and the majority of the houses along this edge will be positioned to take advantage of the open outlook. The proposal provides a legible environment which connects the new housing effectively to the existing residential areas with an appropriate urban density.
- 48 NPF4 promotes compact urban growth with higher density development helping to sustain public transport and support local living and 20-minute

neighbourhoods. At 27 units per hectare, the development is of a slightly higher density than the earlier residential phases of the wider site. However, the layout is commensurate with the wider townscape of this area of Crieff, and the proposed density is an efficient use of land on an allocated site for residential development and is considered to be of a low density.

- 49 The development proposes an appropriate mix of flats, terraces, semi-detached and detached properties with two and three bedrooms. The proposed rear gardens all comply with the Council's minimum standards and will not compromise daylight or privacy of each other.
- 50 The heights of the proposed units reflect heights within the prevailing residential context, both in terms of the older existing residential areas to the north and that currently under construction in Phases 1-4. Proposed site levels and sections have been assessed and are considered satisfactory.
- 51 Overall, the proposed layout, design, heights, and materials are considered to comply with the Council's placemaking policies, providing a logical and coherent structure and hierarchy of streets, buildings and open space. This also appropriately considers the surrounding landscape character and amenity of the area. The proposals therefore are considered to accord with the terms of both the PPP and the relevant NPF4 and LDP2 policies.

### **Landscape and Visual Amenity**

- 52 A detailed Landscape and Visual Impact Assessment was submitted, as part of the PPP application. Phases 5-6 are broadly in line with the indicative PPP masterplan. The houses will be visible within the locality, particularly on Broich Road and the approach to Crieff from the east. The orientation of the units on the northern and eastern fringes, coupled with the proposed landscaping, will form a positive urban edge to the site.
- 53 The open space and landscaping proposed for the development is commensurate with the vision set out in the PPP masterplan. The site edges will be enhanced by the landscaping and supplementary planting, creating a pleasant environment for residents. Open space will be provided

### **Residential Amenity**

- 54 Residential amenity requires to be considered under NPF4 Policy 16: Quality Homes and LDP2 Policy 1: Placemaking and Policy 17: Residential Areas.

### **Privacy, Daylight and Overshadowing**

- 55 The location of the proposed dwellinghouses, relevant to both themselves and existing/approved residential properties is such that there will be no unacceptable loss of privacy or daylight or overshadowing.

## Noise

- 56 The applicant has submitted a Noise Impact Assessment (NIA) which has assessed the impact of noise associated with road traffic from Broich Road (B8062) and operational activities from the Crieff skatepark and Strathearn Community Campus (with bus park and Multi Use Games Area (MUGA)).
- 57 The noise impact due to road traffic noise from Broich Road within garden areas for the proposed development predicted that the majority of gardens are screened from road traffic noise due to intervening dwellings. However, the modelling predicted that noise levels within some gardens will require mitigation via closed boarding fencing at a height of 1.8m.
- 58 Modelling indicated that the predicted noise levels from road noise sources would meet the BS8233 and WHO internal noise criteria with windows partially open for ventilation.
- 59 However, predicted noise levels at the proposed dwellings overlooking Broich Road suggests that the criteria of 35dB<sub>LAeq,16h</sub> daytime and 30dB<sub>LAeq,8h</sub> nighttime can only be met with windows closed and these proposed properties will require further mitigation in the form of enhanced glazing and ventilation specifications.
- 60 The NIA also considered noise from the skate park and MUGA opposite the site. The assessment found that the dominant source of noise in the immediate locale was due to road traffic movements on Broich Road. Other nearby noise sources are much lower in comparison and so mitigation of road traffic noise should also satisfactorily reduce the potential noise impact of these other sources.
- 61 Environmental Health has no objections to the proposal subject to a condition (Condition 10) requiring the implementation of the recommendations and mitigation measures contained in the NIA.

## Air Quality and Dust Management

- 62 Air Quality modelling was undertaken as part of the wider PPP which predicted a slight worsening of impacts along the High Street corridor (Crieff's Air Quality Management Area (AQMA)). However, the maximum impact was of slight adverse impacts and Environmental Health had no objections subject to the submission of a scheme of mitigation being submitted with each approval of matters application.
- 63 In this regard, an Air Quality Mitigation Report has been submitted in support of this application. The report proposes potential mitigation measures to reduce impacts on air quality including dust and emissions during the operational phase of the development. Environmental Health has no objections to the proposal subject to a condition (Condition 11) requiring the implementation of the recommendations and mitigation measures contained in the Air Quality Mitigation Report.

