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Council Building
2 High Street
Perth
PH1 5PH

Monday, 24 July 2017

A Meeting of the **Development Management Committee** will be held in **the Council Chamber, 2 High Street, Perth, PH1 5PH** on **Wednesday, 02 August 2017** at **10:00**.

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

BERNADETTE MALONE
Chief Executive

Those attending the meeting are requested to ensure that all mobile phones and other communication devices are in silent mode.

Members:

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

Development Management Committee

Wednesday, 02 August 2017

AGENDA

MEMBERS ARE REMINDED OF THEIR OBLIGATION TO DECLARE ANY FINANCIAL OR NON-FINANCIAL INTEREST WHICH THEY MAY HAVE IN ANY ITEM ON THIS AGENDA IN ACCORDANCE WITH THE COUNCILLORS' CODE OF CONDUCT.

- 1 WELCOME AND APOLOGIES**
- 2 DECLARATIONS OF INTEREST**
- 3 MINUTE OF MEETING OF THE DEVELOPMENT MANAGEMENT COMMITTEE OF 5 JULY 2017 FOR APPROVAL AND SIGNATURE 5 - 20**
- 4 DEPUTATIONS**
- 5 APPLICATIONS FOR DETERMINATION**
 - (1) MAJOR APPLICATIONS**
 - (i) 16/02217/FLM - CRIEFF - ERECTION OF 102 DWELLINGHOUSES, LANDSCAPING AND ASSOCIATED INFRASTRUCTURE WORKS ON LAND AT WESTER TOMAKNOCK, CRIEFF 21 - 54**

Report of Handling by Interim Head of Planning (recommendation - approve) (copy herewith 17/252)
 - (2) LOCAL APPLICATIONS**
 - (i) 16/01251/AML - BANKFOOT - ERECTION OF 3 DWELLINGHOUSES ON LAND 60 METRES NORTH WEST OF THE FORMER MASONIC HALL, DUNKELD ROAD, BANKFOOT 55 - 72**

Report of Handling by Interim Head of Planning (recommendation - approve) (copy herewith 17/253)
 - (ii) 17/00295/FLL - BALADO - FORMATION OF ACCESS ROAD, TURNING HEAD, SOAKAWAY AND INSTALLATION OF LPG TANKS AND ASSOCIATED WORKS ON LAND SOUTH EAST OF 73 - 86**

BEAUFIELD, BALADO

Report of Handling by Interim Head of Planning (recommendation - refuse) (copy herewith 17/254)

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DEVELOPMENT MANAGEMENT COMMITTEE

Minute of meeting of the Development Management Committee held in the Council Chamber, Ground Floor, Council Building, 2 High Street, Perth on Wednesday 5 July 2017 at 10.00am.

Present: Councillors M Lyle (Convener), B Brawn (Vice-Convener), H Anderson, B Band, M Barnacle, H Coates (up to and including Art.**3(i)), E Drysdale, T Gray, I James, R McCall, W Robertson (substituting for W Wilson) and R Watters.

In Attendance: Councillors A Bailey, I Campbell and A Forbes (all up to and including Art.**3(i)); N Brian, A Condliffe, M Barr, S Callan, A Deans, D Niven, M Petrie and R Stewart (all The Environment Service); G Fogg and H Rheinallt (both Corporate and Democratic Services).

Apology: Councillor W Wilson.

Councillor M Lyle, Convener, Presiding.

. WELCOME AND APOLOGIES

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

. DECLARATIONS OF INTEREST

There were no Declarations of Interest in terms of the Councillors' Code of Conduct.

. MINUTE OF PREVIOUS MEETING

The minute of meeting of the Development Management Committee of 24 May 2017 (Arts. 294-299) was submitted, approved as a correct record and authorised for signature.

. DEPUTATIONS

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

Planning Application No.	Art. No.
16/00999/AMM	**2(ii)
16/01491/FLL	**3(i)

. APPLICATIONS FOR DETERMINATION

(1) Applications Previously Considered

- (i) **16/00326/FLL – KINNESSWOOD – Part demolition, change of use and extension to hotel to form dwellinghouse, erection of 4 dwellinghouses and associated works at land 40 metres North West of Bonaly Cottage, Main Street, Kinnesswood – Report – 17/244 – Lime Blue Design Build**

Resolved:

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

Conditions

1. The proposed development must be carried out in accordance with the approved drawings and documents, unless otherwise provided for by conditions imposed on the planning permission.
2. Prior to the development hereby approved being completed or brought into use, the vehicular access shall be formed in accordance with Perth and Kinross Council's Road Development Guide specification Type B, Fig 5.6 access detail to the satisfaction of the Planning Authority.
3. Prior to the development hereby approved being completed or brought into use, turning facilities shall be provided within the site to enable all vehicles to enter and leave in a forward gear.
4. Prior to the development hereby approved being completed or brought into use a minimum of 2 No. car parking spaces per dwelling shall be provided within the site.
5. Within 6 months of the date of this decision notice, full details of a bin presentation area close to Main Street shall be submitted and approved in writing by the Planning Authority. The details shall ensure that adequate provision for bin collection is provided whilst respecting the character and visual amenity of the Conservation Area. The details, as approved, shall be implemented as part of the site development to the satisfaction of the Planning Authority.
6. Within 6 months of the date of this decision notice, a sample of the proposed natural stone, light buff render, natural slate and composite window materials shall be submitted to and approved in writing by the Planning Authority. The scheme as agreed, shall be implemented prior to the completion or bringing into use of the development, whichever is earlier.
7. Within 6 months of the date of this decision notice, full details of all proposed hard and soft landscaping shall be submitted to and approved in writing by the Planning Authority. The details shall include hedge boundaries to all plots and full details of a planting scheme along the entire south west boundary of the site together with the finishing material of the access track and boundary walls. The

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details shall include the species, planting density and stock sizes for all planting. The scheme as agreed, shall be implemented prior to the completion or bringing into use of the development, whichever is earlier.

8. All works to buildings or structures that may be used by bats (such as demolition, roof stripping, excavations or building works or associated operations) shall only be carried out under the direction of a licensed bat ecologist to ensure that an offence is not committed.
9. All trenches associated with the development shall be dug with sloping sides. Open pipework/culverts shall be sealed at the end of each working day.
10. Demolition works shall only take place between 1 December and 31 March to reduce the risk of disturbing any bats present to the satisfaction of the Council as Planning Authority.
11. Within 6 months of the date of this decision notice, an evaluation for the potential of the site to be affected by contamination by a previous use has been undertaken and, as a minimum, a Preliminary Risk Assessment (Phase 1 Desk Study) has been submitted for consideration and accepted by the Council as Planning Authority. If the preliminary risk assessment identifies the need for further assessment, an intrusive investigation shall be undertaken to identify:
 - i. the nature, extent and type(s) of contamination on the site
 - ii. measures to treat/remove contamination to ensure the site is fit for the use proposed
 - iii. measures to deal with contamination during construction works
 - iv. condition of the site on completion of decontamination measures

Prior to the completion or bringing into use of any part of the development the measures to decontaminate the site shall be fully implemented in accordance with the scheme subsequently agreed by the Council as Planning Authority. Validation that the scheme has been fully implemented must also be submitted to the Council as Planning Authority.
12. The walls which previously formed the south western end of the Lomond Inn building shall be rebuilt in natural stone to a height of 900mm and be retained as part of the walling for the garden ground/patio of plot 1 to the satisfaction of the Council as Planning Authority. These works should be undertaken as part of the works to develop plot 1 and completed in their entirety prior to the occupation of plot 1.
13. All slates removed from the demolished buildings shall be retained and re-used, where possible, in the new

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development to the satisfaction of the Council as Planning Authority.

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

Justification

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

(2) Major Applications

- (i) **16/01861/FLM – RATTRAY – Erection of 217 dwellinghouses, formation of open space, landscaping and associated infrastructure works, Glenalmond Road, Rattray – Report**

This item had been withdrawn from the agenda.

- (ii) **16/00999/AMM – ERROL – Mixed use development comprising of 240 dwellinghouses, garages, commercial and associated infrastructure (approval of matters specified in conditions 13/01823/FLM) at Morris Leslie, Errol Airfield, The Grange, Errol – Report 17/246 – Morris Leslie Limited**

S Callan, Planning Officer, requested that, should the Committee be minded to grant the application, an additional condition 29 be included.

Mr P Symon, objector to the application, Councillor A Bailey, and Councillor A Forbes, followed by Mr McIntyre, agent for the applicant, addressed the Committee and, following their respective representations, withdrew to the public benches.

Resolved:

Grant, subject to the following terms, conditions and informatives, including an additional condition 29 as undernoted:

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.

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2. Prior to the occupation of any residential plot, all matters regarding access, car parking, road layout, design and specification, including the disposal of surface water, shall be in accordance with the standards required by the Council as Roads Authority and to the satisfaction of the Planning Authority.
3. Prior to the occupation of any residential plot, details of the specification including materials of all footpaths and cycleways shall be submitted to the Planning Authority for further approval. The agreed detail shall thereafter be implemented prior to the completion of the 50th dwelling.
4. The detailed landscaping and planting scheme including the sports pitch as approved shall be implemented fully within one calendar year of the commencement of development and thereafter maintained to the satisfaction of the Council as Planning Authority.
Any planting failing to become established within five years shall be replaced in the following planting season with others of similar sizes and species to the satisfaction of the Council as Planning Authority.
5. Prior to the commencement of development a detailed location and layout of the proposed children's play area shall be submitted for the further approval of the Planning Authority. The play area(s) shall be designed, laid out and equipped in accordance with the Planning Authority's current criteria for play area provision within six months of the commencement of development of the site. The play area and its facilities/equipment shall thereafter be maintained to the satisfaction of the Council as Planning Authority.
For the avoidance of doubt only one equipped play area for 4-8 & 8-14 years which complies with the Council's Play Standards shall be provided within the site. All other proposed play areas should be unequipped.
6. Prior to the commencement of development a detailed delivery and phasing plan shall be as submitted for the approval of the Planning Authority. The agreed detail shall thereafter be fully implemented.
For the avoidance of doubt the location of the commercial area as shown on the masterplan is in general acceptable but is not fully approved by this permission as they are still indicative at this stage. Further detailed application(s) will be required for the exact scale and design of the structures.
7. The developer shall ensure that during the construction of the development that all surface water is controlled, treated and discharged under the principles of SUDS, as contained in the SUDS Manual (C697) and Site Handbook for the Construction of SUDS (C698) published by CIRIA,

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- all to the satisfaction of the Council as Flood Authority. On completion of development all as-built records of all SUDS shall be provided to the Council as Planning Authority.
8. The Finished Floor Level of all properties shall be a minimum of 600mm above the 200 year flood level.
 9. All existing trees and hedging within the site and on the boundaries shall be retained. The development shall fully comply with, respect and remain in full accordance with BS5837 2012: *'Trees in relation to construction, demolition and construction. Recommendations'*.
 10. The mitigation measures as described by the Energised Environments Noise Impact Assessment dated 22 December 2016 shall be put in place prior to the occupation of any dwelling house.
 11. All plant or equipment shall be so enclosed, attenuated and/or maintained such that any noise therefrom shall not exceed Noise Rating 35 between 0700 and 2300 hours daily, or Noise Rating 25 between 2300 and 0700 hours daily, within any neighbouring residential property, with all windows slightly open, when measured and/ or calculated and plotted on a rating curve chart.
 12. Servicing of and deliveries to any commercial premises shall be carried out between 0700 and 1900 Monday to Sunday and at no other time to the satisfaction of the Council as Planning Authority.
 13. Prior to the commencement of development a Construction Traffic Management Scheme (CTMS) must be submitted for the approval of the Planning Authority. The submission of a Construction Method Statement must also be included in the submission. The Construction Traffic Management Scheme should include the following details:
Restrictions of construction traffic to approved routes and the measures to be put in place to avoid other routes being used. Heavy construction traffic should avoid the use of Murie, Inchcoonans, Errol, Grange and Inchtur Level Crossings.
 14. Prior to the commencement of development the exact level and location of recycling facilities shall be submitted to and approved by the Planning Authority in consultation with Waste Services. The agreed detail must thereafter be implemented in full prior to the occupation of the first dwelling.
 15. Prior to the commencement of works on site, an evaluation for the potential of the site to be affected by contamination by a previous use should be undertaken. An intrusive investigation should be undertaken to identify:
 - i. The nature, extent and type(s) of contamination on the site

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- ii. Measures to treat/remove contamination to ensure the site is fit for the use proposed
- iii. Measures to deal with contamination during construction works
- iv. Condition of the site on completion of decontamination measures.

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

- 16. No removal of hedgerows, trees or shrubs or works to or demolition of buildings or structures that may be used by breeding birds shall take place between 1st March and 31st August inclusive, unless a competent ecologist has undertaken a careful, detailed check of vegetation for active birds' nests immediately before the vegetation is cleared and provided written confirmation that no birds will be harmed and/or that there are appropriate measures in place to protect nesting bird interest on site. Any such written confirmation should be submitted to the Planning Authority for approval.
- 17. No works which include the creation of trenches, culverts or the presence of pipes will commence until measures to protect animals from becoming trapped in open excavations and/or pipes and culverts are submitted to and approved in writing by the planning authority. The measures could include, but are not restricted to, creation of sloping escape ramps from trenches and excavations and securely sealing open pipework at the end of each working day.
- 18. If the development hereby approved does not commence or, having commenced, is suspended for more than 12 months within 2 years from the date of the planning decision notice, the approved ecological measures secured through the applicant's Biodiversity Study of April 2016 shall be reviewed and, where necessary, amended and updated. The review shall be informed by further ecological surveys commissioned to i) establish if there have been any changes in the presence and/or abundance of protected species and ii) identify any likely new ecological impacts that might arise from any changes. Where the survey results indicate that changes have occurred that will result in ecological impacts not previously addressed in the approved scheme, the original approved ecological measures will be revised and new or amended measures, and a timetable for their implementation, will be submitted to and approved in

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- writing by the local planning authority prior to the commencement of development. Works will then be carried out in accordance with the proposed new approved ecological measures and timetable.
19. Where the approved development is to proceed in a series of phases, further supplementary ecological surveys for protected species shall be undertaken to inform the preparation and implementation of corresponding phases of ecological measures required through the applicants Biodiversity Study of April 2016. The supplementary surveys shall be of an appropriate type for the above habitats and/or species and survey methods shall follow national good practice guidelines.
 20. Prior to the occupation and use of the approved development the applicant shall at his own expense promote a Traffic Regulation Order (TRO) from the site entrance to the existing 30mph zone to the West of the site, on the Station Road approach to Errol.
 21. No part of the development shall be occupied until a Residential Travel Plan (RTP), aimed to encourage more sustainable means of travel, has been submitted and approved in writing by the Council. The RTP will have particular regard to provision for walking, cycling and public transport access to and within the site and will identify the measures to be provided, the system of management, monitoring, review, reporting and the duration of the plan.
 22. Prior to the commencement of development details of all external lighting, including both for construction and operational use shall be submitted for the prior approval of the Planning Authority. For the avoidance of doubt the lighting shall be designed to minimise any light pollution.
 23. The developer shall demonstrate that a restriction is to be placed within the title deeds to all residential property confirming the provision of a voluntary agreement to the restriction on access between April – August in sensitive areas adjacent to the reedbeds. Such evidence shall be submitted to the Planning Authority and SNH prior to the commencement of the development on site.
 24. Details relating to the location, design and maintenance of signage by the developer in respect of access to the sensitive areas shall be submitted for the prior approval of the Planning Authority in consultation with SNH before any development commences on site and shall be fully implemented prior to the occupation of any of the units on the site.
 25. Details of the preparation, content and publicity through leaflets relating to the restriction of access to the sensitive areas shall be submitted by the developer for the prior

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- approval of the Planning Authority in consultation with SNH and the leaflets as agreed shall be distributed in accordance with a programme to be agreed and implemented in the same timescale.
26. No development shall be occupied on any phase of the site until the local access road network improvements approved under planning application 16/01491/FLL has been implemented and made operational to mitigate the traffic implications of the development, to the satisfaction of the Planning Authority.
 27. Prior to the completion of any residential plot, details of the bus stops shown in the Site Layout Plan shall be submitted to the Council as Planning Authority in consultation with the Council's Public Transport Unit for approval. The agreed detail shall thereafter be implemented prior to the completion of the 50th dwelling.
 28. Details relating to the location, design and maintenance of the priority signage at the Inchmichael Cutting shall be submitted for the prior approval of the Planning Authority in consultation with Network Rail before any development commences on site and shall be fully implemented prior to the occupation of any of the units on the site.
 29. Prior to the commencement of any development a detailed specification of the proposed landscape and acoustic bund along the boundary with Errol Granary shall be submitted for the further approval of the Planning Authority. The detail as subsequently approved shall be carried out and completed prior to the occupation of the first dwelling and thereafter maintained.

