

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

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

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

Summary

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

BACKGROUND AND PROPOSAL

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

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

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

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

ENVIRONMENTAL IMPACT ASSESSMENT

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

PRE-APPLICATION PROCESS

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

NATIONAL POLICY AND GUIDANCE

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

National Planning Framework

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

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

The Scottish Planning Policy 2014

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

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

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

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

Designing Places 2001

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

Designing Streets 2010

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

National Roads Development Guide 2014

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

LOCAL POLICY AND GUIDANCE

TAYPlan Strategic Development Plan 2012-2032

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

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

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

Policy 1: Locational Priorities

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

Policy 2: Shaping Better Quality Places

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

Policy 3: Managing TAYplan’s Assets

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

Policy 5: Housing

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

Perth and Kinross Local Development Plan 2014

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

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

PM1A – Placemaking

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

Policy PM1B – Placemaking

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

Policy PM3 - Infrastructure Contributions

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

Policy PM4 – Settlement Boundaries

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

Policy ED1 – Employment and Mixed Use Areas

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

Policy RD1 – Residential areas

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

Policy RD4 - Affordable Housing

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

Policy TA1A - Transport Standards and Accessibility Requirements

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

Policy TA1B- Transport Standards

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

Policy CF1B - Open Space Retention and Provision

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

Policy CF2 - Public Access

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

Policy CF3 - Social and Community Facilities

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

Policy NE3 - Biodiversity

- 41 All wildlife and wildlife habitats, whether formally designated or not should be protected and enhanced in accordance with the criteria set out. Planning

permission will not be granted for development likely to have an adverse effect on protected species.

Policy NE4 - Green Infrastructure

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

Policy ER6 - Managing Future Landscape Change

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

Policy EP1 – Climate Change, Carbon Reduction and Sustainable Construction

- 44 Sustainable design and construction will be integral to new development within Perth and Kinross. Proposals for new buildings must be capable of meeting one of the standards set out in the table.

Policy EP2 – New Development and Flooding

- 45 There is a general presumption against proposals for built development or land raising on a functional flood plain and in areas where there is a significant probability of flooding from any source, or where the proposal would increase the probability of flooding elsewhere. Built development should avoid areas at significant risk from landslip, coastal erosion and storm surges. Development should comply with the criteria set out in the policy.

Policy EP3A - Water, Environment and Drainage

- 46 Proposals which do not accord with the Scotland River Basin Management Plan and any relevant associated Area Management Plans will be refused unless they are considered to be of significant specified benefit to society and / or the wider environment.

Policy EP3B - Water, Environment and Drainage

- 47 Foul drainage from all developments within and close to settlement envelopes that have public sewerage systems will require connection to the public sewer. A private system will only be considered as a temporary measure or where there is little or no public sewerage system and it does not have an adverse effect on the natural and built environment, surrounding uses and the amenity of the area.

Policy EP3C - Water, Environment and Drainage

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

Policy EP3D - Water, Environment and Drainage

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

Policy EP5 – Nuisance from Artificial light and Light Pollution

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

Policy EP8 - Noise Pollution

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

Policy EP12 - Contaminated Land

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

Policy EP13 – Airfield Safeguarding

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

OTHER POLICIES

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

- Developer Contributions and Affordable Housing Supplementary Guidance April 2016
- Flood Risk and Flood Risk Assessments – Developer Guidance June 2014
- Sustainable Design and Zero Carbon Development Supplementary Guidance May 2014
- Green Infrastructure Supplementary Guidance November 2014
- Airfield Safeguarding Supplementary Guidance December 2011
- Perth and Kinross Retail Study 2014.

Perth & Kinross Community Plan (2006 – 2020)

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

Perth & Kinross Corporate Plan 2013-2018

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

PLANNING SITE HISTORY

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

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

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

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

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

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

CONSULTATIONS

EXTERNAL

Scottish Environmental Protection Agency (SEPA)

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

Scottish Natural Heritage (SNH)

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

Scottish Water

- 63 No response received.

Transport Scotland

- 64 No objection to the proposal.