- 64 As required by the PPP, the applicant has submitted a Construction Environmental Management Plan (CEMP). The CEMP has sections for emissions to air, noise, vibration and dust and for each section identifies control measures to be implemented throughout the construction stage of the development.
- 65 Environmental Health has confirmed that the submitted CEMP is acceptable and will be subject to a condition to ensure that its measures and recommendations are adhered to during the construction phase of the development (Condition 13).

#### Contaminated Land

- 66 The submitted Site Investigation Report suggests that ground gas monitoring is incomplete and therefore the ground gas risk cannot be determined until further monitoring has been carried out. As a result, it is appropriate to impose a condition (Condition 9) to ensure that this work is completed, and any recommendations implemented.

#### **Roads and Access**

- 67 It was detailed in the in-principle permission for the wider site that there would be improvements for Broich Road, including the widening of the carriageway to 6 metres. The applicant has confirmed that Broich Road will be widened to 6 metres along the frontage of the site and a condition is required to secure this requirement (Condition 3). In addition, the condition will require a toucan crossing, bus stop and shelter and a footpath on the south side of Broich Road.
- 68 The application proposes to create two new vehicle accesses onto Broich Road giving access to all 209 dwellinghouses, with a series of linked streets. The concept in the in-principle design showed that there would be vehicular connectivity between this site and the adjacent Ogilvie Homes site and the site to the north-west. The Ogilvie Homes site will provide a road stub to their boundary and the Persimmon site will offer a similar stub opposite allowing for these to be more formally connected in future and a condition is recommended to secure its delivery (Condition 4).
- 69 A strip of soft landscaping will be left along the eastern boundary of the site. It was initially proposed that a path would be provided in this area. However, an objection to that proposal was received from HES due to concerns with its impact on the Scheduled Monument. This area will now be left as amenity grassland allowing unrestricted views across the Scheduled Monument from the houses on the west of the site.
- 70 Transportation and Development has confirmed that they are satisfied with the proposals subject to the previously referred to with the addition of further conditions for roads design detailing (Condition 5), street lighting (Condition 6), and a Construction Traffic Management Scheme (Condition 8).

## **Drainage and Flooding**

- 71 A Drainage Assessment has been submitted in support of the application. Drainage and flooding mitigation for the site is required to be designed for a 1 in 200-year storm plus a 39% climate change allowance. The hydraulic modelling carried out shows that overland flows will be safely managed within the site roads network.
- 72 SUDS are incorporated in the form of an end of line detention basin and end of line swale, both of which will be located at the southern corner of the site.
- 73 SEPA has advised that they have no objections to the proposal. Flooding and Structures has offered no objections to proposal subject to an initial request for some clarifications and further information, which has now been submitted.
- 74 Overall, the proposal complies with NPF4 Policy 22: Flood Risk and Water Management and LDP2 Policy 52: New Development and Flooding and Policy 53: Water Environment and Drainage.

## **Waste Collection**

- 75 The PPP seeks to ensure appropriate waste and recycling provision is identified and secured as part of MSC applications. In this regard there is considered to be adequate provision proposed to accommodate requirements, satisfying the conditional terms of the PPP.

## **Cultural Heritage**

- 76 The Scheduled Monument 9135 (Broich Cursus) is located to the east of the proposed development, with part of it located within the eastern boundary of the site. As required by the PPP, the impact of the proposal on the Scheduled Monument and archaeology in the area must be examined.
- 77 The landscaping and layout along the eastern edge have been amended following an initial objection from HES, due to potential direct adverse impacts on the scheduled monument. This included proposals to erect fencing and walling, plant trees, create a surfaced path and a sloped area within the scheduled monument. These aspects have now been amended or removed from the scheme and HES have confirmed that they have now withdrawn their objection.
- 78 Perth and Kinross Heritage Trust (PKHT) has been consulted and also initially raised concerns about the impact of the proposal on the Scheduled Monument. However, as with HES, they have no objections to the amended proposal, subject to a condition requiring protective fencing to be erected to protect the Scheduled Monument during construction (Condition 12).
- 79 PKHT further advised that the entire proposed development site lies within an area that is considered to be archaeologically sensitive. An archaeological

evaluation has been carried out of the unscheduled area of the proposed development. The report has been submitted within the supporting documents; no significant material or physical evidence was uncovered during this work and as such there is no further recommendation for work within the evaluated unscheduled area.