Justification

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

Procedural Notes

Section 75 associated with 13/01823/FLM requires to be updated to incorporate open space, play area and sports pitch provision and maintenance. Consent shall not be issued until the Section 75 Agreement has been varied to take account of this application. The legal agreement should be concluded and completed within 4 months of the date of any Committee approval. Failure to conclude a legal agreement within 4 months will result in the planning application being re-assessed through failing to comply with the associated developer contributions policy.

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Informatives

1. The development hereby permitted shall be commenced no later than the expiration of two years from the date of this consent or from the date of subsequent approval of matters specified in conditions, or three years from the date of planning permission in principle, whichever is the later.
2. Under section 27A of the Town and Country Planning (Scotland) Act 1997 (as amended) the person undertaking the development is required to give the planning authority prior written notification of the date on which it is intended to commence the development. A failure to comply with this statutory requirement would constitute a breach of planning control under section 123(1) of that Act, which may result in enforcement action being taken.
3. As soon as practicable after the development is complete, the person who completes the development is obliged by section 27B of the Town and Country Planning (Scotland) Act 1997 (as amended) to give the planning authority written notice of that position.
4. This development will require the 'Display of notice while development is carried out', under Section 27C (1) of the Town and Country Planning Act 1997, as amended, and Regulation 38 of the Development Management Procedure (Scotland) Regulations 2008. The form of the notice is set out in Schedule 7 of the Regulations and a draft notice is included for your guidance. According to Regulation 38 the notice must be:
 - Displayed in a prominent place at or in the vicinity of the site of the development
 - Readily visible to the public
 - Printed on durable material.
5. The applicant is advised that in terms of Section 56 of the Roads (Scotland) Act 1984 he must obtain from the Council as Roads Authority consent to open an existing road or footway prior to the commencement of works. Advice on the disposal of surface water must be sought at the initial stages of design from Scottish Water and the Scottish Environment Protection Agency.
6. The applicant is advised that in terms of Section 21 of the Roads (Scotland) Act 1984 they must obtain from the Council as Roads Authority consent to construct a new road prior to the commencement of roadworks. Advice on the disposal of surface water must be sought at the initial stages of design from Scottish Water and the Scottish Environment Protection Agency.
7. The applicants are advised that they must apply to the Roads Authority for construction consent to form a new street. Please contact The Construction and Maintenance

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- Manager, The Environment Service, Perth and Kinross Council, Pullar House, Kinnoull Street, Perth.
8. The applicant is advised that the granting of planning consent does not guarantee a connection to Scottish Water's assets. The applicant must make a separate application to Scottish Water Planning & Development Services team for permission to connect to the public wastewater system and/or water network and all their requirements must be fully adhered to.
 9. The applicant is advised that the works may need a license under the Water (Controlled Activities) Regulations 2005 (CAR). The applicant should contact SEPA's Perth Environmental Protection and Improvement Team (Tel: 01738 627989) in regard to this. The applicant should ensure that all works on site comply with the best practice guidelines laid out in SEPA's published Pollution Prevention Guidance, found at www.sepa.org.uk.
 10. The Council's Public Transport Unit in the Environment Service should be contacted to clarify the bus service requirements for the development.
 11. Any further applications should take into account the possible increase of traffic over all Level Crossings in the area and the impacts this may have on the reliability and frequency of the rail service.
 12. The presence or absence of protected species, and the extent to which they could be affected by the proposed development, should be established before determination of a planning application in accordance with part 204 of the Scottish Planning Policy.
 13. The applicant is reminded that, under the Wildlife and Countryside Act 1981, as amended, it is an offence to remove, damage or destroy the nest of any wild birds while that nest is in use or being built. Planning consent for a development does not provide a defence against prosecution under this act.

(3) Local Applications

- (i) **16/01491/FLL – ERROL – Formation of access, landscaping and associated works at land South of Fernlea, Eastleys Farm, Errol – Report 17/247 – Morris Leslie Limited**

S Callan, Planning Officer, requested that, should the Committee be minded to grant the application, an additional condition 7 be included.

Mr K Tait and Mr P Symon, objectors to the application, followed by Mr McIntyre, agent for the applicant, addressed the

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Committee and, following their respective representations, withdrew to the public benches.

Motion (Councillors I James and B Brawn) – Refuse the application for the following reason:

The proposal is contrary to Policy ER5 of the Perth and Kinross Local Development as it results in an unnecessary loss of prime agricultural land, as there are two alternative ways to access the site.

Amendment (Councillors B Band and E Drysdale) - Grant, subject to the following terms, conditions and informatives, including an additional condition 7 as undernoted:

Conditions

1. The proposed development must be carried out in accordance with the approved drawings and documents, unless otherwise provided for by conditions imposed on the planning consent.
2. Prior to the occupation of any residential plot associated with 16/00999/AMM, details of the specification including materials of the footpath shall be submitted to the Planning Authority for further approval.
3. The detailed tree planting scheme as approved shall be implemented fully within one calendar year of the commencement of development and thereafter maintained to the satisfaction of the Council as Planning Authority.
Any planting failing to become established within five years shall be replaced in the following planting season with others of similar sizes and species to the satisfaction of the Council as Planning Authority.
4. The access road and footpath shall be constructed at existing ground levels only.
5. Prior to the commencement of development a Construction Method Statement (CMS) must be submitted for the approval of the Planning Authority.
6. The access road hereby approved under planning application 16/01491/FLL must be implemented and made operational prior to the occupation of any dwelling approved under 16/00999/AMM.
7. Prior to the commencement of any development a detailed specification of the proposed landscape and acoustic bund along the boundary with Errol Granary shall be submitted for the further approval of the Planning Authority. The detail as subsequently approved shall be carried out and completed prior to

the occupation of the first dwelling and thereafter maintained.

Justification

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

Informatives

- 1. This planning permission will last only for three years from the date of this decision notice, unless the development has been started within that period. (See section 58(1) of the Town and Country Planning (Scotland) Act 1997 (as amended).**
- 2. Under section 27A of the Town and Country Planning (Scotland) Act 1997 (as amended) the person undertaking the development is required to give the planning authority prior written notification of the date on which it is intended to commence the development. A failure to comply with this statutory requirement would constitute a breach of planning control under section 123(1) of that Act, which may result in enforcement action being taken.**
- 3. As soon as practicable after the development is complete, the person who completes the development is obliged by section 27B of the Town and Country Planning (Scotland) Act 1997 (as amended) to give the planning authority written notice of that position.**
- 4. The applicant is advised that in terms of Section 56 of the Roads (Scotland) Act 1984 he must obtain from the Council as Roads Authority consent to open an existing road or footway prior to the commencement of works. Advice on the disposal of surface water must be sought at the initial stages of design from Scottish Water and the Scottish Environment Protection Agency.**
- 5. The applicant is advised that in terms of Section 21 of the Roads (Scotland) Act 1984 they must obtain from the Council as Roads Authority consent to construct a new road prior to the commencement of roadworks. Advice on the disposal of surface water must be sought at the initial stages of design from Scottish Water and the Scottish Environment Protection Agency.**
- 6. The applicants are advised that they must apply to the Roads Authority for construction consent to form a new street. Please contact The Construction and Maintenance Manager, The Environment Service,**

Perth and Kinross Council, Pullar House, Kinnoull Street, Perth.

7. **The applicant is advised that the granting of planning consent does not guarantee a connection to Scottish Water's assets. The applicant must make a separate application to Scottish Water Planning & Development Services team for permission to connect to the public wastewater system and/or water network and all their requirements must be fully adhered to.**
8. **The applicant is advised that the works may need a license under the Water (Controlled Activities) Regulations 2005 (CAR). The applicant should contact SEPA's Perth Environmental Protection and Improvement Team (Tel: 01738 627989) in regard to this. The applicant should ensure that all works on site comply with the best practice guidelines laid out in SEPA's published Pollution Prevention Guidance, found at www.sepa.org.uk.**
9. **The 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.**

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

7 members voted for the Amendment as follows:

Councillors M Lyle, H Anderson, B Band, M Barnacle, E Drysdale, W Robertson and R Watters.

5 members voted for the Motion as follows:

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

Resolved:

In accordance with the Amendment.

COUNCILLORS A BAILEY, I CAMPBELL, H COATES AND A FORBES LEFT THE MEETING AT THIS POINT.

(4) Proposal of Application Notice (PAN)

- (i) **17/00004/PAN – PERTH – Commercial development (classes 1, 3, 4, 5, 6 and sui generis (car showroom)) at land South of Target House, Ruthvenfield Road, Inveralmond Industrial Estate, Perth – Report 17/248**

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Members requested that, in addition to the issues identified by the Interim Head of Planning's report, the following be addressed in the planning application: the importance of ensuring that Castle Brae will not be used as a rat run to/from the proposed development.

- (ii) **17/00005/PAN – PERTH – Residential Development, demolition of buildings, formation of open space, landscaping, car parking, vehicular access and associated works at Former Murray Royal Hospital, Muirhall Road, Perth – Report 17/249**

Members requested that, in addition to the issues identified by the Interim Head of Planning's report, the following be addressed in the planning application: the possibility of the development exacerbating the existing traffic issues at Lochie Brae.

- (iii) **17/00006/PAN – PERTH – Change of use and alterations to building to form residential units, demolition of buildings, formation of open space, landscaping, car parking, vehicular access and associated works at Former Murray Royal Hospital, Muirhall Road, Perth – Report 17/250**

Members requested that, in addition to the issues identified by the Interim Head of Planning's report, the following be addressed in the planning application: the extent of the area covered by the Environmental Impact Assessment due to the impact of potential increased traffic flow in the surrounding area.

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Perth and Kinross Council  
Development Management Committee – 2 August 2017  
Report of Handling by Interim Head of Planning

Residential development for 102 dwelling houses, landscaping and associated infrastructure works at land at Wester Tomaknock, Crieff

Ref. No: 16/02217/FLM  
Ward No: N6 - Strathearn

### Summary

This report recommends approval of the application for a development comprising 102 dwellings on Perth and Kinross Local Development Plan (LDP) site allocation H57 at land at Wester Tomaknock, to the east of Crieff.

The development is considered to satisfactorily comply with the Strategic Development Plan TAYplan 2012 and the LDP. The proposal also assists with the Council's overarching economic, social and environmental objectives. The application is recommended for approval, subject to conditional control and the satisfactory conclusion of a planning obligation.

### BACKGROUND AND PROPOSAL

- 1 The planning application site extends to an area of 8.72 ha of agricultural land on the eastern edge of the Strathearn town of Crieff. The site is undulating, sloping from north to the lower levels in the south. There is a clear central elevated knoll, where the original farmhouse and farm buildings existed until recently with the inert building materials still in situ. A small rural building group (known as Tomaknock) sits immediately to the east of the site, with the established late 20<sup>th</sup> century residential area of Ritchie Place to the west. To the north, the land rises steeply, forming 'Callum's Hill'. Two minor watercourses cut across the site as two minor valleys, from north west and north east down to the southern boundary, culverting under the C410 Dollerie road.
- 2 The site benefits from LDP allocation (H57) for residential uses for 100-120 dwellings across an overall site area of 10.2 ha. As set out, the site does not occupy the entire 10.2 ha allocation, with 1.5 ha omitted from this detailed submission, due in part through different land ownership.
- 3 In terms of servicing and site restrictions, it has been identified that the east part of the site will need to be pumped for sewage due to the associated levels with a pressurised gas main crossing the site and an overhead electricity line, which is proposed to be rerouted and undergrounded.
- 4 The areas of eastern and western marshland forming the mini valleyed floors are proposed to remain undeveloped, retained as amenity areas and characterised as wildlife corridors. Over one third of the site (3 ha) has been subject to flooding and drainage constraints, leaving a total 6 ha of developable land.

- 5 The application seeks to formally establish detailed planning consent for 102 dwellings, with a full range of dwelling types proposed including bungalows, semi-detached, split level and 2.5 storey flats on the Knoll as a feature. The proposals include an affordable housing element in the north western extents of the buildable area.
- 6 The principal components of the site comprises the following:
- 102 residential properties with a mix and range of house types
  - 25% affordable housing
  - Sustainable urban drainage systems
  - Open space areas, including formal and informal recreational areas and a local play area
  - Landscaping proposals
  - Foot and cycle path integrated into existing neighbouring residential development
- 7 There are two vehicular accesses proposed from the C410 public road which borders the southern boundary of the site. A pedestrian link to the internal road layout is proposed with access points from the C410 and the north west corner of the site which links to the neighbouring residential area at Ritchie Place. The proposed finishing materials are largely a standard palette, consisting of light coloured finishing brick, dry dash render, light coloured timber effect panelling and grey concrete roof tiles. On site building materials, including local natural stone left over from the demolition of the farmhouse and steading, have also been identified to be re-used as feature landscape walling within the site.
- 8 The application submission has been supplemented by a suite of information, which was identified at both the Proposal of Application Notice (PAN) report stage and through pre-application discussions. As part of the initial assessment of the original submission there was deemed to be a lack of detailed surface water drainage information, a lack of protected species survey and overall wider placemaking issue failings including the proposed feature residential blocks on the knoll area where the former farmhouse and farm buildings were located. The applicants were requested and encouraged to address the various oversights and review the design and architecture of the affected plots within the central section of the site. The applicant had been in correspondence with both SEPA and the Council Structures and Flood Risk Team (SFT) regarding clarification and resolution of flooding issues and the surface water drainage requirements for the site. Following initial resistance, the applicant agreed to review the central knoll proposals and submit revised designs for review, which now forms this current scheme for approval.