Errol Community Council

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

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

Dundee Airport

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

Network Rail

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

INTERNAL

Environmental Health

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

Land Quality Officer (Contaminated Land)

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

Biodiversity Officer

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

Strategic Planning and Policy

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

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

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

Developer Negotiations Officer

Affordable Housing

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

Primary Education

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

Transport Infrastructure

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

Community Greenspace including Access

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

Transport Planning

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

Structures and Flooding

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

Waste Services

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

REPRESENTATIONS

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

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

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

ADDITIONAL STATEMENTS

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

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

APPRAISAL

Policy Appraisal

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

Principle

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

Condition 3 – Scale of development

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

Condition 4 - Location of Commercial Units

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

Condition 5 – Landscaping and Planting scheme

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

Condition 6 – Tree Retention

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

Condition 7 – Ground Investigation

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

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

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

Condition 8 – Archaeology

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

Condition 9 (a) – Layout/Access/SUDs

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

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

Condition 9 (b) – Access from C484

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

Condition 9 (c) – Traffic Speed

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

Condition 9 (d) – Local Bus Service

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

Condition 9 (e) – Footpath

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

Condition 9 (f) – Traffic Priorities at East Inchmichael

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

Condition 10 – Biodiversity

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

Condition 11 – Local centre

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

Condition 12 – Sports Pitch Provision

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

Condition 13 – Public Transport

- 120 As per Condition 9 (d).

Condition 14 – Aircraft safeguarding

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

Condition 15 – Masterplan

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

Condition 16 – Construction Method Statement (CMS)

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

Condition 17 – Waste and Recycling

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

Condition 18 – Affordable Housing Provision

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

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

Condition 19 – Home Working Units/Economic Development Land

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

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

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

Condition 20 – Path networks

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

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

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

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

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

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

Condition 21 – Sustainability Appraisal

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

Condition 22 – Waking route

- 142 Please refer to Condition 20 above.

Condition 23 – External Lighting

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

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

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

Other Material Issues

Flood Risk and Drainage

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

with the further details regarding proposed drainage for the site.

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

Noise

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

“All plant or equipment associated with the grain dryer shall be so enclosed, attenuated and/or maintained such that any noise there from shall not exceed Noise Rating 35 between 0700 and 2300 hours daily, or Noise Rating 20 between 2300 and 0700 hours daily, within any neighbouring noise-sensitive

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

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

Developer Contributions

Affordable Housing

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

Primary Education

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

Transport Infrastructure

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

Economic Impact

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

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

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

LEGAL AGREEMENTS

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

DIRECTION BY SCOTTISH MINISTERS

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

CONCLUSION AND REASONS FOR RECOMMENDATION

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

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

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

RECOMMENDATION

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

Conditions

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

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

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

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

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

Reason: In the interest of pedestrian and cycle safety.

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

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

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

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

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

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

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

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

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

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

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

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

Reason: To reduce the risk of flooding.

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

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

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

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

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

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

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

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

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

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

Reason: In the interest of road safety.

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

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

- 15 Prior to the commencement of works on site, an evaluation for the potential of the site to be affected by contamination by a previous use should be undertaken. An intrusive investigation should be undertaken to identify:

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

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

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

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

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

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

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

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

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

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

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

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

Reason: In the interest of road safety.

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

Reason: In the interest of promoting sustainable travel.

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

Reason: To minimise any light pollution.

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

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

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

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

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

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

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

Reason: In the Interest of vehicle and pedestrian safety.

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

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

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

Reason: In the Interest of vehicle and pedestrian safety.

B JUSTIFICATION

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

C PROCEDURAL NOTES

Section 75 associated with 13/01823/FLM requires to be updated to incorporate open space, play area and sports pitch provision and maintenance. Consent shall not be issued until the Section 75 Agreement has been varied to take account of this application. The legal agreement should be concluded

and completed within 4 months of the date of any Committee approval. Failure to conclude a legal agreement within 4 months will result in the planning application being re-assessed through failing to comply with the associated developer contributions policy and will be ultimately recommended for refusal under delegated powers.

D INFORMATIVES

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

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

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

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

Nick Brian
Interim Head of Planning

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