- 80 Overall, the proposal is considered to comply with NPF4 Policy 7: Historic Assets and Places and LDP2 Policy 26: Scheduled Monuments and Archaeology.

### **Natural Heritage and Biodiversity**

- 81 In relation to natural heritage and biodiversity, NPF4 Policies 1: Tackling the Climate and Nature Crisis, 2: Climate Mitigation and Adaptation 3: Biodiversity and 20: Blue and Green Infrastructure, are relevant. In addition, LDP2 Policies 40 and 41 directly apply. In association several conditions attached to the PPP applications cover these issues.
- 82 A Preliminary Ecological Appraisal Report (PEAR) has been submitted as required by Condition 23 of the PPP. The PEAR was undertaken at the correct time of year and with the addition of further details provides adequate information to inform the development.
- 83 The surveys and detailed landscape proposals have been assessed by both the Council's Biodiversity Officer and Community Greenspace. The details are generally considered acceptable in terms of landscape and biodiversity value.
- 84 NPF4 Policy 3(b) requires that major developments to demonstrate that they will enhance biodiversity, so they are in a better state than without intervention, including future management. This should include significant enhancements following avoidance, mitigation, and compensation for all biodiversity loss. A Biodiversity Enhancement Plan (BEP) has been provided which makes a number of recommendations. A condition is required to ensure that the conclusions and recommended action points contained in the BEP are adhered to (Condition 18).

### **Low and Zero Carbon Generating Technologies**

- 85 LDP2 Policy 32 'Embedding Low and Zero Carbon Generating Technology in New Development' states that proposals for all new buildings will be required to demonstrate that at least 10% of the current carbon emissions reduction set by Scottish Building Standards will be met through the installation and operation of low and zero-carbon generating technologies. As this proposal includes the erection of a new building, consideration must be given to this requirement.
- 86 Further, NPF4 Policy 2 'Climate Mitigation and Adaptation' requires that development should be designed to reduce greenhouse gas emissions. The applicant has submitted an Energy Statement in support of the proposal. This Statement advises that this requirement will be met through measures including: the site layout being influenced by the need to maximize the opportunities for

solar gain and energy generation through solar panels; a fabric first approach to building, including high levels of insulation and air tightness and efficient integrated home appliances.

- 87 Overall, the proposed development will comply with the provisions of LDP2 Policy 32 and NPF4 Policy 2.

### **Developer Contributions**

- 88 NPF4 Policy 18: Infrastructure First and LDP2 Policy 5: Infrastructure Contributions requires consideration of the individual or cumulative impact of new development on infrastructure and facilities and to secure contributions to address this impact where the development exacerbates impacts or generates additional need.

- 89 A Section 75 Legal Agreement is required to secure the necessary infrastructure and associated contribution payments, covering the following subject areas:

- Affordable Housing provision
- Primary Education provision
- A contribution to the ongoing maintenance and replacement of equipment at King George V Park.

### Affordable Housing

- 90 NPF4 Policy 15: Local living and 20-minute Neighbourhoods and Policy 16: Quality Homes seek to encourage and facilitate the delivery of high quality, affordable and sustainable housing options. LDP2 Policy 20 requires an Affordable Housing contribution equivalent to 25% of the units being developed. It is confirmed that the full requirement (52 units) for this AMSC application will be delivered on-site. This provision will ensure the PPP and LDP2 requirements are met.

### Primary Education

- 91 Primary Education contribution of £810,748 is required to ensure there will be capacity within the adjacent Crieff Primary School. The contribution will be phased to ensure the objectives of the PPP, NPF4 Policy 18: Infrastructure First, LDP2 Policy 5 and Supplementary Guidance - Developer Contributions & Affordable Housing is met.

### Health Provision

- 92 The site is allocated in LDP2 and the National Health Service (NHS) were formally consulted during the plan-making process. However, neither the NHS nor the Perth & Kinross Health and Social Care Partnership (HSCP) advised that there were pressures related to health care provision in the locality and that

developer obligations were required. On this basis, no site-specific requirements to make contributions towards health care provision can be required at this time.

### **Economic Impact**

- 93 The impact to the local economy both during construction and occupation will be reasonably significant with additional available expenditure on local facilities and services.

### **PLANNING OBLIGATIONS AND LEGAL AGREEMENTS**

- 94 A Section 75 is required to deal with financial contributions and securing the delivery of primary education, affordable housing, transport infrastructure improvements, open space and play area provision and maintenance. Consent shall not to be issued until the Section 75 Agreement has been signed and registered to take account of this application. The legal agreement should be concluded and completed within 4 months of the date of any Committee approval.