### **Environmental Impact Assessment (EIA)**

- 9 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.

- 10 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.
- 11 A screening opinion was not originally submitted. Therefore the submission was screened (17/00956/SCRN) during the application process, which found that an EIA was 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 overall sensitivity of the location.

### **PRE-APPLICATION CONSULTATION**

- 12 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.
- 13 A Proposal of Application Notice (PAN) (reference 16/00003/PAN) was submitted on the 02<sup>nd</sup> March 2016 and outlined a public exhibition was to be held locally on 29<sup>th</sup> March 2016. The ward Councillors were all notified as well as Crieff, East Strathearn and Muthill Community Councils. The results of the community consultation have been submitted with this application as part of the Pre-Application Consultation (PAC) Report.

### **NATIONAL POLICY AND GUIDANCE**

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

#### **The Scottish Planning Policy 2014**

- 15 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
- 16 Overarching topic areas relevant to this application include;
  - Paragraphs 24 – 35: Sustainability
  - Paragraphs 36 – 57: Placemaking
- 17 Specific detailed topic area paragraphs include:

- 18 A successful Sustainable Place
- Paragraphs 123 – 125 Maintaining a 5-year Effective Land Supply
  - Paragraphs 126 – 131 Affordable Housing
- 19 A Low Carbon Place
- Paragraph 152 – 160 Delivering Heat and Electricity
  - Paragraph 190 – Planning for Zero Waste
- 20 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
- 21 A Connected Place
- Paragraphs 286 – 291 Promoting Sustainable Transport and Active Travel
  - Annex B – Parking Policies and Standards
- 22 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 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 77 Designing Safer Places
  - PAN 78 Inclusive Design
  - PAN 79 Water and Drainage
  - PAN 83 Masterplanning

### **Designing Places 2001**

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



## **Designing Streets 2010**

- 24 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**

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

## **LOCAL POLICY AND GUIDANCE**

### **DEVELOPMENT PLAN**

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

### **TAYPlan Strategic Development Plan 2012-2032**

- 26 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.”*

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

### **Policy 1 – Location Priorities**

- 28 Seeks to focus the majority of development in the region's principal settlements. Crieff is identified as a Tier 2 Settlement with the potential to make a major contribution to the regional economy, accommodating a smaller share of the region's additional development.

### **Policy 2 – Shaping better quality places**

- 29 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**

- 30 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**

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

### **Policy 6: Energy and Waste/Resource Management Infrastructure**

- 32 Relates to delivering a low/zero carbon future for the city region to contribute to meeting Scottish Government energy targets and indicates that, in determining proposals for energy development, consideration should be given to the effect on off-site properties, the sensitivity of landscapes and cumulative impacts.

### **Policy 8 – Delivering the Strategic Development Plan**

- 33 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**

- 34 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.

- 35 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.”*

- 36 Under the LDP, the following policies are of particular importance in the assessment of this application.

### **Policy PM1A - Placemaking**

- 37 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**

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

### **Policy PM1C - Placemaking**

- 39 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**

- 40 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**

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

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

- 42 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**

- 43 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**

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

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

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

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

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

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

- 47 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**

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

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

- 49 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**

- 50 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**

- 51 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**

- 52 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**

- 53 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**

- 54 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**

- 55 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**

- 56 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**

- 57 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**

- 58 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**

- 59 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**

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

### **Policy EP3D - Water, Environment and Drainage**

- 61 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 EP12 - Contaminated Land**

- 62 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 H57**

- 63 Identified residential site allocation for 100-120 residential units on a site extending to 10.2 Ha with associated site specific developer requirements.

### **OTHER POLICIES**

- 64 The following supplementary guidance and documents are of particular importance in the assessment of this application:
- Developer Contributions and Affordable Housing Supplementary Guidance April 2016
  - Flood Risk and Flood Risk Assessments – Developer Guidance June 2014
  - Sustainable Design and Zero Carbon Development Supplementary Guidance May 2014
  - Landscape Supplementary Guidance 2015

### **Perth & Kinross Community Plan (2006 – 2020)**

- 65 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**

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

### **Perth and Kinross Local Transport Strategy**

- 67 The Local Transport Strategy (LTS) for Perth & Kinross is located within 'Shaping Perth's Transport Future – A Transport Strategy for Perth and the wider region' (2010). The LTS sets out the Council's transport vision.

### **SITE HISTORY**

- 68 **09/00677/OUT** Conversion of steading to form 2 dwellinghouses and erection of 2 dwellinghouses 16 July 2009 Application Withdrawn
- 69 **09/01850/FLL** Conversion of steading to form 2 dwellinghouses and erection of 2 dwellinghouses 13 January 2012 Application Permitted (delegated decision)
- 70 **14/01975/PN** Demolition of a dwellinghouse 4 December 2014 Application Permitted (delegated decision)
- 71 **16/00003/PAN** Residential development at LDP site H57 Reported to DMC on 18 March 2016
- 72 **17/00956/SCRN** EIA screening was undertaken (through the 2011 regulations) during the processing of the application, confirming that no EIA was required May 2017.

### **CONSULTATIONS**

#### **EXTERNAL**

#### **Scottish Environment Protection Agency (SEPA)**

- 73 Following an initial holding response and request for additional details, it was confirmed that the updated flooding and surface water drainage detail and clarification was sufficient to support the detailed planning application, subject to conditional approval.

#### **Transport Scotland (TS)**

- 74 The development proposal was assessed by TS to have a limited impact on the operation or safety of the A85 trunk road. Several observations were made in relation to local road network and sustainable transport provision, confirming they were comfortable generally and recommending that a travel plan should be secured via suspensive condition.

### **Scottish Water**

- 75 Advised no objection to the development, with sufficient capacity identified at both the Turret Water Treatment Works to service the development and in terms of waste water, Crieff Waste Water Treatment Works were also clarified to have sufficient capacity.

### **Crieff Community Council**

- 76 Crieff submitted general observations, setting out the following:
- House designs appear in keeping with the area and of a size desirable for families and new buyers
  - Traffic generated by the development (both construction and residential use) is a concern
  - Crieff Medical Practice is at capacity. What will be done to ensure additional population are catered for?
  - Concerns over education capacity. Does the local school network have capacity in relation to the anticipated school roll influx as a result of this development?

### **East Strathearn Community Council**

- 77 No response received at time of reporting.

### **Muthill and Tullibardine Community Council**

- 78 No response received at time of reporting.

### **Perth & Kinross Heritage Trust**

- 79 Confirmed an archaeological investigation was undertaken in 2014. No significant archaeological features or artefacts were encountered and no conditional archaeological mitigation was therefore required.

## **INTERNAL**

### **Strategy and Policy**

- 80 General policy position clarifies that Crieff is one of the Tier 2 principal settlements as identified in TAYplan Policy 1. The application site forms the majority of site allocation H57 for 100-120 houses. Overall the proposals are deemed to be broadly in accordance with LDP developer requirements, whilst acknowledging no wider development proposal detail with the remaining site H57 allocation has been brought forward at this stage and noted the importance of achieving satisfactory drainage arrangements.



### **Community Greenspace**

- 81 Comments were received in relation to the proposed open space elements, play provision, paths, trees and woodlands. The comments were generally observational and advising best practice, including a recommendation to review the proposed position of the play area and the play area equipment specification. No outright objection was set out.

### **Transport Planning (TP)**

- 82 Generally satisfied with the detail submitted, with no concerns regarding the traffic volumes generated from the development in relation to the wider road network. The 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. Recommended conditions, including the undertaking of a travel plan.

### **Environmental Health (EH)**

- 83 No concerns identified regarding the relationship of neighbouring land uses or the impact on the air quality management area of Crieff High Street. A condition in relation to potential contamination has been identified to address unknown ground conditions to the northern extents of the site and the area forming the historic farm steading within the centre of the site.

### **Biodiversity Officer**

- 84 Identification of a lack of protected species survey work from outset. Assessed follow up response with appropriate survey work undertaken to be sufficient for this development, with conditions proposed.

### **Development Contributions Officer**

- 85 Set out fundamental contribution requirements, including affordable housing and education requirements, which may be secured through a S.75 Legal Agreement.

### **Community Waste Advisor**

- 86 Identified layout is adequate to achieve the minimum access and recycling/waste management requirements. The content of the response should be referred to as an informative.

### **Structures and Flooding (SFT)**

- 87 The general drainage strategy and principles proposed are considered reasonable. Clarification was sought on specific drainage arrangements from the original review. Following the review of revised supporting information (rev D (dated 9/06/2017)), the SFT were satisfied that the site flooding and drainage issues are now addressed, with appropriate conditions recommended.

## REPRESENTATIONS

88 The following points were raised in the 2 representation(s) received:

- Density and scale of housing, including 2 storey dwellings and 3 storey flats proposed at the highest point of the site
- Loss of open space
- Out of character with the area
- Overlooking
- Road safety concerns and general traffic considerations
- Sewerage capacity
- Local health practice capacity
- Distances to the schools and new supermarket site in relation to walking/dependence on motorised vehicles

89 The material planning concerns raised are summarised and salient points addressed in the Appraisal section of this report.

## ADDITIONAL STATEMENTS

|    |                                                |                                   |
|----|------------------------------------------------|-----------------------------------|
| 90 | Environment Statement                          | Screened -not required            |
|    | Screening Opinion                              | Undertaken through the submission |
|    | 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

91 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

92 TAYplan Policy 1 (Location Priorities) focuses the majority of development to Tier 1, 2 and 3 settlements as they have the greatest potential to accommodate the majority of the region's additional development in the next 20 years. The proposed site is located within the Tier 2 settlement of Crieff

- 93 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

| <b>Residential Site</b>                                                                                                                                                                                                            |                  |             |                 |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------|-------------|-----------------|
| <b>Ref</b>                                                                                                                                                                                                                         | <b>Location</b>  | <b>Size</b> | <b>Number</b>   |
| H57                                                                                                                                                                                                                                | Wester Tomaknock | 10.2 ha     | 100-120 maximum |
| Because of its size and sensitive landscape setting, a masterplan will be required for the development of this site. Appropriate landscaping requirements, including a woodland strip, will reduce its developable area to 6.4 ha. |                  |             |                 |
| <b>Site Specific Developer Requirements</b>                                                                                                                                                                                        |                  |             |                 |
| ⇒ Masterplan submitted at the time of any planning application to ensure built form and layout respond appropriately to the landscape.                                                                                             |                  |             |                 |
| ⇒ Mix of housing types and sizes including low cost housing.                                                                                                                                                                       |                  |             |                 |
| ⇒ Flood Risk Assessment.                                                                                                                                                                                                           |                  |             |                 |
| ⇒ Transport Assessment.                                                                                                                                                                                                            |                  |             |                 |
| ⇒ Enhancement of biodiversity and protection of habitats.                                                                                                                                                                          |                  |             |                 |
| ⇒ Public access, extension of path network around Crieff.                                                                                                                                                                          |                  |             |                 |
| ⇒ Archaeological investigation may be required.                                                                                                                                                                                    |                  |             |                 |

### Flood Risk Assessment and Surface Water Drainage

- 94 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.
- 95 In line with regulations, when the development exceeds 50 dwellings, a minimum of two levels of SUDS treatment will be required, proposed to be provided in a variety of forms including roadside filter trenches.
- 96 Omissions were originally identified by SEPA and the SFT in relation to the detailing and sufficiency of the flood risk assessment and drainage strategy only affecting properties within the site boundaries. It has been clarified that all dwellings and SUDS will be positioned out with the 0.5% flood extents, complying with the SPP position. In addition, further modelling work was undertaken with 0.5% annual probability flow and an allowance for climate change and 50% blockage with confirmation that all proposed finished floor levels will be above the modelled flood level.
- 97 Overall, both the Council 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

- 98 In respect of placemaking Policies PM1A and PM1B, the movement pattern, layouts and open spaces are now considered to respond accordingly to the surrounding site context, and to the associated site constraints.

## Lack of Masterplan

- 99 The LDP specifies that a masterplan will be required for the development of this site; however the proposed site plan and proposed layout plan that have been submitted in support of this application cover only the application site and not the whole of the allocated site. It is therefore implied that there are no plans to develop the remainder of the allocated site in an integrated manner consistent with a masterplan as set out in the site specific developer requirements in the LDP. It was set out through pre-application discussions that a detailed application submitted for this scale of development would mean it was not considered necessary to undertake and provide a supplementary masterplan for the wider site.
- 100 Setting this aside, access up towards the point of the eastern extents of site H57 has been identified up to plot 43. Provision of an access from the application site to the remaining portion of the LDP site from this location would not therefore preclude further development from being considered through subsequent detailed planning application for that area. Whilst this proposed layout is not considered to sterilise a development extension fulfilling the entire H57 site in to this area coming forward at a later date in itself, the Planning Authority do consider it appropriate to oblige the applicant to identify and subsequently deliver a vehicular access up to the point of the site boundary. This approach would provide assurance that the whole LDP site can be delivered to meet the objectives of the site allocation and overall plan development strategy for housing in this locality. It is recommended that this provision be secured through a phased conditional requirement (see proposed Condition 24).
- 101 From the outset, the proposed central feature element was assessed as failing to satisfy salient placemaking policy criteria, not responding appropriately to its environment either in isolation or successfully integrating with the wider development, an element which was also picked up by a representation through the scale and massing. Whilst not being against the principle of a central, key feature on the knoll as the farmhouse would have been originally, it was not considered acceptable in the format originally proposed.
- 102 Changes were latterly discussed with the applicant in arriving at a scheme deemed appropriate and acceptable on the knoll. The blocks were broken up and reduced in scale overall to more closely reflect the original farmhouse and farm building courtyard arrangement, which is considered more appropriate in this context and based on the style of architecture. The elevational treatment of the knoll elements (is considered to benefit from further refinement, which can be appropriately secured via condition.
- 103 The proposed affordable housing cluster to the north west of the site may be considered to be slightly stark but it is accepted that, through suitable enhanced landscaping along the boundaries and around the SUDS area, it will sufficiently integrate it with the wider development. In general terms, there still requires to be further appropriate boundary definition and associated soft landscaping detailing secured through condition to ensure it will appropriately achieve and reflect established placemaking principles on site. This includes appropriate boundary treatments, both to the front and rear on the public elevations, defining street edges

where housing is set back and ensuring an appropriate level and approach to the treatment on the rear gardens interfacing with the open space areas.

