

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

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

Ref. No: 16/01491/FLL

Ward No: N1 – Carse of Gowrie

Summary

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

BACKGROUND AND PROPOSAL

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

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

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

NATIONAL POLICY AND GUIDANCE

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

National Planning Framework

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

The Scottish Planning Policy 2014

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

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

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

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

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

Designing Places 2001

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

Designing Streets 2010

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

National Roads Development Guide 2014

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

LOCAL POLICY AND GUIDANCE

TAYPlan Strategic Development Plan 2012-2032

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

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

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

Policy 2: Shaping Better Quality Places

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

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

Perth and Kinross Local Development Plan 2014

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

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

19 The relevant policies are;

PM1A – Placemaking

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

Policy TA1A - Transport Standards and Accessibility Requirements

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

Policy TA1B- Transport Standards

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

Policy CF2 - Public Access

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

Policy NE3 - Biodiversity

24 All wildlife and wildlife habitats, whether formally designated or not should be protected and enhanced in accordance with the criteria set out. Planning permission will not be granted for development likely to have an adverse effect on protected species.

Policy NE4 - Green Infrastructure

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

Policy EP1 – Climate Change, Carbon Reduction and Sustainable Construction

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

Policy EP2 – New Development and Flooding

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

Policy EP3A – Water Environment

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

Policy EP3C – Surface Water Drainage

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

Policy EP3D – Reinstatement of Natural Watercourses

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

OTHER GUIDANCE

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

PLANNING SITE HISTORY

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

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

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

CONSULTATIONS

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

EXTERNAL

Errol Community Council

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

Dundee Airport

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

Paragon Skydiving Club

- 35 No response received.

INTERNAL

Transport Planning

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

Structures and Flooding

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

REPRESENTATIONS

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

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

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

ADDITIONAL STATEMENTS

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

APPRAISAL

Policy Appraisal

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

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

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

Design

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

Flood Risk

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

Privacy

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

Loss of Daylight

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

Loss of Agricultural Land

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

Developer Contributions

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

Economic Impact

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

LEGAL AGREEMENTS

- 54 None required

DIRECTION BY SCOTTISH MINISTERS

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

CONCLUSION AND REASONS FOR RECOMMENDATION

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

RECOMMENDATION

A Approve the application subject to the following conditions

Conditions

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

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

Reason: In the interest of road safety.

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

Reason: In the Interest of vehicle and pedestrian safety.

B JUSTIFICATION

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

C PROCEDURAL NOTES

None.

D INFORMATIVES

- 1 This planning permission will last only for three years from the date of this decision notice, unless the development has been started within that period. (See section 58(1) of the Town and Country Planning (Scotland) Act 1997 (as amended).
- 2 Under section 27A of the Town and Country Planning (Scotland) Act 1997 (as amended) the person undertaking the development is required to give the planning authority prior written notification of the date on which it is intended to commence the development. A failure to comply with this statutory requirement would constitute a breach of planning control under section 123(1) of that Act, which may result in enforcement action being taken.
- 3 As soon as practicable after the development is complete, the person who completes the development is obliged by section 27B of the Town and Country Planning (Scotland) Act 1997 (as amended) to give the planning authority written notice of that position.
- 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.

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

Nick Brian
Interim Head of Planning

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