### **DIRECTION BY SCOTTISH MINISTERS**

- 95 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**

- 96 To conclude, the application must be determined in accordance with the Development Plan unless material considerations indicate otherwise. In this respect, the proposal is considered to comply with NPF4, and the adopted Local Development Plan 2 (2019). Account has been taken account of the relevant material considerations and none has been found that would justify overriding the Development Plan. Accordingly, the proposal is recommended for approval subject to the following conditions.

### **RECOMMENDATION**

**Approve the application.**

### **CONDITIONS AND REASONS FOR RECOMMENDATION**

1. The development hereby permitted shall be commenced no later than the expiration of three 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.



Reason - This is a Planning Permission in terms of Section 59 of the Town and Country Planning (Scotland) Act 1997, as amended by Section 32 of the Planning (Scotland) Act 2019.

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

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

3. Prior to commencement of development on site, a detailed design showing the frontage of the development site onto Broich Road shall be submitted for the written approval of the Council as Planning Authority. The submission shall include the provision of the following:
  - a) a signalised toucan crossing on the B8062 Broich Road to link the development site to the northern side of Broich Road, confirming the extents of wall to be removed on the northern side of Broich Road;
  - b) the position of uncontrolled crossing location(s) along the frontage of the site to link the development site to the northern side of Broich Road;
  - c) the location of the bus stop and bus shelter to be located at the rear of the footway. The bus shelter shall be equipped with 24/7 electrical power supply to a Haldo pillar adjacent to each shelter to facilitate LED lighting and Real Time Passenger Information display, all of which must also be provided by the Developer, and associated road markings;
  - d) the footway on the southern side of Broich Road, to be a minimum width of 2 metres along the full frontage of the site;
  - e) the carriageway widening of Broich Road to a minimum of 6 metres in width along the frontage of the development site, thereafter the road will taper back to the original width;
  - f) the location of road drainage on the B8062 Broich Road along the frontage of the site; and
  - g) the location of road signage.

The submission will confirm the location, specification, detailed design and delivery timescales for the pedestrian crossings, location of the bus stop, road widening, footway on southern side of Broich Road, road drainage and road signage along the frontage of the development site. The scheme for the approved shall thereafter be implemented in full, prior to the occupation of the first dwellinghouse.

Reason - In the interests of road, pedestrian safety and connectivity with the developments to the northern side of Broich Road.

4. Prior to the commencement of the development hereby approved, a detailed design showing the vehicle link to the north-western boundary connecting to the

wider approved PPP site shall be submitted and approved in writing by the Council as Planning Authority. The submission will include details of:

- a) The provision of the road and footways to the north-western boundary of the site;
- b) The provision of the cyclepath link to connect into the wider approved PPP site;
- c) The submission will also confirm the specification of materials to be used.

Thereafter, the approved scheme shall be implemented in full prior to the completion of the 70th residential unit within phases 5-6 and to the satisfaction of the Council as Planning Authority.

Reason - In the interests of road, pedestrian safety and connectivity with the remainder of the PPP site.

5. Prior to the commencement of the development hereby approved, a detailed design showing the following road details shall be submitted for the written approval of the Council as Planning Authority;
  - a) step off facilities for visitor parking bays;
  - b) finalised road surfacing materials;
  - c) finalised footway and cyclepath surfacing materials;
  - d) traffic calming measures within the site; and,
  - e) a phasing plan for delivery.

The roads, footways and cyclepath as approved in writing, shall be implemented in accordance with the approved details to the satisfaction of the Council as Planning Authority.

Reason - In the interests of pedestrian and traffic safety.

6. Prior to commencement of any development on site, the street lighting design must be submitted for the further written agreement of the Council as Planning Authority, in consultation with Perth & Kinross Council's Street Lighting Partnership for the public road network. The scheme shall include details of light spill, brightness of the lighting and the proposed hours of operation for both the public road network and the private areas, and timescales for delivery. The agreed lighting scheme shall be implemented and maintained in full accordance with the agreed scheme.

Reason - In the interests of road safety.

7. Prior to the commencement of development, a phasing plan shall be submitted showing the locations of and timescales for delivery of wildlife kerbs. For the avoidance of doubt, all road gullies within 500m of a waterbody or Sustainable Urban Drainage System (SUDs) pond shall have wildlife kerbs installed.