- 104 The individual dwellings are of an appropriate scale with associated proportionate garden ground and a response to the topography through some split level units. The proposed density of development is considered acceptable at this location. In general terms, the proposed dwellings will benefit from reasonable garden ground, with none of the properties calculated to adversely impact on the amenity enjoyed by neighbouring properties or land uses in terms of overlooking or overshadowing.
- 105 The overall housing mix types and heights provide 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.
- 106 Overall, the revised detailed proposals submitted are now considered appropriate in terms of the overall design, mix, house types, open space, movement patterns and associated landscaping. It is considered that they satisfy the policy objectives of Designing Places, Designing Streets alongside the LDP Placemaking Policies with a requirement for conditional control of material finishes, boundary details and wider landscaping.

### **Affordable housing**

- 107 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 requirement for affordable housing will be secured through a S.75 legal agreement. The affordable requirement is 25.5 units (102 x 0.25). Due to the scale of the proposed development the affordable requirement should be provided on site. This application identifies two single bedroom bungalows and a range of 2/3 bedroom flatted units which may fall under the affordable criteria. On this basis, there is considered to be sufficient provision identified as part of the proposals to ensure Policy RD4 requirements can be satisfied in this regard, the specific detail of which will be secured via a S.75 legal agreement.

### **Core Paths, Pedestrian and Cycle Routes**

- 108 Minimal linkages to the wider site have been identified. No linkages have been proposed to the wider site to the east, including a proposed ransom strip, which the applicant advised they were not willing to change. There are no established core paths or rights of way on or near the boundaries of the site. A pedestrian and cycle link has however been proposed to tie into existing residential areas to the west. Community Greenspace acknowledged that there are no obvious connections to the core path network and there is limited opportunity to create useful connections to the north due to the wider relationship out with the development site and H57 allocation. Overall, the proposals are considered to broadly satisfy LDP Policies TA1B and CF2, with no significant or adverse impact calculated.

## **Biodiversity**

- 109 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. A general biodiversity statement was submitted in support of the original planning submission, but there was a failure to provide a protected species survey. This omission was latterly rectified and addressed through the undertaking and submission of a bat survey with associated recommendations.
- 110 In summary, the Councils Biodiversity officer has confirmed that the survey work now undertaken is satisfactory with the proposed approach and background findings are now considered to be consistent with LDP Policies NE3, NE4 and ER6. A condition has been recommended

## **Sustainable Construction**

- 111 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 identified table (Bronze, Silver, Gold or Platinum). General good practice principles have been identified to be applied and integrated as part of the development, including use of recycled insulation, locating construction products locally and using local supply chains where possible. This is predominantly anticipated to achieve Bronze and Silver standards, which is considered to satisfy minimum criteria of the terms of policy LDP EP1 in this regard.

## **Landscape, Open Space and Visual Impact**

### Landscape and Visual Impact

- 112 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 broad landscaping elements are acknowledged to be generally low level, supporting the lowland wetland habitat principles. This will not screen the residential development proposals from its surroundings proposed, however through the wider built development relationship, and the site characteristics, the visual impact is not considered to be adverse overall. In terms of the site specifics however, it is deemed appropriate to look for further structural planting around key edges of the site and within the site and appropriate boundary definition secured at both the front and rear elevations of plots with public aspects.
- 113 In relation to open space, Community Greenspace confirmed that the tree survey and broader planting proposals within the site were considered satisfactory. Consistent with other sites, Community Greenspace clarified that all small areas of proposed open space and hedges/boundaries between public open space and private ground should be incorporated into private gardens and will not be adopted by the Council. It has been considered appropriate to finalise an agreement of these areas through condition.

114 Whilst not objecting, Community Greenspace did recommend that the proposed play area was located elsewhere within the site, benefitting from greater natural surveillance. The siting of the play area was considered at the pre-application stages and it was agreed this location was deemed reasonable and appropriate overall. The specific location was re-investigated during the assessment, looking at the play area being swapped with the adjacent SUDS feature, but the applicant advised that on drainage engineering grounds, this was not achievable. Overall, there is considered to be a reasonable degree of natural surveillance here and the location of the play area will also serve neighbouring residential areas. More fundamental recommendations to specifics of the proposed local area of play were identified, including:

- Remove fencing around LEAP (unnecessary)
- Orientate the swing unit to face into the play area.
- Swing unit to be 1 cradle & 1 flat swing.
- Replace unit A with less challenging model suitable to 4-8 yrs.
- Replace grassmat with either sand carpet or rubber crumb.

115 In association with aforementioned, it is considered appropriate to pursue further landscaping through condition, specifically in and around key residential boundary areas, as both a mix of public and private boundary treatment and also in establishing a specification for the play area, which can thereafter be supported for adoption by Community Greenspace.

116 Overall, the proposed landscape approach is considered to be reasonable and proportionate, utilising the wetland corridors for biodiversity and amenity landscape opportunities. The proposals are consistent with the LDP site requirements and consistent with LDP Policies ER6, CF1 and CF3.

### **Traffic and Transport**

117 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.

118 In respect of traffic volumes, the TA concludes that the traffic impact associated with the proposed development will be minimal, with an overall increase of 1.8% during both the AM and PM peak periods respectively. Overall, the impact of the proposed development is not substantial during either the AM or PM peak periods.

119 In addition to the assessment of traffic volumes, the TA also reports modelled queuing impact associated with the proposed development, seeking to address concerns raised during pre-application consultation (PAC), as noted in the PAC report (dated August 2016), which specifically highlighted queuing at the A85/Dollerie Terrace junction.

- 120 As part of the queuing assessment, queuing behaviour on key routes during the AM and PM peak periods were extracted. These include the key accesses to the trunk road network likely to be used by residents of the proposed development, including the A85/Dollery Terrace junction, the A85/Ochil View junction, and the A85/Highlandman Loan junction. From this assessment, the TA concludes that the proposed development will result in a negligible impact on the maximum number of vehicles queued.
- 121 In support of the queuing assessment, journey times have been modelled to assess the change between the 2026 reference case and the 2026 reference case plus the proposed development. As in the assessment of queuing, the impact is shown to be minimal.

### Public Transport

- 122 The Crieff Town Bus Service currently links the main residential areas in Crieff with the Town Centre, Community Hospital/Health Centre, Community Campus and other key retail and service facilities. In addition to offering accessible public transport for those without access to a car, the Crieff Town Service also provides an option for car drivers to avoid them parking in the town centre. The service currently operates for 3 days a week up to Dollerie Terrace at Inchbrakie Drive, close to the application site.
- 123 The proposed details submitted are consistent and sufficient with that required by LDP Policies TA1A and TA1B to support the development.

### **Primary Education**

- 124 In relation to primary education provision and the Council Developer Contributions Supplementary Guidance, a capacity constraint is defined 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 Crieff Primary School where it has been identified that Education & Children's Services have capacity issues in this catchment area at this time and will therefore be seeking contributions on this basis, which is proposed to be secured through a S.75 legal agreement.

### **Cultural Heritage and Archaeology**

- 125 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 or applicant will be required to arrange for an archaeological evaluation to be carried out. An archaeological evaluation was carried out in 2014, with a 5 % trenching sample of the proposed development area undertaken. A total of 30 trenches of varying lengths and alignments were excavated. No archaeologically significant features or material were encountered.
- 126 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**

- 127 Waste collection is considered to have sufficient scope to be appropriately addressed through the provision and access to individual properties from the current layout proposed. A detailed response has been provided and is recommended to be referred to through an Informative to remind the developer of both minimum and beneficial provision in this regard.

## **Amenity**

- 128 Given the site location and the associated mix of surrounding land uses, it is considered that there would be negligible air pollution issues long term with the site and EH have not raised any specific concern. In general terms, the proposed residential units are not considered to result in any adverse impact through overlooking to neighbouring properties due to the separation distances (including 9 metre deep back gardens) 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.
- 129 Several individual plots proposed (approximately 10%) have a useable rear garden ground below 80sqm. It is acknowledged that this relates to a minor proportion of the proposed modest dwelling house types, including semi-detached and terraced properties, reflecting a wider plot proportion split. It is consistent and fundamental to seek and ensure an outside useable area capable of performing minimum standards expected of private external space, including adequate provision for:
- airing clothes,
  - waste and recycling provision and
  - space for a modest storage shed and sit out area.
- 130 In each case, the private garden ground currently proposed within this layout is considered adequate to cater for occupants needs relative to the associated house type.
- 131 Overall, the policy criteria of Policy RD1 are considered to have been satisfied through the detailed proposals.

## **Contaminated Land**

- 132 A previous land use that has led to the contamination of a site is generally identifiable from historical records. However consideration needs to be given to situations where this is not so apparent and there is the potential for contamination to cause a constraint in the redevelopment of specific sites. The previous agricultural use of the site has thrown up some potential contamination issues.

- 133 There are potentially a range of contaminants that could be present in agricultural land, particularly areas used as farmyards, containing a variety of buildings that have been put to a number of uses. Aside from the likely presence of made ground any number of chemicals could have been used and potentially leaked or been spilled. Historical mapping also indicates that there was a quarry located immediately north of the proposed development site. The nature or volume of material used to infill this quarry is unknown and therefore there is the possibility it may contain contaminants. There is also the potential for localised ground gas production that could possibly impact on any residential properties being built close by. The risks associated with this remain difficult to quantify until there has been some form of sampling and chemical analysis of the soils contained within the development area, which will assist in determining the suitability of the site for the proposed development and whether any measures are needed to mitigate against any risks that have been identified. This is proposed to be appropriately addressed by condition.

## **OTHER CONSIDERATIONS**

### **Local medical practice capacity**

- 134 Consistent with other major residential applications, it is clarified that the local NHS board have been consistently invited to take part in the LDP process, including an opportunity to comment on proposed site allocations. No formal objection has been received from NHS Tayside regarding the capacity of the local doctors' surgery and an inability to cope with the proposed level of residential development identified and allocated within the LDP. In this case, the local doctors' surgery have also not made any comment or identified capacity concerns through this application.

### **Developer Contributions**

- 135 A legal agreement will be required to secure infrastructure associated with site H57, 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**

- 136 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.
- 137 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 £0.5 million, albeit it is appreciated this includes leakage to the wider region.

## **LEGAL AGREEMENTS**

138 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
- Play Area provision

## **DIRECTION BY SCOTTISH MINISTERS**

139 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**

140 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.

141 Overall, the proposed development is considered competent and compliant with the key principles of the Development Plan and is recommended for approval, subject to conditional control and an associated legal agreement.

## **RECOMMENDATION**

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

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

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

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

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

3 Prior to any phase of the development hereby approved being brought into use, a Residential Travel Plan (RTP), aimed to encourage more sustainable means of travel, shall be submitted and approved in writing by the Council, in consultation with Transport Scotland. The RTP will have particular regard to provision for walking,

cycling and public transport access to and within the site and will identify the measures to be provided, the system of management, monitoring, review, reporting and the duration of the plan.

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

- 4 The hours of operation at the construction stages shall be Monday to Friday 07:00 to 19:00 hours, Saturday 08:00 to 13:00 hours and no workings on a Sunday, unless otherwise agreed in writing with the Planning Authority.

Reason: In the interests of public health and to prevent noise pollution.

- 5 Prior to the occupation of any residential plot, details of the material specification, dimensions and finished level spot heights of 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.

- 6 Prior to the commencement of development, revised landscape drawings shall be submitted and reviewed for further written approval by the Planning Authority in consultation with Community Greenspace; including enhanced planting at agreed locations and revised play area specifications. The approved play area(s) shall be designed, laid out and equipped in accordance with the Planning Authority's current criteria for play area provision within six months of the commencement of development of the site. The play area and its facilities/equipment shall thereafter be maintained to the satisfaction of the Council as Planning Authority.

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

- 7 The detailed landscaping and planting scheme as approved shall be undertaken and delivered commensurate with the residential development and fully completed prior to the completion of the development and thereafter maintained to the satisfaction of the Council as Planning Authority.
- 8 Any planting failing to become established within five years shall be replaced in the following planting season with others of similar sizes and species to the satisfaction of the Council as Planning Authority.

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

- 9 Prior to the commencement of development, a detailed open space and private open space plan and open space landscaping delivery plan, which clearly sets out areas proposed for both public adoption and phased delivery, shall be submitted to the

Planning Authority for further written approval in consultation with the Council Community Greenspace Team. The agreed public landscaping elements shall thereafter be undertaken and delivered in line with the approved delivery plan and thereafter maintained to the satisfaction of Council as Planning Authority.

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

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

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

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

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

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

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

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

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

- 13 There shall be no land raising or the erection of solid boundaries within the 0.5% AP floodplain as shown on drawing number 13019/21/001A.

Reason: In order to ensure that surface water arising from the development is adequately dealt with and that any SUDS does not increase flood risk elsewhere.

- 14 Prior to the commencement of development, precise details of the proposed surface water and foul drainage scheme shall be submitted to the Council as Planning Authority for the approval in writing. The required drainage details must include a full drainage impact assessment which must take into account the potential surface water run-off from all hard surfaces (including paving/road surfaces), and the ground levels associated with the proposal. The assessment must be carried out in accordance with the Council's Flood Risk and Flood Risk Assessment Developer Guidance. The approved details shall thereafter be implemented in full, commensurate with the development build out and thereafter retained in perpetuity.

Reason – In order to ensure that surface water arising from the development is adequately dealt with and that any SUDS does not increase flood risk elsewhere.

- 15 Prior to the commencement of development, sustainable urban drainage system (SUDS) details shall be submitted to the Council as Planning Authority for approval in writing, in consultation with SEPA. 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, commensurate with the associated stage of the development and prior to the completion of the development.

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

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

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

- 17 The conclusions and recommended action points within the supporting biodiversity survey's submitted and hereby approved shall be fully adhered to, respected and undertaken as part of the construction phase of development.

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

- 18 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).

- 19 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.

- 20 Where it is intended to create semi-natural habitats, all species used in the planting proposals detailed in the approved plans shall be locally native species of local provenance unless otherwise agreed in writing with the local planning authority.

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

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

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

- 22 Prior to the commencement of development, revised boundary landscape drawings shall be submitted for further written approval by the Planning Authority, including full boundary treatment details (with elevations).

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

- 23 Prior to the commencement of the development hereby approved, details of the specification and colour of the proposed external finishing materials to be used shall be submitted to and agreed in writing by the Council as Planning Authority. This shall include a further detailed review of the elevation treatments on plots 65-76. The scheme as agreed shall be implemented prior to the completion or bringing into use of the development, whichever is the earlier.

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

- 24 Notwithstanding the layout and site plans recommended for approval, the road layout proposed up to plot 43 and stopping short of the eastern boundary of the site is not approved. A scheme that identifies a vehicular access being provided up to the boundary to connect the application site with the remainder of site H57 as allocated within the Perth and Kinross Local Plan 2014 shall be submitted for written approval of the Planning Authority within 3 months of the consent hereby approved. The approved scheme shall thereafter be constructed in full in conjunction with, and no later than, 3 months of the formation of the eastern public access, bounding plots 49 and 50, being formed.

Reason: To ensure that suitable access can be effectively provided into the adjoining part of the H57 allocation of the Perth and Kinross Local Development Plan 2014.

## **B JUSTIFICATION**

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

## **C PROCEDURAL NOTES**

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 reminded that, under the Wildlife and Countryside Act 1981, as amended, it is an offence to remove, damage or destroy the nest of any wild birds

while that nest is in use or being built. Planning consent for a development does not provide a defence against prosecution under this act.

- 11 The applicant is recommended to follow and incorporate all associated comments included within PKC Waste Services response (dated 04/07/2016). Further details and clarification of the requirements can be sought in discussion with the Council Waste Services Team.

## **D INFORMATIVES**

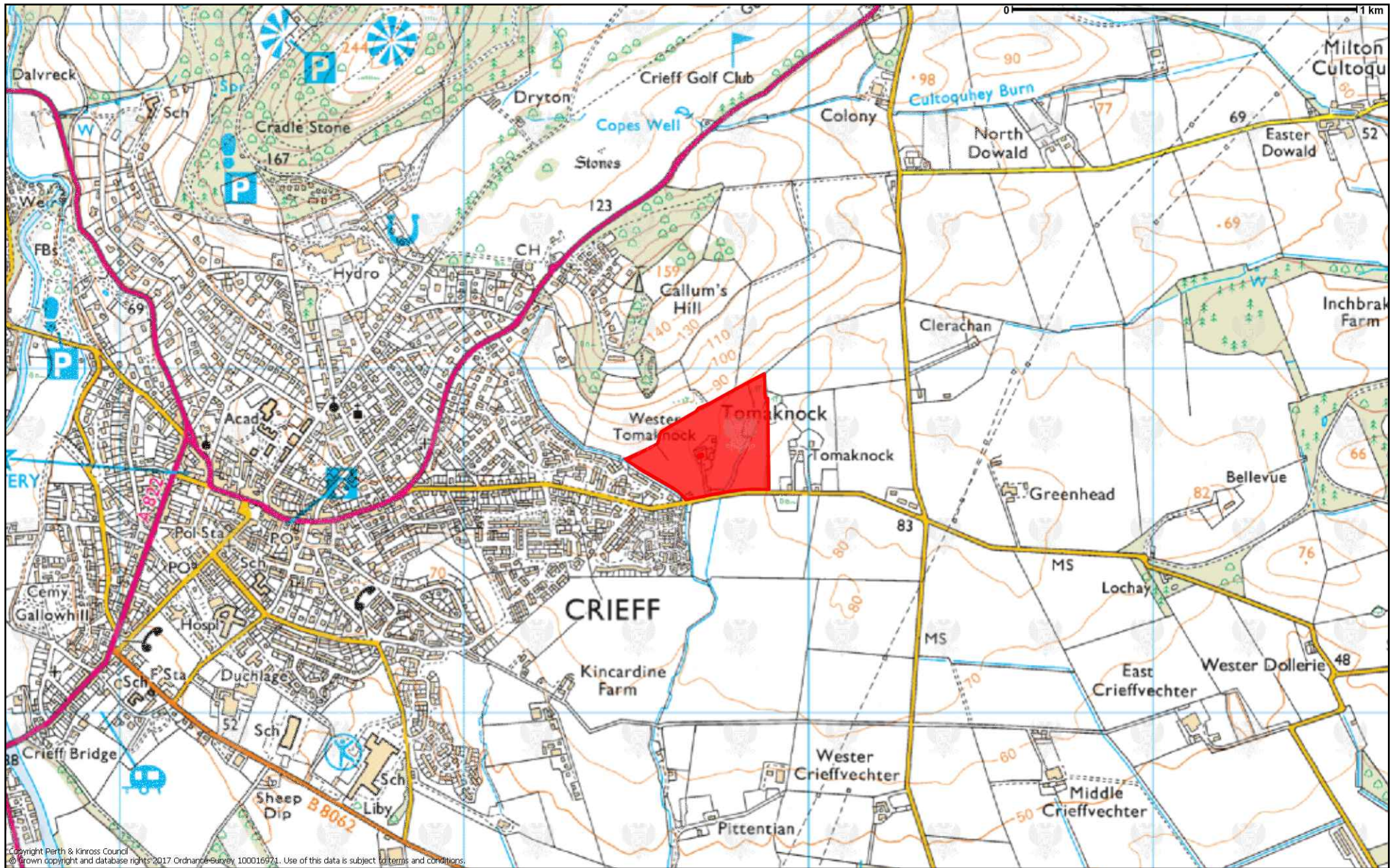
Background Papers: 2 letters of representation  
Contact Officer: Callum Petrie  
Date: 14 July 2017

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

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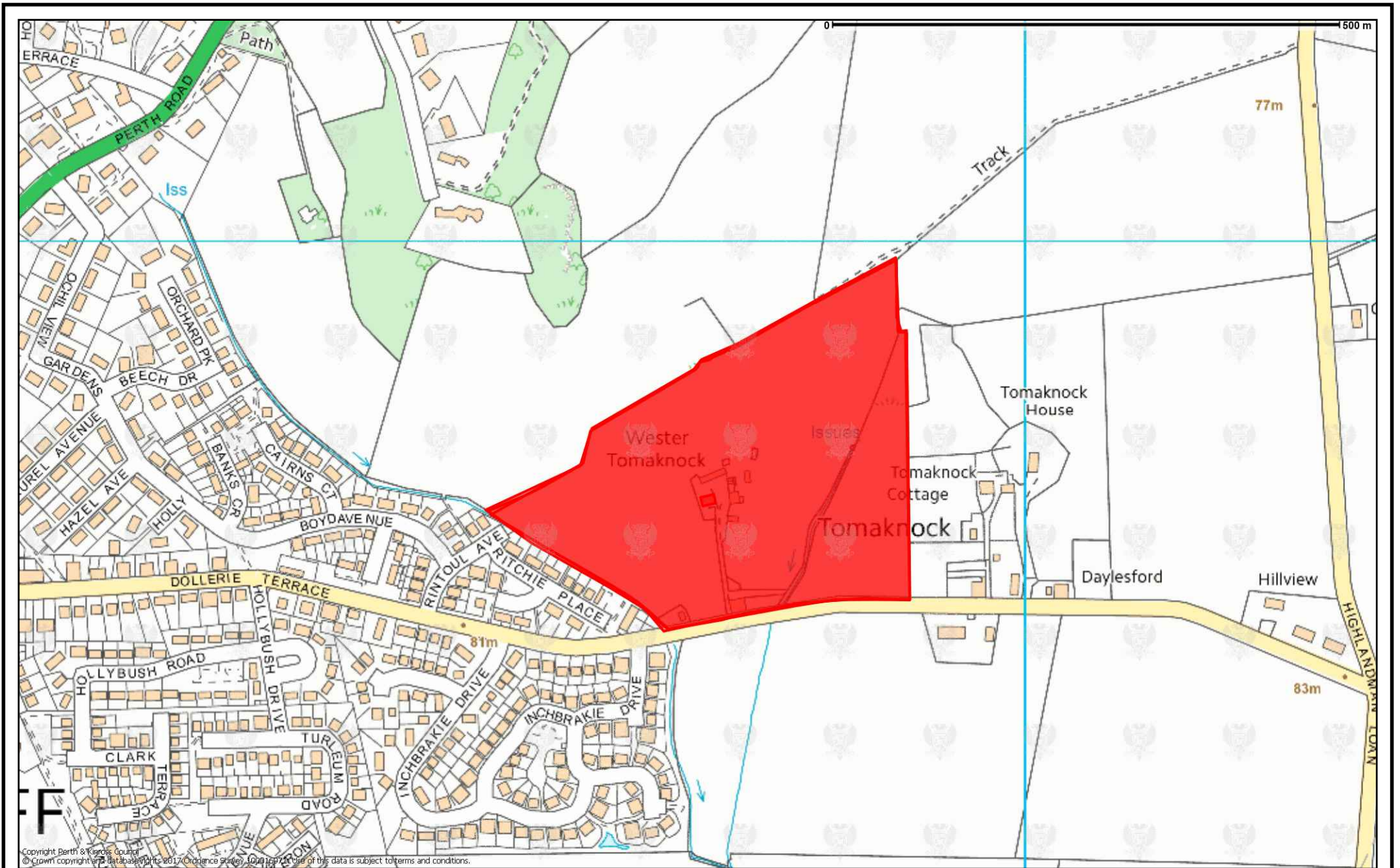


Erection of 102 dwellinghouses, landscaping and associated works land At Wester Tomaknock Crieff









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Scale 1:5000



Erection of 102 dwellinghouses, landscaping and associated works land At Wester Tomaknock Crieff





Perth and Kinross Council  
Development Management Committee – 2 August 2017  
Report of Handling by Interim Head of Planning

Erection of 3 dwellinghouses on Land 60 Metres North West Of The Former Masonic Hall, Dunkeld Road, Bankfoot

Ref. No: 16/01251/AML  
Ward No: N5 – Strathtay

**Summary**

This report recommends approval of the application for the erection of 3 dwellinghouses and associated works as the development is considered to comply with the relevant provisions of the Development Plan and there are no material considerations apparent which would outweigh the Development Plan.

**BACKGROUND AND DESCRIPTION**

- 1 The application site is located within the identified settlement boundary of Bankfoot. The site is bounded to the north by residential properties, to the east by agricultural land, to the west by the public road with housing beyond and to the south by the site of the former Masonic lodge which was recently demolished and has planning permission to be replaced by a dwellinghouse. The site is a steeply sloping area of dense semi-mature woodland which sits higher than the public road and continues to rise towards the eastern boundary.
- 2 In December 2012 planning permission in principle was granted for residential development on this site with access taken from the Dunkeld Road (Ref: 12/01868/IPL). No indicative layout was submitted with this application but it was suggested that there may be 4 plots.
- 3 An application for matters specified by conditions was then submitted in November 2015 for the erection of 4 detached dwellings within the site (Ref: 15/02026/AML). The site was to be split into four similar sized plots with each house located within the eastern half of the plots, towards the top of the steeply sloping site. The proposed houses were all identical in design being 1.5 storey structures of traditional design with rooms in the roof space served by dormers. This application was refused as the layout of the proposed development failed to provide sufficient usable private amenity space, particularly in relation to Plot 4, and the layout of the development also did not reflect the prevailing established building line. The proposals also lacked any details in relation to surface water drainage.
- 4 Following the refusal of the above application the applicant engaged in further pre-application discussions and it was agreed that the development would be reduced in size and the layout would better reflect the prevailing building pattern. It was also agreed that further details relative to both the access and surface water drainage would be submitted.

- 5 An application for matters specified by conditions is again being sought but based on a reduced scheme comprising of 3 detached houses. The site has been split into three large plots with each house built into the slope of the site. The layout of the houses has been staggered in order to better reflect the existing building line and positioning of the houses. This also ensures that each plot will be served with a reasonable area of useable private amenity space. To the south of Plot 3 a belt of woodland will also now be retained in order to provide improved screening to both the proposed housing plot to the east and also reduce the visual impact of the development.
- 6 The proposed houses are 1.5 storey structures of traditional design with rooms in the roof space. The finishing materials are detailed as wet dash render, natural stone, timber cladding, slate roof tiles and timber windows and doors. Access to the development will be taken from a new private access onto the Dunkeld Road which will require substantial engineering works due to the steep gradient of the site, particularly at the access point onto the public road.
- 7 It is proposed that all surface water will be handled on site by a SUDS arrangements comprising of a mixture of soakaway trenches and filter drains. All waste water from the development will be connected to the existing public waste water treatment plant which services Bankfoot.

## **NATIONAL POLICY AND GUIDANCE**

- 8 The Scottish Government expresses its planning policies through The National Planning Framework 1 & 2, the Scottish Planning Policy (SPP), Planning Advice Notes (PAN), Designing Places, Designing Streets, and a series of Circulars.

### **Scottish Planning Policy 2014**

- 9 The Scottish Planning Policy (SPP) was published on June 23 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; and
  - the determination of planning applications and appeals.
- 10 Of relevance to this application are:
  - Paragraphs 109 – 134: Enabling Delivery of New Homes

## **DEVELOPMENT PLAN**

- 11 The Development Plan for the area consists of TAYplan Strategic Development Plan 2012 – 2032 and the Perth and Kinross Local Development Plan 2014.



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

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

- 13 Under the TAYPlan the principal relevant policy is:-

### **Policy 5: Housing**

- 14 Ensure that the mix of housing type, size and tenure meets the needs and aspirations of a range of different households throughout their lives, including the provision of an appropriate level of affordable housing based on defined local needs. Local Development Plans (where applicable) will need to set affordable housing requirements for or within each housing market area.

## **PERTH AND KINROSS LOCAL DEVELOPMENT PLAN 2014**

- 15 The Local Development Plan (LDP) was adopted by Perth and Kinross Council on 3 February 2014. It is the most recent statement of Council policy and is augmented by Supplementary Guidance.

- 16 The principal relevant policies are, in summary:

### **Policy PM1A - Placemaking**

- 17 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**

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

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

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

### **Policy RD1 – Residential Areas**

- 20 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 EP3B – Water, Environment and Drainage**

- 21 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**

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

### **Policy NE2A – Forestry, Woodland and Trees**

- 23 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**

- 24 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**

- 25 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

## **OTHER POLICIES**

### **Developer Contributions and Affordable Housing Guide 2016**

- 26 Sets out the Council's Policy for securing contributions from developers of new homes towards the cost of meeting appropriate infrastructure improvements necessary as a consequence of development.

## **SITE HISTORY**

- 27 12/01868/IPL – Residential development (in principle), 24 December 2012, Approved

- 28 15/02026/AML – Erection of 4no dwellinghouses (matters specified by conditions),  
4 February 2016 Refused

## **CONSULTATIONS**

### **External:**

- 29 **Scottish Water** – No comments received.
- 30 **Auchtergaven Community Council** – Object to the proposals on the basis of lack of capacity of the existing sewage system that serves Bankfoot and the potential of flooding from surface water.
- 31 **Forestry Commission** – Object to the felling of the woodland unless appropriate compensatory planting is agreed with the Forestry Commission prior to the development being approved / commencing.

### **Internal:**

- 32 **Transport Planning** – No objection to proposed development subject to conditions relating to access and visibility.
- 33 **Structures and Flooding (SFT)** – No objection to this application. Flood Team are satisfied with the proposed detailed surface water drainage proposals.
- 34 **Contributions Officer** – No contributions are required in this instance in respect to both education and infrastructure.

## **REPRESENTATIONS**

- 35 7 valid letters of objection have been received from 6 local residents and Auchtergaven Community Council. The grounds of objection can be summarised as follows:
- Impact on road safety
  - Flood risk from increased surface water
  - Lack of capacity at local sewage treatment works
  - Visual impact of proposed development
  - Lack of capacity at Bankfoot Primary School
- 36 These issues are addressed in the Appraisal section of this report.