Thereafter, the kerbs shall be installed in accordance with the approved phasing plan.

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

8. Prior to the commencement of the development hereby approved, the applicant shall submit for the further written agreement of the Council as Planning Authority, in consultation with the Roads Authority (Structures), a Construction Traffic Management Scheme (TMS) which shall include the following:
- a) restriction of construction traffic to approved routes and the measures to be put in place to avoid other routes being used;
  - b) timing of construction traffic to minimise impact on local communities particularly at school start and finishing times, on days when refuse collection is undertaken, on Sundays and during local events;
  - c) a code of conduct for HGV drivers to allow for queuing traffic to pass;
  - d) arrangements for liaison with the Roads Authority regarding winter maintenance;
  - e) emergency arrangements detailing communication and contingency arrangements in the event of vehicle breakdown;
  - f) arrangements for the cleaning of wheels and chassis of vehicles to prevent material from construction sites associated with the development being deposited on the road;
  - g) arrangements for cleaning of roads affected by material deposited from construction sites associated with the development;
  - h) arrangements for signage at site accesses and crossovers and on roads to be used by construction traffic in order to provide safe access for pedestrians, cyclists and equestrians;
  - i) details of information signs to inform other road users of construction traffic;
  - j) arrangements to ensure that access for emergency service vehicles are not impeded;
  - k) co-ordination with other significant developments known to use roads affected by construction traffic;
  - l) traffic arrangements in the immediate vicinity of temporary construction compounds;
  - m) the provision and installation of traffic counters at the applicant's expense at locations to be agreed prior to the commencement of construction;
  - n) monitoring, reporting and implementation arrangements;
  - o) arrangements for dealing with non-compliance; and
  - p) details of HGV movements to and from the site.

The TMS as approved shall be strictly adhered to during the entire site construction programme.

Reason - In the interest of proper site management.

9. Development shall not commence on site until an evaluation for the potential of the site to be affected by contamination by a previous use has been undertaken

and, as a minimum, a Preliminary Risk Assessment (Phase 1 Desk Study) has been submitted for consideration and accepted by the Council as Planning Authority. If the preliminary risk assessment identifies the need for further assessment, an intrusive investigation shall be undertaken to identify;

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

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

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

10. All recommendations and mitigation measures shall be implemented in accordance with Section 7, Appendix A, Figures 3 - 8 and Table 13 of the approved Noise Impact Assessment reference Broich Road, Crieff dated 11 July 2023 which was undertaken by KSG Acoustics to the satisfaction of the Planning Authority.

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

11. The recommendations and mitigation measures for the construction and operational stages of the development as stated in Section 6 of the Air Quality Mitigation Report' Broich Road AQ Mitigation Report, Persimmon Homes (North Scotland)' dated May 2023 which was undertaken by AECOM shall be implemented to the satisfaction of the Council as Planning Authority.

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

12. Prior to the commencement of the development hereby approved, protective fencing shall be erected around SM9135 incorporating an appropriate buffer, insofar as the land lies within the control of the applicant and/or developer, in a manner and for a time period to be agreed in writing in advance with the Council as Planning Authority in consultation with Perth and Kinross Heritage Trust (PKHT). No works shall take place within the area inside that fencing without prior written agreement of the Council as Planning Authority in consultation with PKHT.

Reason - To ensure the preservation of the historic environment.

13. The submitted Construction Environment Management Plan (CEMP) (Rev A) shall be implemented concurrent with the development. The CEMP will remain a dynamic document throughout the duration of construction and until the completion of development. The CEMP can be amended as necessary to meet best practice in terms of environment or ecology. Any amended document shall be submitted to the Planning Authority as soon as reasonably practicable citing the relevant amendment and appropriate guidance.

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

14. Concurrent with the initiation of the development hereby approved, and for the duration of construction, a temporary surface water treatment facility shall be implemented on site and maintained for the duration of the approved development works. The temporary surface water treatment facility shall remain in place until the permanent surface water drainage scheme is implemented.

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

15. Prior to the commencement of the development hereby approved, a scheme detailing the provision of electric car charging points for the development shall be submitted for further written approval of the Council as Planning Authority. Thereafter the approved scheme shall be installed to the satisfaction of the Planning Authority.

Reason - In the interests of sustainable transport.