## 37 ADDITIONAL STATEMENTS

|                                                |                                            |
|------------------------------------------------|--------------------------------------------|
| Environment Statement                          | Not required                               |
| Screening Opinion                              | Not required                               |
| Environmental Impact Assessment                | Not required                               |
| Appropriate Assessment                         | Not required                               |
| Design Statement / Design and Access Statement | Not submitted                              |
| Report on Impact or Potential Impact           | Surface Water Drainage Proposals submitted |

## APPRAISAL

### Policy

- 38 Sections 25 and 37(2) of the Town & Country Planning (Scotland) Act 1997 (as amended) requires the determination of the proposal to be made in accordance with the provisions of the Development Plan, unless material considerations indicate otherwise. The determining issues here are whether the proposals comply with Development Plan policy or if there are other material considerations, which justify a departure from policy. The most relevant policy considerations are outlined in the policy section above and will be considered in more detail below.
- 39 The proposed site is located within the village settlement boundaries of Bankfoot where Policies RD1 'Residential Areas' and PM1 'Placemaking' of the Perth and Kinross Local Development Plan 2014 (LDP) are directly applicable.
- 40 Policy RD1 identifies areas of residential and compatible uses where new development will only be acceptable where the use proposed is compatible with existing (residential uses) and will not adversely affect the character or amenity of the existing area.
- 41 Policy PM1A is applicable to all new proposals within the plan area and seeks to ensure that the quality of the surrounding built and natural environment is maintained and that all new development respects the existing character and amenity of the existing areas
- 42 Other relevant policy considerations are identified within the in the policy section.
- 43 The principle of residential development has already been established through the 2012 in principle consent (12/01868/IPL). It is therefore considered that the main issues to consider in the assessment of this application relates to the scale, design and layout and other relevant matters such as surface water drainage and access. The conditions of the relevant in principle consent are also a significant material consideration.
- 44 For reasons stated below, and subject to restrictive conditions being imposed on any consent, I consider this detailed proposal to be consistent with all the aforementioned policies and the conditions of the 2012 in principle consent.

## **Design and Layout**

- 45 As expressed in the assessment of the previous proposals, the scale and design of the proposed houses are considered to be acceptable. The traditional design coupled with use of high quality finishing materials such as natural stone and timber cladding, natural slate and timber windows will appear in keeping within the prevailing style of traditional buildings within the surrounding area.
- 46 The main issues within the previous plans related largely to the layout and number of plots proposed. The original layout comprising of 4 plots with an arbitrary building line that failed to reflect the building line of the housing to the south east. It was also considered that the steep gradient of the site meant that it was not feasible to accommodate 4 plots whilst providing a reasonable area of private amenity space to each property. This was particularly notable on Plot 4, which although having a reasonable size of plot, the gradient of the site meant that the house was pushed to the top of the site and left very little usable private amenity space.
- 47 In order to address the above concerns the applicant has removed Plot 4 and improved the offering of usable private amenity space for each of the three remaining plots. Furthermore, as recommended, the layout of the houses have also been staggered in order to better fit with the building line to the north and south of the site.
- 48 It is therefore considered that the scale, design and finish of the proposed dwellings are acceptable and in accordance with Placemaking Policies PM1A and PM1B.

## **Residential Amenity**

- 49 It is considered that the proposed layout of the development provides an acceptable level of amenity for both the residents of the proposed new houses and the existing neighbouring houses adjacent to the site.
- 50 Whilst on plan each of the plots are relatively sizeable, the sloping gradient of the site provides challenges in terms of providing useable private amenity space. However, as demonstrated in the detailed cross sectional plans, the proposals will involve quite a considerable amount of regrading of the ground levels with a large amount of earth removed to create a developable site. These works also include the formation of reasonably large areas of useable rear garden areas which are of a sufficient size and exceed the Council's normal standards for private amenity space.
- 51 In terms of neighbouring amenity, the position of the proposed houses relative to the adjacent neighbouring properties and the distance of the houses from any mutual boundaries are such that overlooking or overshadowing is not considered to be an issue. The property that would arguable be most affected by the proposals will be the existing house at Ardarth to the North West of the site which will share a mutual boundary with Plot 1. However having reviewed the plans and visited the site it is assessed that proposals will retain a sufficient gap between the two properties (approx.10 metres) which is comparable to prevailing pattern of

development in the area. There will also be no windows at first floor level within 9 metres of the boundary. The other nearby dwellings to the west over the Dunkeld Road and the development plot to south on the site of the former masonic lodge are at least 37 metres and 16 metres from the proposed housing respectively.

- 52 It is therefore considered that the proposed development will not result in any significant impact on neighbouring residential amenity and as such complies with Policy RD1 of the LDP.

### **Roads and Access**

- 53 It is noted that a number of concerns have been expressed in regards to road safety, particularly in relation to parking and the gradient of the proposed new access.

- 54 In this regard the Council's Transport Planner has been consulted and whilst he acknowledges the concerns in relation to the road safety, he has assessed that the proposed gradient of the access is acceptable for a development of this scale and that each plot will have ample off-street parking. It is however noted that suitable measures would need to be put in place to prevent surface water draining onto the road but the applicant has submitted a detailed surface water drainage plan (SUDs) which should adequately deal with this matter and negates the need for the condition regarding the gradient of the access – the SUDs scheme is discussed in greater detail below.

- 55 In regards to the concerns expressed in relation to residents parking their vehicles on the roadside during poor weather, this is not considered to be a relevant issue in the determination of this application. In any case, whilst it is acknowledged that the proposed access will be relatively steep, the gradient is no greater than many other accesses in the area.

### **Flood Risk**

- 56 The site is not located within any areas at risk to a 1 in 200 year flood event, as per SEPAs indicative flood maps. The Structures and Flooding Team (SFT) have also been consulted and they have not raised any concerns specifically in relation to flooding within the proposed site. As such the site is not considered to be at risk to flooding.

### **Surface Water Drainage**

- 57 As stated above the site is not at risk to flooding but concerns have been expressed about the potential for surface water flooding from the proposed development. The main concern is that the removal of the trees and shrubs along with the introduction of surfaced areas, such as the access, may result in increased surface water running from the site and possibly exacerbating the existing flooding nearby and elsewhere in Bankfoot.
- 58 As stated in under Policy EP3C of the LDP any proposed development must employ SUDS measures. In order to demonstrate that the proposed development will adequately deal with all surface water the applicant has submitted detailed

drainage proposals which details how surface water will be attenuated within the site. The initial drainage assessment submitted with the application was considered to be insufficient and failed to adequately demonstrate that the ground conditions on the site were suitable to provide workable SUDS measures. However the applicant has now undertaken a far more thorough assessment of the site including trial pits and percolation tests in order to design a detailed SUDS scheme which will be capable of attenuating any surface water within the site. SFT has reviewed the revised drainage proposals and confirmed that they are satisfied with the proposed SUDS measures.

- 59 It is therefore considered that the applicant has now adequately demonstrated that the proposed development can comply with the requirements of Policy EP3C.

### **Foul Water Drainage**

- 60 The applicant is proposing to dispose of foul effluent to the public sewer which is the preferred method of disposal and complies with the requirements of Policy EP3B 'Water, Environment and Drainage'.
- 61 It is noted that concerns have been expressed regarding the capacity of the public waste water treatment works. In this regard Scottish Water has been consulted but no response has been received. However it is understood that there may presently be limited capacity at the Bankfoot Wastewater Treatment Works. The lack of drainage capacity would obviously have a direct impact on the ability to develop the site but it is considered to be a separate matter that the applicant should discuss directly with Scottish Water.

### **Removal of Woodland**

- 62 At present the site is quite heavily wooded with mixed native woodland which was planted during the early 1990's as part of a Woodland Grant Scheme. The proposed development will result the loss of the vast majority of the trees within the site but it is important to highlight these trees are not protected and principle of residential development has already been established on the site.
- 63 However it is noted that the Forestry Commission have objected to the felling of the woodland unless appropriate compensatory planting is agreed with the Forestry Commission prior to the development being approved / commencing.
- 64 In response to this objection the applicant has advised the Forestry Commission that they would be more than willing to carry out compensatory planting in consultation with the Commission and the Council in association with the commencement of the development. A condition has therefore been applied (Condition 4) which requires the submission and approval of a compensatory planting plan prior to the commencement of any works.

## **Biodiversity**

- 65 As outlined above the site is heavily wooded and the proposed development will result in the removal of the vast majority of the trees. The removal of the trees has been discussed with the Council's Biodiversity Officer and it has been agreed that the existing site is quite overgrown and is not of any outstanding value in terms of wildlife habit. As such the clearance of the site is unlikely to have any significant impact on wildlife provided that the tree felling and ground clearance works are undertaken out with the bird breeding season which is covered by condition (Condition 11).

## **DEVELOPER CONTRIBUTIONS**

### **Education**

- 66 The Council's Developer Contributions Supplementary Guidance requires a financial contribution towards increased primary school capacity in areas where a primary school capacity constraint has been identified. A capacity constraint is defined as where a primary school is operating, or likely to be operating following completion of the proposed development and extant planning permissions, at or above 80% of total capacity.
- 67 This proposal is within the catchment of Auchtergaven Primary School which at the time this application was submitted had no capacity concerns.
- 68 As such no education contributions are required in this instance.

### **Transport Infrastructure**

- 69 The Council's Transport Infrastructure Developer Contributions Supplementary Guidance requires a financial contribution towards the cost of delivering the transport infrastructure improvements which are required for the release of all development sites in and around Perth.
- 70 The site had in principle consent which pre-dated the adoption of the Guidance. Whilst this consent is no longer valid, it is considered to be a significant material consideration as it was still valid when the previously refused application was submitted in 2015. As this application is a resubmission within a year following the refusal of the 2015 application it has been agreed that it would be unreasonable to apply the guidance in respect to transport infrastructure contributions. As such the Transport Infrastructure Supplementary Guidance has not been applied in this instance.

## **ECONOMIC DEVELOPMENT**

- 71 The economic impact of the proposal is likely to be minimal and limited to the construction phase of the development.



## **LEGAL AGREEMENTS**

72 None required.

## **DIRECTION BY SCOTTISH MINISTERS**

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

## **CONCLUSION AND REASONS FOR RECOMMENDATION**

74 In conclusion, the application must be determined in accordance with the adopted Development Plan unless material considerations indicate otherwise. In this respect, the proposal is considered to comply with the approved TAYplan 2012 and the adopted Local Development Plan 2014. I have taken account of material considerations and find none that would justify overriding the adopted Development Plan. On that basis the application is recommended for approval subject to conditions.

## **RECOMMENDATION**

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

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

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

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

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

3 All foul drainage from the proposed development must be connected to the existing public drainage system.

Reason - To ensure appropriate drainage arrangements are installed thereby ensuring compliance with policy EP3B of the Local Development Plan 2014.

4 Prior to the commencement of development a detailed scheme of compensatory woodland planting, including timescales for completion shall be submitted for the approval of Planning Authority in consultation with the Forestry Commission.

Thereafter the approved scheme shall be implemented in full to the satisfaction of both the Planning Authority and the Forestry Commission.

Reason - In order to ensure that adequate compensatory planting is undertaken to mitigate against the loss of the existing woodland.

- 5 The detailed sustainable urban drainage system (SUDS) shall be carried out in accordance with the agreed scheme and be operational prior to the occupation of any dwellinghouse.

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

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

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

- 7 Prior to the development hereby approved being completed or brought into use, the vehicular access shall be formed in accordance with Perth & Kinross Council's Road Development Guide Type B, Figure 5.6 access detail.

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

- 8 Prior to the commencement of the development hereby approved, full visibility splays of 2.4m by 43.00m shall be provided to the left and right of the access measured between points 1.05m above the road level, insofar as the land is in the control of the applicant, and thereafter maintained.

Reason - In the interests of road safety; to ensure the provision of adequate visibility of the vehicular access.

- 9 Prior to the development hereby approved being completed or brought into use, the turning facilities shown on the approved drawings shall be implemented and thereafter maintained.

Reason - In the interests of road safety; to ensure the provision of acceptable manoeuvring space within the curtilage of the site to enable a vehicle to enter and leave the site in forward gear.

- 10 Prior to the development hereby approved being completed or brought into use, the car parking facilities shown on the approved drawings shall be implemented and thereafter maintained.

Reason - In the interests of road safety; to ensure the provision of adequate off-street car parking facilities.

- 11 The removal of vegetation, including trees and shrubs shall not take place between 1st March and 31 August inclusive unless a competent ecologist has undertaken a careful and detailed check of vegetation for active birds' nests immediately before the vegetation is to be cleared and provided written confirmation that no birds will be harmed and/or that there are appropriate measures in place to protect nesting birds on site. Any such written confirmation must be submitted for the approval of the Planning Authority prior to commencement of works.

Reason - In order to protect any nesting birds during the breeding season.

- 12 The ground works associated with the redevelopment of the site shall be undertaken strictly in accordance with the approved plans. Upon the completion of the ground works and prior to the formation of the foundations of the proposed houses the developer shall notify the Planning Authority for the purposes of inspecting and verifying the finished ground levels.

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

## **B JUSTIFICATION**

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

## **C PROCEDURAL NOTES**

None

## **D INFORMATIVES**

- 1 Under section 27A of the Town and Country Planning (Scotland) Act 1997 (as amended) the person undertaking the development is required to give the planning authority prior written notification of the date on which it is intended to commence the development. A failure to comply with this statutory requirement would constitute a breach of planning control under section 123(1) of that Act, which may result in enforcement action being taken.
- 2 As soon as practicable after the development is complete, the person who completes the development is obliged by section 27B of the Town and Country Planning (Scotland) Act 1997 (as amended) to give the planning authority written notice of that position.
- 3 The development hereby permitted shall be commenced no later than the expiration of two years from the date of this permission or from the date of subsequent approval of matters specified in conditions, or three years from the date of planning permission in principle, whichever is the later.

- 4 No work shall be commenced until an application for building warrant has been submitted and approved.
- 5 The applicant is advised that the granting of planning consent does not guarantee a connection to Scottish Water's assets. The applicant must make a separate application to Scottish Water Planning & Development Services team for permission to connect to the public wastewater system and/or water network and all their requirements must be fully adhered to
- 6 The applicant is advised that in terms of Sections 56 of the Roads (Scotland) Act 1984 he must obtain from the Council as Roads Authority consent to open an existing road or footway prior to the commencement of works. Advice on the disposal of surface water must be sought at the initial stages of design from Scottish Water and the Scottish Environmental Protection Agency.