16. All trees on site, other than those marked for felling on the approved plans, shall be retained. All trees identified for retention and any peripheral trees bounding the site, which may be affected by any element of the approved development and its associated construction, (including land within the blue site area) shall be protected in full accordance with BS 5837: 2012 'Trees in relation to design, demolition and construction'. Approved Tree Protection measures shall not be removed breached or altered without prior written authorisation from the local planning authority but shall remain in a functional condition throughout the entire development or as per the phasing plan. If such protection measures are damaged beyond effective functioning then works that may compromise the protection of trees shall cease until the protection can be repaired or replaced with a specification that shall provide a similar degree of protection.

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

17. The detailed landscaping and planting scheme which is hereby approved shall be completed within the first available planting season (October to March) after the completion or bringing into use of the development, whichever is the earlier. The approved scheme shall thereafter be maintained to the satisfaction of the Council as Planning Authority, with any planting which fails to become

established within five years being replaced in the following planting season with others of a size and species as previously approved.

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

18. The conclusions and recommended action points within the supporting biodiversity survey submitted and hereby approved (document(s) Biodiversity Enhancement Plan Revision B (May 2024) relates) shall be fully adhered to, respected and undertaken as part of the construction phase of development, to the satisfaction of the Council as Planning Authority.

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

19. An updated ecology survey will be required prior to the commencement of works, if works have not commenced within 24 months of the date of the ecology survey approved as part of this permission. The updated survey shall be submitted to the Council as Planning Authority for written agreement and works shall not commence until after such written agreement has been issued by the Council.

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).

## **JUSTIFICATION**

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

## **PROCEDURAL NOTES**

Permission shall not to be issued until the Section 75 Agreement has been signed and registered 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 may be ultimately recommended for refusal under delegated powers.

## **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. Please use the form attached herewith.

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. Please use the form attached herewith.
3. This development will require the 'Display of notice while development is carried out', under Section 27C(1) of the Town and Country Planning Act 1997, as amended, and Regulation 41 of the Development Management Procedure (Scotland) Regulations 2013. The form of the notice is set out in Schedule 7 of the Regulations and a draft notice is included for your guidance. In accordance with Regulation 41 the notice must be:

Displayed in a prominent place at or in the vicinity of the site of the development  
Readily visible to the public  
Printed on durable material.

4. The applicant is advised that in terms of Sections 21 of the Roads (Scotland) Act 1984 he/she/they must obtain from the Council as Roads Authority Road Construction Consent (RCC) 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. Please note that a fee is chargeable for the processing of RCC applications.
5. The applicant is advised that in terms of Sections 56 of the Roads (Scotland) Act 1984 he/she/they must obtain from the Council, as Roads Authority, consent to open an existing road or footway prior to the commencement of works. Information on junction types, requirements for Vehicular Access consents (VA1) and application forms are available at [www.pkc.gov.uk/vehicleaccess](http://www.pkc.gov.uk/vehicleaccess). Advice on the disposal of surface water should be sought at the initial stages of design from Scottish Water and the Scottish Environment Protection Agency.
6. The applicant should be advised to contact Perth & Kinross Council Street Lighting Department to obtain technical approval for all street lighting provision.
7. The applicant is reminded that, should any protected species be present a licence may be required from NatureScot to disturb a protected species. Failure to obtain a licence may constitute a criminal act under the Habitats Regulations and penalties are severe for non-compliance.
8. The applicant is reminded that, under the Wildlife and Countryside Act 1981, as amended (section 1), it is an offence to remove, damage or destroy the nest of any wild bird while that nest is in use or being built. Planning permission for a development does not provide a defence against prosecution under this Act.

9. The developer should please note the following:

Refuse collection vehicles will only enter the site during development where there is clear access, adequate turning, and a suitable road surface with no raised ironworks. This means that Waste Services may not be able to provide a full kerbside recycling service to residents whilst the build is ongoing, and bins may have to be emptied from a collection point, specified by the area Community Waste Adviser, until full access is made available for refuse collection vehicles. The developer must contact the Community Waste Team to discuss bin collections as the site progresses.

10. No work shall be commenced until an application for building warrant has been submitted and approved.
11. The applicant is advised to refer to Perth & Kinross Council's Flood Risk and Flood Risk Assessments Supplementary Guidance, and the CIRIA SuDS manual as it contains advice relevant to your development.

Background Papers: 1 letter of representation  
Contact Officer: Alex Gudgeon  
Date: 24th May 2024

**DAVID LITTLEJOHN**  
**STRATEGIC LEAD - ECONOMY, DEVELOPMENT AND PLANNING**

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