Background Papers: 7 letters of representation

Contact Officer: David Niven – Ext 75345

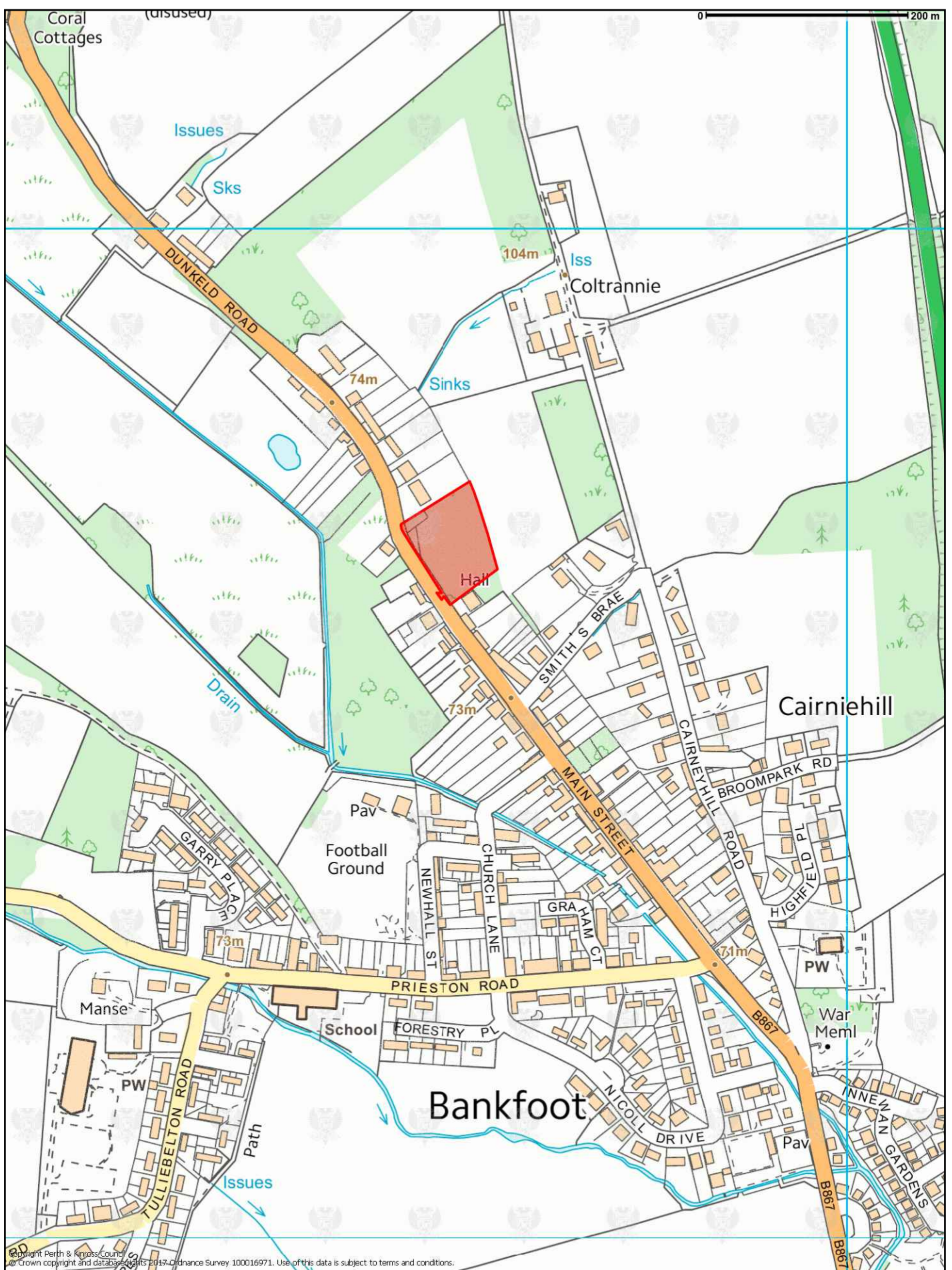
Date: 12 July 2017

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

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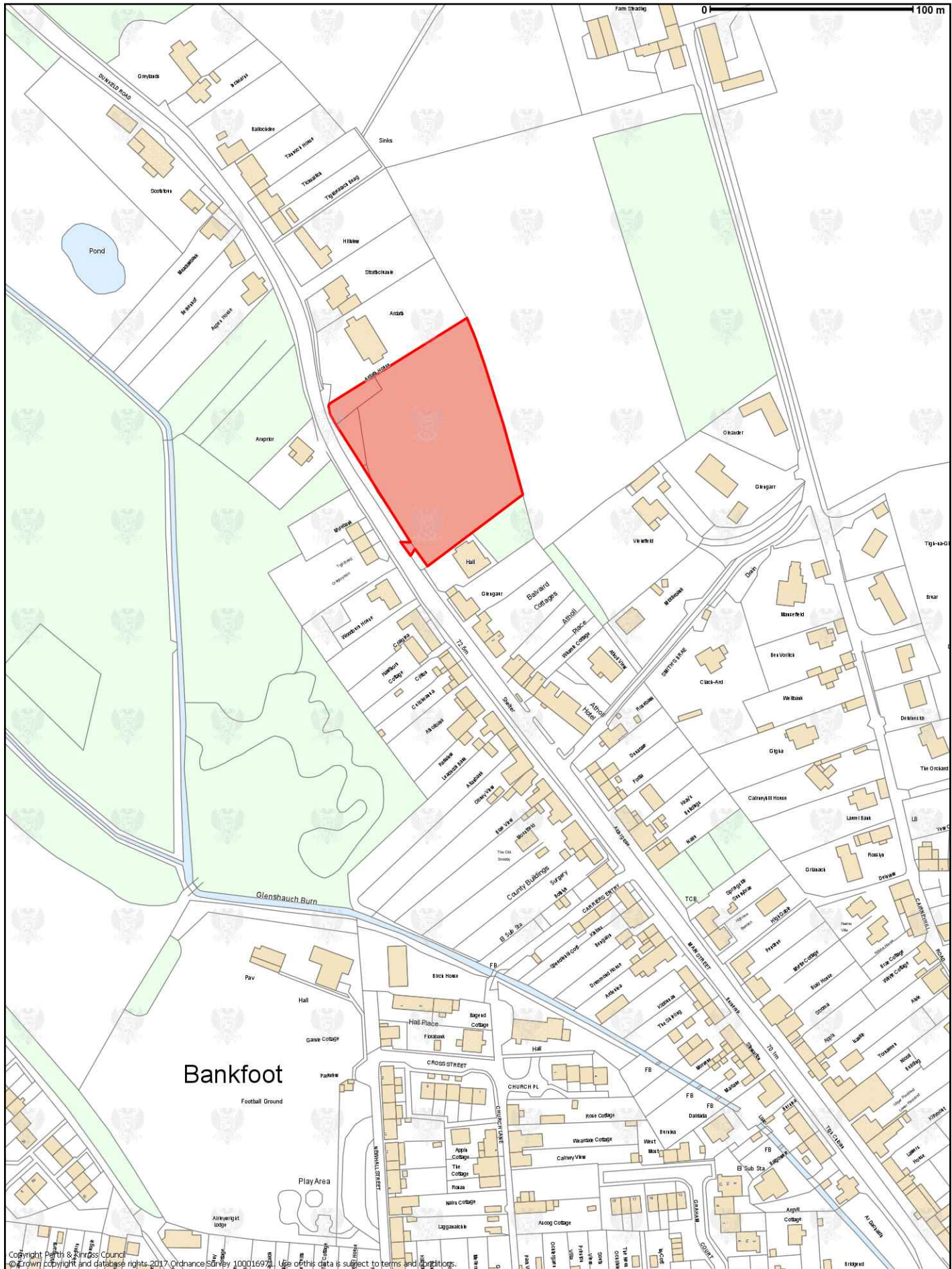


**Erection of 3no dwellinghouses**  
 Land 60 Metres North West Of The Masonic Hall Dunkeld Road Bankfoot









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**Erection of 3no dwellinghouses**  
**Land 60 Metres North West Of The Masonic Hall Dunkeld Road Bankfoot**







Perth and Kinross Council  
Development Management Committee – 2 August 2017  
Report of Handling by Interim Head of Planning

Formation of access road, turning head, soakaway, installation of LPG tanks and associated works on land SE of Beaufield, Balado

Ref. No: 17/00295/FLL  
Ward No: N8 – Kinross - shire

**Summary**

This report recommends refusal of the application for the formation of access road, turning head, soakaway, installation of LPG tanks and associated works on land south east of Beaufield, Balado as the development is not considered to comply with the Development Plan.

**BACKGROUND AND DESCRIPTION**

- 1 This application site is located within the settlement of Balado on an area of ground most recently used as a paddock.
- 2 The proposal is for the formation of access road, turning head, soakaway, installation of LPG tanks and associated works. A related application on this site for the erection of 8 houses was considered at a meeting of the Development Management Committee on 14 September 2016. This proposal was approved subject to completion of a section 75 legal agreement with regard to the payment of developer contributions. At the time of writing this report the section 75 has been signed by the applicant and Council and was to be sent for registration.
- 3 This application proposes minor changes to the access road. The changes were proposed by the applicant so that the development would have less impact in terms of land take on the four properties that currently front the access road. The proposal also includes the installation of LPG tanks and shows the foul soakaway located around 30 metres to the west of its location in the previous application.

**NATIONAL POLICY AND GUIDANCE**

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

**Scottish Planning Policy 2014**

- 5 Of relevance to this application are:
  - Paragraphs 109 – 134: Enabling Delivery of New Homes

## **Designing Streets: A Policy Statement for Scotland 2010**

- 6 Streets have to fulfil a complex variety of functions in order to meet people's needs as places in which to live, to work and to move around.

### **DEVELOPMENT PLAN**

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

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

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

#### **Policy 5: Housing**

- 10 Ensure that the mix of housing type, size and tenure meets the needs and aspirations of a range of different households throughout their lives, including the provision of an appropriate level of affordable housing based on defined local needs. Local Development Plans (where applicable) will need to set affordable housing requirements for or within each housing market area.

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

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

#### **Policy PM1A - Placemaking**

- 13 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**

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

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

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

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

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

### **Policy EP3B - Water, Environment and Drainage**

- 17 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 EP7A: Drainage within the Loch Leven Catchment**

- 18 Total phosphorus from development must not exceed the current level permitted by the discharge consents for Kinross and Milnathort waste water treatment works together with the current contribution from built development within the rural area of the catchment.

### **Policy EP7B: Drainage within the Loch Leven Catchment**

- 19 Developments within the Loch Leven Catchment Area will be required to connect to a publicly maintained drainage system incorporating phosphorus reduction measures. Exceptions will only be permitted where they are in accordance with criteria set out.

### **Policy EP7C: Drainage within the Loch Leven Catchment**

- 20 Where EP7A and EP7B cannot be satisfied, proposals will be refused unless they are capable of removing 125% of the phosphorus likely to be generated by the development from the catchment.

## **OTHER POLICIES**

### **Development Contributions**

- 21 Sets out the Council's Policy for securing contributions from developers of new homes towards the cost of meeting appropriate infrastructure improvements necessary as a consequence of development.

## **SITE HISTORY**

- 22 13/01379/FLL Erection of 8 dwellings with associated access road, parking bays, turning areas and drainage arrangements. This application was refused at Development Management Committee on 14<sup>th</sup> October 2015 (Decision Notice dated 26 October 2015). An appeal to the DPEA (PPA-340-2099) was dismissed on 23<sup>rd</sup> March 2016.
- 23 16/00996/FLL Erection of 8 dwellinghouses and associated works. This application was approved by the Development Management Committee on 14 September 2016. The application is currently pending decision awaiting registration of Section 75 legal agreement.

## **CONSULTATIONS**

### **EXTERNAL**

- 24 **Scottish Environment Protection Agency** – object to proposals on grounds of lack of information on potential impacts to potable (drinking and cooking) water supplied by a local private water supply.
- 25 **Kinross Community Council** – no comments to make on this application.

### **INTERNAL**

- 26 **Local Flood Prevention Authority** - no objection.
- 27 **Developer Contributions Officer** – Developer contributions have been applied to the overarching planning application (16/00996/FLL) which seeks approval for the erection of 8 dwellinghouses on the wider site.
- 28 **Transport Planning** – no objections.

## **REPRESENTATIONS**

- 29 A total of eight letters of objection were received during the advertisement period for the application.

30 The objections have raised the following issues: -

- **Procedure** – cannot accept application as a variation to planning permission 16/00996/FLL. Red line boundary should include Beaufield as services will go through there.
- **Roads matters** – issues with regard to whether the applicant has the legal right to carry out the required works to the road. The applicant does not own the road. Objectors do not want the existing road to be adopted.
- **Waste collection** - permission will be needed from owners for vehicles servicing the development and this will not be given. Service vehicles will not be able to use the road. Each new property would require servitude rights that will not be given by the existing owners.
- **Design detail** – The proximity of LPG cylinders to sewage soakaway is a concern. Possible flooding of LPG tanks. Potential smell. Road layout at junction.

31 The above matters are addressed in the Appraisal section of this report.

## 32 **ADDITIONAL STATEMENTS**

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

## **APPRAISAL**

### **Policy Appraisal**

- 33 Sections 25 and 37(2) of the Town and Country Planning (Scotland) Act 1997 as amended by the 2006 Act require that planning decisions be made in accordance with the Development Plan unless material considerations indicate otherwise. The Development Plan for the area comprises the approved TAYplan 2012 and the adopted Perth and Kinross Local Development Plan 2014.
- 34 The determining issues in this case are whether; the proposal complies with development plan policy; or if there are any other material considerations which justify a departure from policy.

## **Principle**

- 35 The site is located within the Balado settlement boundary as defined in the Perth and Kinross Local Development Plan 2014. A related application (16/00996/FLL) was recommended for approval by the Development Management Committee on 14 September 2016 and is currently pending the conclusion of the section 75 agreement which is now signed and awaiting registration. The principle of the access road and associated works to serve the associated housing development is acceptable and was established through the consideration of the 2016 permission which was approved by the Development Management Committee subject to the completion of the associated section 75 agreement with regard to developer contributions.
- 36 The site is within the Loch Leven Catchment area and as such must satisfy the requirements of the policy with regard to phosphorus mitigation.
- 37 Policy EP3B Water, Environment and Drainage seeks to ensure that any private drainage proposal does not have an adverse impact on the amenity of the area. In this case there are concerns that the foul soakaway may impact on a private water supply. For reasons set out elsewhere in this report the proposal is considered to be contrary to this policy.

## **Procedure**

- 38 Objectors are concerned that as 16/00996/FLL has not been approved this application could not be a variation of this application. I would comment that this application has not been accepted as a variation but as a standalone application. The issue of whether or not Beaufield should be in the red line boundary was raised as part of the previous application and I would note that this land has never been included in the site boundary. No services are shown on the site plans as coming through Beaufield.

## **Design and Layout**

- 39 The proposal is for the formation of an access road, turning head, soakaway, installation of LPG tanks and associated works. The access road proposed will measure 4.8 metres wide from the junction with the public road to the bend by the house, Villa Conde. It will then be 4.1 metres in front of the four existing houses. The section within the new development will be 4.8 metres wide. This is a change to the earlier application which showed the whole length of road to be 5 metres wide. The change has been proposed to address concerns of neighbours who had not wished to see any reduction in the extent of the existing grassed areas to the front of their properties.
- 40 There have however still been objections from neighbours with regard to the proposal for the road and there is an ongoing legal dispute between the householders and applicant with regard to the servitude rights of access that exist over this land. This is primarily a legal matter that will be addressed separately from this application. There are also objections to the detail of the proposal particularly at

the entrance. With regard to this I would note that changes at the entrance appear minimal and that the Roads Construction Consent drawings show the existing entrance walls as being retained.

- 41 The proposal also includes the installation of LPG tanks not shown in the original application and the formation of a foul soakaway. The position of this soakaway has moved around 30 metres to the west from the position shown in the earlier application.

### **Landscape**

- 42 The associated permission, once issued, includes a condition to agree a detailed landscaping plan for the wider site. There will be no adverse landscape impact from this change to the road and associated works.

### **Residential Amenity**

- 43 Letters of representation highlight concern that there will be odour issues from the treatment plant. As set out in the previous committee report the applicant will require a CAR licence for the proposed development and any operational issues arising from the treatment plant will be dealt with through SEPA's CAR licencing regulations to ensure there are no amenity issues to neighbouring residential properties. A noise condition was previously recommended to protect neighbouring residential amenity from any noise generated by the private waste water treatment plant.

### **Roads and Access**

- 44 The proposal includes formation of an access road that will be used to service the development of the eight houses approved as part of 16/00996/FLL. The previous application proposed alterations to the road that would widen the existing access road to 5 metres and showed a 5 metre road within the proposed new housing development area. This application is for a reduced road width throughout the site with the majority of the existing road and the new road being proposed to be 4.8 metres. A short section in front of the existing houses will be 4.1 metres to minimise the impact of the proposals on existing residents. The proposals have been discussed with Transport Planning who do not object. The site is within a rural area where traffic numbers are expected to be low and the reduced road width to that originally proposed is considered to be acceptable to Transport Planning. Full details will require be agreed as part of the Roads Construction Consent (RCC) application.
- 45 There have been objections as to whether the applicant has a legal right to undertake the required works to alter the existing access road. This issue was addressed as part of the previous application and it is noted that any issue over a right of access or any right to carry out works is a private civil matter for the parties involved. It is also a consideration as part of the related Roads Construction Consent (RCC) application. The legal issues in relation to this have also been considered by the Council's solicitor and it is noted that the situation with the RCC is similar to what happens with planning applications. There is no restriction under Section 21 (Roads

(Scotland) Act 1984, as to who can apply for RCC. The duty on the applicant is to notify the owners of all land which would affront, abut or comprehend in the (new or extension of existing) road. Anyone can apply for RCC irrespective of whether they have ownership or a right of access to get on land. Any dispute over whether there is a right to enter land to commence construction is therefore a private matter for the parties.

- 46 The objectors also do not wish to see the currently private road adopted. However even if this road is not adopted, a road, whether public or private, is regarded as a public right of way under the Roads (Scotland) Act 1984 and therefore all users have a public right of access over the road.

### **Drainage and Flooding**

- 47 The site will be served by a private waste water treatment plant. The position of the foul soakaway for this has been moved by around 30 metres since the previous application. Scottish Environment Protection Agency (SEPA) was consulted and initially objected (letter dated 12<sup>th</sup> April 2017) on the grounds of lack of information. SEPA noted that the information provided in support of the application did not provide detail of a foul water discharge which SEPA considered could be consented under the terms of the Controlled Activities Regulations (CAR). More specifically SEPA did not consider that the foul water discharge to soakaway, as proposed in this application, is feasible in this location due to ground conditions and the site's proximity to drinking water sources. The applicant provided further information however this still failed to address SEPA's concerns (SEPA letter 24<sup>th</sup> April) and did not provide the required evidence that drinking water will not be contaminated by the foul soakaway.
- 48 The applicant provided further information in response to SEPA's concerns. SEPA responded to this information on 19<sup>th</sup> June 2017. Following consideration of this information SEPA maintain their objection to the proposal on the grounds of lack of information that gives the necessary certainty about risk to the Private Water Supply (PWS) (supported by borehole information). SEPA notes that in their responses to earlier applications, SEPA focused on the potential to issue a CAR licence. SEPA has re-focused on the potential contamination of potable (drinking and cooking water/water consumed by people) and note that this is too significant an issue to leave in any possible doubt now and at the CAR stage.
- 49 SEPA further note that a planning permission which sets the framework for a proposal which could not receive consent under the Controlled Activities Regulations (CAR) would be invalidated as it would not comply with other legal and regulatory requirements.
- 50 In addition it is noted by SEPA that there is a public sewerage system within a kilometre of the development at the Balado cross roads. Upgrading of this would provide a solution to the foul drainage issues that the applicant is trying to address. This application is one of four planning applications currently being made to the Council in Balado. All applications propose private and individual solutions for the discharge of foul effluent. Whilst connection to a public sewer would be of benefit to



all four development proposals in this area I would note that it is not possible to force developers to connect to this.

- 51 As SEPA maintains its objection to the planning application it should be noted that should the Planning Authority wish to recommend approval of the application, against the recommendation of SEPA, the application would need to be referred to the Scottish Ministers for a decision.

### **Waste and recycling**

- 52 There has been an objection to the application with regard to the future use of the road by bin lorries. Currently the four existing houses waste and recycling bins are collected from the road end. If the road were to be adopted the bin lorry would enter the site and serve all houses (4 original and 8 new). If the road is not adopted the collection of waste bins along the road would require co-operation from the owners of the road who would need to agree to indemnify the Council (through a signed waiver) against any damage caused from reasonable use of the road by a refuse collection vehicle.

### **Developer Contributions**

- 53 Developer contributions have been applied to the associated planning application (16/00996/FLL) which seeks approval for the erection of 8 dwellinghouses on the wider site.
- 54 Payment of the appropriate contribution is the subject of a Section 75 legal agreement.

### **Economic Impact**

- 55 The economic impact of the proposal is likely to be minimal and limited to the construction phase of the development.

### **LEGAL AGREEMENTS**

- 56 None required if contributions paid upfront to release consent.

### **DIRECTION BY SCOTTISH MINISTERS**

- 57 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

58 In conclusion, the application must be determined in accordance with the adopted Development Plan unless material considerations indicate otherwise. In this respect, it is considered the proposal does not comply with the relevant provisions of the adopted plan. There are no material considerations that would justify departing from the LDP. On that basis the application is recommend for refusal.

## RECOMMENDATION

### A REFUSE

The proposal is contrary to policy EP3B, water environment and drainage, of the Perth and Kinross Local Development Plan 2014. There has been insufficient information submitted to demonstrate that the proposal would not have an adverse impact on a private water supply which provides local homes with potable water.

### B Justification

The proposal is not in accordance with the Development Plan and there are no material reasons which justify departing from the Development Plan.

### C Procedural Notes

None.

### D Informatives

None.

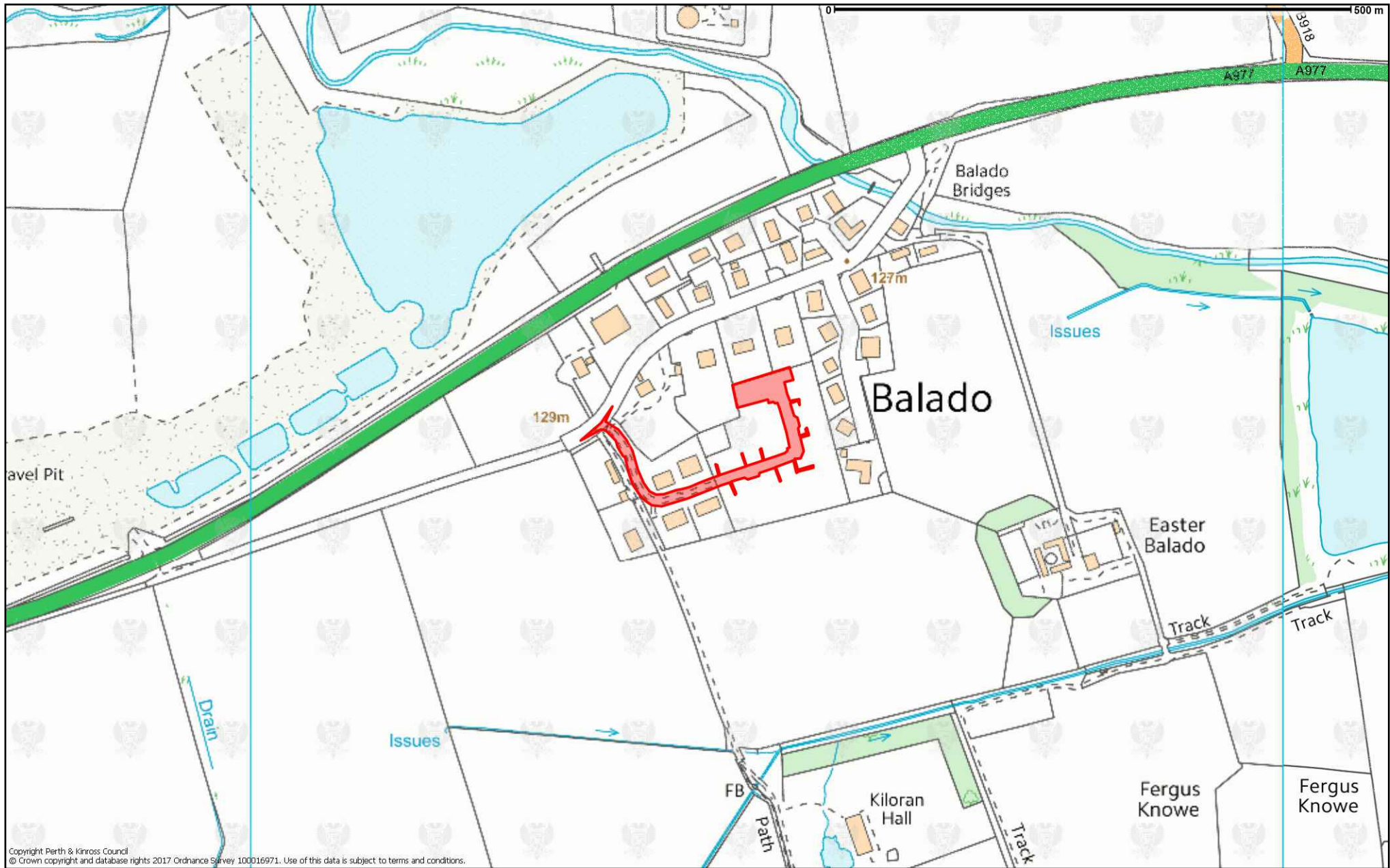
Background Papers: 8 letters of representation.  
Contact Officer: Persephone Beer – Ext 75354  
Date: 06 July 2017

**NICK BRIAN**  
**Interim Head of Planning**

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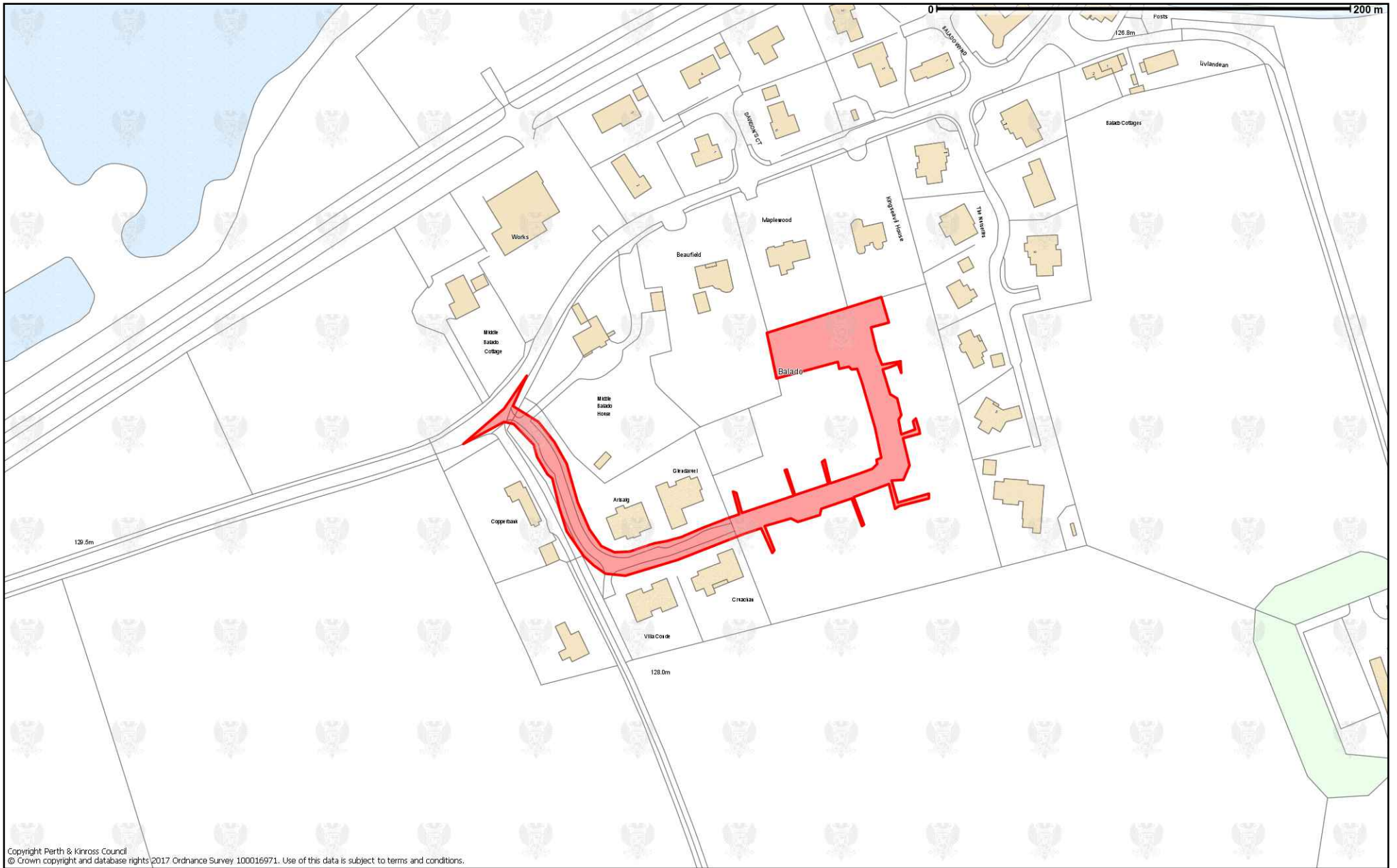
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**Formation of access road, turning head, soakaway,  
installation of LPG tanks and associated works**  
Land 110 Metres South East Of Beaufield Balado







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